

# **HOUSE . . . . . No. 3995**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 31, 2014.

The committee on Higher Education to whom were referred the petition (accompanied by bill, House, No. 1080) of Tom Sannicandro relative to higher education for people with disabilities, reports recommending that the accompanying bill (House, No. 3995) ought to pass.

For the committee,

TOM SANNICANDRO.

# HOUSE . . . . . No. 3995

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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An Act securing access to higher education for people with intellectual disabilities and autism spectrum disorders.

*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 2012  
2 Official Edition, is hereby amended by inserting after the word “opportunities”, in line 10, the  
3 following:- , including individuals with intellectual disabilities and autism spectrum disorders.

4           SECTION 2. The third paragraph of said section 1 of said Chapter 15A, as so appearing,  
5 is hereby amended by striking out clauses (b), (c), and (d), in lines 17-23, inclusive, and inserting  
6 in place thereof the following:-

7                   (b) to contribute to the existing base of research and knowledge in areas of general and  
8 special interest, for the benefit of our communities, our commonwealth and beyond;

9                   (c) to understand the importance of higher education to the future of the economic  
10 growth and development of the commonwealth, and, by so doing, prepare its citizens to  
11 constitute a capable and innovative workforce to meet the economic needs of the commonwealth  
12 at all levels; and

13                   (d) to provide inclusive opportunities for individuals with intellectual disabilities and  
14 autism spectrum disorders in order to improve academic, employment, and independent living,  
15 and to enhance the learning environment for all citizens.

16           SECTION 3. The fourth paragraph of Section 7 of said Chapter 15A, as so appearing, is  
17 hereby amended by inserting after the word “students”, in line 33, the following:- , and students  
18 with intellectual disabilities and autism spectrum disorders.

19           SECTION 4. The second paragraph of Section 7A of said Chapter 15A, as so appearing,  
20 is hereby amended by striking out the word “and”, in lines 24 and 82; and by inserting after the

21 word “sources”, in lines 25 and 83, the following:- ; and (10) improving access for students with  
22 intellectual disabilities and autism spectrum disorders.

23 SECTION 5. Section 19 of said Chapter 15A, as so appearing, is hereby amended by  
24 inserting after the third paragraph, the following paragraph:- Such guidelines shall provide  
25 tuition and fee waivers for students with intellectual disabilities and autism spectrum disorders  
26 participating in course activity under section 30A. The commonwealth, not the institutions of  
27 public higher education, shall bear the cost of such tuition and fee waivers.

28 SECTION 6. Said Chapter 15A, as so appearing, is hereby amended by inserting after  
29 section 30 the following section:-

30 Section 30A. (a) Public institutions of higher education shall offer inclusive  
31 opportunities to support individuals with intellectual disabilities and autism spectrum disorders  
32 who are seeking to continue academic, career and technical, and independent living instruction in  
33 order to prepare for gainful employment. Individuals with intellectual disabilities and autism  
34 spectrum disorders shall not be required to take any standardized college entrance aptitude test,  
35 have a high school diploma or its equivalent, or obtain a passing score on the Massachusetts  
36 Comprehensive Assessment in order to gain admission and enrollment in credit-bearing and non-  
37 credit courses that include students without disabilities, including enrollment in credit-bearing  
38 courses in audit status for students who may not meet course pre-requisites and requirements,  
39 and participate in internships or work-based training in settings with non-disabled students.  
40 Students with intellectual disabilities and autism spectrum disorders shall be socially and  
41 academically integrated with non-disabled students to the maximum extent possible, with  
42 provision of individual supports and services to support inclusion in academic courses,  
43 extracurricular activities and other aspects of the institution of higher education’s regular  
44 postsecondary program.

45 SECTION 7. Said Chapter 15A, as so appearing, is hereby amended by inserting after  
46 section 39 the following section:-

47 Section 39A. Students with intellectual disabilities and autism spectrum disorders  
48 enrolled in public secondary schools shall be allowed to enroll in credit and noncredit courses in  
49 public higher education institutions in the commonwealth that include non-disabled students,  
50 including enrollment in credit-bearing courses in audit status for students who may not meet  
51 course pre-requisites or requirements, with necessary supports, services, and accommodations  
52 provided by the student’s school committee, to facilitate the student’s enrollment and to support  
53 inclusion in academic courses, extracurricular activities, internships, work experiences, and  
54 other aspects of the institution of higher education’s regular postsecondary program and provide  
55 a free and appropriate public education.

56 SECTION 8. The third paragraph of Section 2 of Chapter 71B of the General Laws, as  
57 appearing in the 2012 Official Edition, is hereby amended by striking out clauses (1) through

58 (12), inclusive, in lines 32-50, inclusive, and inserting in place thereof the following:- (1)  
59 additional direct or indirect instruction consultation service, materials, equipment or aid provided  
60 children or their regular classroom teachers which directly benefits children requiring special  
61 education; (2) supplementary individual or small group instruction or treatment in conjunction  
62 with a regular classroom program; (3) integrated programs in which children are assigned to  
63 special resource classrooms but attend regular classes to the extent that they are able to function  
64 therein; (4) full-time special class teaching in a public school building; (5) teaching at home; (6)  
65 full-time teaching in a special day school or other day facility; (7) teaching at a hospital; (8)  
66 teaching at a short or long-term residential school; (9) occupational or pre-occupational training  
67 in conjunction with the regular occupational training program in a public school; (10)  
68 occupational and pre-occupational training in conjunction with full-time special class teaching in  
69 a public school building, at home, in a special day school or other day facility, hospital or short  
70 or long-term residential school; (11) for older students ages 18-22, options including continuing  
71 education, enrollment in credit and noncredit courses that include students without disabilities in  
72 an institution for higher education, development of independent living skills, development of  
73 skills necessary for seeking, obtaining, and maintaining jobs, development of skills to access  
74 community services, and development of skills for self-management of medical needs; and (12)  
75 any combination or modification of these programs or other programs, services or experimental  
76 provisions which obtain the prior approval of the department.

77 SECTION 9. Said Chapter 71B, as so appearing, is hereby amended by inserting after  
78 section 16 the following section:-

79 Section 17. (a) There shall be a program, to be known as the Inclusive Concurrent  
80 Enrollment Grant Program, to be administered by the executive office of education, to provide  
81 monies to school committees and state public institutions of higher education partnering together  
82 to offer inclusive concurrent enrollment program options for school aged children with  
83 disabilities ages 18 to 22, inclusive; provided, that: (1) the program shall be limited to students  
84 who are considered to have severe disabilities; and (2) in the case of students aged 18-19, shall  
85 be further limited to students with severe disabilities who have been unable to achieve the  
86 competency determination necessary to pass the Massachusetts Comprehensive Assessment  
87 System exam. The executive office of education shall issue guidelines and regulations for the  
88 Inclusive Concurrent Enrollment Grant Program.

89 (b) The goal of the Inclusive Concurrent Enrollment Grant Program shall be for school  
90 committees to partner with institutions of higher education to provide a free appropriate public  
91 education in the least restrictive environment that meets the transition needs of students with  
92 severe disabilities, and to support academic success, participation in student life of the college  
93 community, and competitive employment. This shall be achieved by fully including students in  
94 higher education institutions by requiring the following:

- 95 (1) enrollment in credit-bearing and non-credit courses that include students without  
96 disabilities, including enrollment in credit-bearing courses in audit status for students who may  
97 not meet course pre-requisites and requirements;
- 98 (2) participation in on-campus student life activities for the college community;
- 99 (3) adequate preparation for competitive employment;
- 100 (4) waiver of tuition and fees for all courses by the institution of higher education;
- 101 (5) provision of supports and services necessary to facilitate a student's enrollment  
102 and support inclusion in academic courses, extracurricular activities, dormitory living,  
103 internships, work experiences, and other aspects of the institution of higher education's regular  
104 postsecondary program;
- 105 (6) training and technical assistance for teachers, faculty and personnel regarding  
106 strategy and teaching methodology to achieve successful inclusion of individuals with severe  
107 disabilities;
- 108 (7) students with intellectual disabilities and autism spectrum disorders shall be  
109 socially and academically integrated with non-disabled students to the maximum extent possible;
- 110 (8) formation of a partnership with any relevant agency serving students with  
111 intellectual disabilities and autism spectrum disorders, including but not limited to a vocational  
112 rehabilitation agency;
- 113 (9) utilization of person-centered planning in the development of the course of study  
114 for each participating student; and
- 115 (10) involvement of students attending the institutes of higher education who are  
116 studying special education, general education, vocational rehabilitation, assistive technology,  
117 psychology, or related fields.
- 118 (c) The executive office of education, in consultation with the department of elementary  
119 and secondary education, the department of higher education, and the inclusive concurrent  
120 enrollment advisory board, shall develop guidelines and regulations to ensure that the Inclusive  
121 Concurrent Enrollment Grant Program meets the goal set forth in paragraph (b).
- 122 (d) The executive office of education shall designate an inclusive concurrent enrollment  
123 coordinator to manage grant administration and coordinate reporting. The executive office of  
124 education shall notify all participating school committees and institutions of higher education of  
125 the name and contact information for the inclusive concurrent enrollment coordinator.
- 126 (e) The secretary of education shall establish and appoint an inclusive concurrent  
127 enrollment advisory board to advise the executive office of education on efforts to implement

128 inclusive concurrent enrollment and to participate in educational outreach efforts on inclusive  
129 concurrent enrollment. The inclusive concurrent enrollment advisory board shall include  
130 representatives of school committees and colleges and universities where the inclusive  
131 concurrent enrollment program has been successfully implemented; 2 former or current students  
132 that have participated in an inclusive concurrent enrollment program; the house and senate chairs  
133 of the joint committee on education, or their designees; the house and senate chairs of the joint  
134 committee on higher education, or their designees; the commissioner of higher education, or a  
135 designee; the commissioner of elementary and secondary education, or a designee; the secretary  
136 of education, or a designee; the commissioner of the department of developmental services, or a  
137 designee; the commissioner of the Massachusetts Rehabilitation Commission, or a designee; a  
138 representative of Massachusetts Advocates for Children; a representative of the Federation for  
139 Children with Special Needs; a representative of the Institute for Community Inclusion; and the  
140 inclusive concurrent enrollment coordinator. The inclusive concurrent enrollment advisory board  
141 shall meet not fewer than 6 times per year.

142 (f) The inclusive concurrent enrollment coordinator, in consultation with the department  
143 of elementary and secondary education, the department of higher education and the inclusive  
144 concurrent enrollment advisory board, shall develop strategies and procedures designed to assist  
145 institutions of higher education in sustaining, expanding and replicating inclusive concurrent  
146 enrollment partnerships established through the Inclusive Concurrent Enrollment Grant Program.  
147 Strategies and procedures shall address each of the following objectives:

148 (1) provision of continued grant funding for partnerships between institutions of  
149 higher education and school committees that have developed inclusive concurrent enrollment  
150 programs in order to sustain the existing programs and to retain employment specialists to assist  
151 students in meeting competitive employment and other transition-related goals;

152 (2) adoption of procedures and funding mechanisms to ensure that new partnerships  
153 providing inclusive concurrent enrollment programs fully utilize the models and expertise  
154 developed in existing partnerships to ensure that all programs are successful and sustainable;

155 (3) development of a mechanism to encourage existing and new partnerships to  
156 expand capacity to respond to individual parents, and school committees, who are not currently  
157 benefiting from those partnerships and who request an opportunity for their children to  
158 participate in inclusive concurrent enrollment;

159 (4) outreach to institutes of higher education and school committees that are not  
160 currently participating in inclusive concurrent enrollment with intent to encourage such institutes  
161 of higher education and school committees to offer inclusive concurrent enrollment  
162 programming;

163 (5) description of challenges frequently faced by new inclusive concurrent enrollment  
164 programs and a compilation of best practices and strategies to address such difficulties;

165 (6) description of challenges frequently faced by institutions of higher education that  
166 are interested in entering a partnership and a compilation of best practices and strategies to  
167 address such difficulties; and

168 (7) for those institutions that offer residential life for students, the integration of  
169 students with intellectual disabilities into the housing offered to non-disabled students with the  
170 accommodations, supports, and services necessary to enable inclusive dormitory living.

171 (g) The executive office of education shall distribute strategies and procedures developed  
172 under paragraph (f) to all public higher education institutions in the commonwealth annually.

173 (h) The executive office of education shall select grant recipients no later than July 15 of  
174 each year.

175 (i) The executive office of education in consultation with the department of elementary  
176 and secondary education, and the department of higher education, shall report to the house and  
177 senate committees on ways and means, the joint committee on education, and the joint  
178 committee on higher education on the status of the grant program annually, no later than March  
179 15. The report shall include, but not be limited to the following components:

180 (1) enrollment data that details the number of students enrolled in inclusive concurrent  
181 enrollment each semester and the unduplicated count of total students served at each institution;

182 (2) a list of all full-time and part-time employment positions dedicated to educating  
183 students with disabilities through the inclusive concurrent enrollment program and the average  
184 salary for those positions, including but not limited to: (i) educational coaches; (ii) educational  
185 specialists; (iii) job coaches and vocational specialists; (iv) program specialists; (v) program  
186 director; (vi) peer mentors, note-takers, and tutors; (vii) contracted employees; and

187 (viii) parent and school committee liaisons;

188 (3) a list of all courses taken by all students participating in the inclusive concurrent  
189 enrollment program during the academic year with indication as to whether the student attempted  
190 the course for credit or for audit and whether the student passed or completed the course;

191 (4) a summary of unique and creative ideas implemented at each institute of higher  
192 education that help foster their relationships with school committees or help students succeed;

193 (5) employment data obtained to the best of the ability of the school committee and  
194 the institute of higher education; and

195 (6) a report detailing the amount of grant funds allocated to each institution of higher  
196 education in the planning and implementation phases, the amount allocated to the department of  
197 elementary and secondary education, the department of higher education, and the amount  
198 allocated to the executive office of education itself.

199           SECTION 10. The executive office of education shall promulgate guidelines and  
200 regulations required under section 17 of chapter 71B of the General Laws, as inserted by this act,  
201 on or before January 1, 2015.