

**HOUSE . . . . . No. 1064**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Tom Sannicandro and Barbara A. L'Italien***

*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 creating higher education opportunities for students with intellectual disabilities, autism spectrum disorders, and other developmental disabilities.

PETITION OF:

| NAME:                       | DISTRICT/ADDRESS:                  |
|-----------------------------|------------------------------------|
| <i>Tom Sannicandro</i>      | <i>7th Middlesex</i>               |
| <i>James Arciero</i>        | <i>2nd Middlesex</i>               |
| <i>Brian M. Ashe</i>        | <i>2nd Hampden</i>                 |
| <i>Ruth B. Balsler</i>      | <i>12th Middlesex</i>              |
| <i>Jennifer E. Benson</i>   | <i>37th Middlesex</i>              |
| <i>Garrett J. Bradley</i>   | <i>3rd Plymouth</i>                |
| <i>Michael D. Brady</i>     | <i>Second Plymouth and Bristol</i> |
| <i>Paul Brodeur</i>         | <i>32nd Middlesex</i>              |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i>                |
| <i>Gailanne M. Cariddi</i>  | <i>1st Berkshire</i>               |
| <i>Tackey Chan</i>          | <i>2nd Norfolk</i>                 |
| <i>Nick Collins</i>         | <i>4th Suffolk</i>                 |
| <i>Edward F. Coppinger</i>  | <i>10th Suffolk</i>                |
| <i>Claire D. Cronin</i>     | <i>11th Plymouth</i>               |
| <i>Mark J. Cusack</i>       | <i>5th Norfolk</i>                 |
| <i>Marjorie C. Decker</i>   | <i>25th Middlesex</i>              |
| <i>Diana DiZoglio</i>       | <i>14th Essex</i>                  |

|                                 |  |
|---------------------------------|--|
| <i>Shawn Dooley</i>             | <i>9th Norfolk</i>                     |
| <i>Carolyn C. Dykema</i>        | <i>8th Middlesex</i>                   |
| <i>Tricia Farley-Bouvier</i>    | <i>3rd Berkshire</i>                   |
| <i>Ann-Margaret Ferrante</i>    | <i>5th Essex</i>                       |
| <i>Carole A. Fiola</i>          | <i>6th Bristol</i>                     |
| <i>William C. Galvin</i>        | <i>6th Norfolk</i>                     |
| <i>Sean Garballey</i>           | <i>23rd Middlesex</i>                  |
| <i>Carlos Gonzalez</i>          | <i>10th Hampden</i>                    |
| <i>Kenneth I. Gordon</i>        | <i>21st Middlesex</i>                  |
| <i>Danielle W. Gregoire</i>     | <i>4th Middlesex</i>                   |
| <i>Bradley H. Jones, Jr.</i>    | <i>20th Middlesex</i>                  |
| <i>Patricia A. Haddad</i>       | <i>5th Bristol</i>                     |
| <i>Paul R. Heroux</i>           | <i>2nd Bristol</i>                     |
| <i>Kevin G. Honan</i>           | <i>17th Suffolk</i>                    |
| <i>Steven S. Howitt</i>         | <i>4th Bristol</i>                     |
| <i>Louis L. Kafka</i>           | <i>8th Norfolk</i>                     |
| <i>Mary S. Keefe</i>            | <i>15th Worcester</i>                  |
| <i>Kay Khan</i>                 | <i>11th Middlesex</i>                  |
| <i>Peter V. Kocot</i>           | <i>1st Hampshire</i>                   |
| <i>Robert M. Koczera</i>        | <i>11th Bristol</i>                    |
| <i>David Paul Linsky</i>        | <i>5th Middlesex</i>                   |
| <i>Jay D. Livingstone</i>       | <i>8th Suffolk</i>                     |
| <i>Timothy R. Madden</i>        | <i>Barnstable, Dukes and Nantucket</i> |
| <i>John J. Mahoney</i>          | <i>13th Worcester</i>                  |
| <i>Christopher M. Markey</i>    | <i>9th Bristol</i>                     |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i>                  |
| <i>James M. Murphy</i>          | <i>4th Norfolk</i>                     |
| <i>James J. O'Day</i>           | <i>14th Worcester</i>                  |
| <i>Denise Provost</i>           | <i>27th Middlesex</i>                  |
| <i>Angelo J. Puppolo, Jr.</i>   | <i>12th Hampden</i>                    |
| <i>Daniel J. Ryan</i>           | <i>2nd Suffolk</i>                     |
| <i>Paul A. Schmid, III</i>      | <i>8th Bristol</i>                     |
| <i>Frank I. Smizik</i>          | <i>15th Norfolk</i>                    |
| <i>Ellen Story</i>              | <i>3rd Hampshire</i>                   |
| <i>William M. Straus</i>        | <i>10th Bristol</i>                    |
| <i>Benjamin Swan</i>            | <i>11th Hampden</i>                    |
| <i>Walter F. Timilty</i>        | <i>7th Norfolk</i>                     |
| <i>Timothy J. Toomey, Jr.</i>   | <i>26th Middlesex</i>                  |
| <i>John C. Velis</i>            | <i>4th Hampden</i>                     |

|                            |                                    |
|----------------------------|------------------------------------|
| <i>Chris Walsh</i>         | <i>6th Middlesex</i>               |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i>     |
| <i>James B. Eldridge</i>   | <i>Middlesex and Worcester</i>     |
| <i>Linda Dorcena Forry</i> | <i>First Suffolk</i>               |
| <i>Robert L. Hedlund</i>   | <i>Plymouth and Norfolk</i>        |
| <i>Thomas P. Kennedy</i>   | <i>Second Plymouth and Bristol</i> |
| <i>Jason M. Lewis</i>      | <i>Fifth Middlesex</i>             |

**HOUSE . . . . . No. 1064**

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By Representative Sannicandro of Ashland and Senator L’Italien, a joint petition (accompanied by bill, House, No. 1064) of Tom Sannicandro and others relative to creating higher education opportunities for students with intellectual disabilities, Autism Spectrum Disorder and other developmental disabilities. Higher Education.

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

5           SECTION 2. Said section 1 of said Chapter 15A, as so appearing, is hereby amended by  
6 striking out after the word “beyond,” in line 19, the following:- and

7           SECTION 3. Said section 1 of chapter 15A of the General Laws, as appearing in the 2012  
8 Official Edition, is hereby amended by striking out, in line 19, the word “and.”

9           SECTION 4. Said section 1 of said chapter 15A, as so appearing, is hereby further  
10 amended by striking out, in line 23, the word “levels” and inserting in place thereof the following  
11 words:- levels; and

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

16           SECTION 5. 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 severe intellectual disabilities, autism spectrum disorders, and other developmental  
19 disabilities.

20           SECTION 6. The second paragraph of Section 7A of said Chapter 15A, as so appearing,  
21 is hereby amended by striking out the word “and,” in lines 24 and 82; and by inserting after the  
22 word “sources,” in lines 25 and 83, the following:- ; and (10) improving access for students with  
23 severe intellectual disabilities, autism spectrum disorders, and other developmental disabilities.

24           SECTION 7. Section 19 of said Chapter 15A, as so appearing, is hereby amended by  
25 inserting after the third paragraph, the following paragraph:- Such guidelines shall provide  
26 tuition and fee waivers for students with severe intellectual disabilities, autism spectrum  
27 disorders, and other developmental disabilities participating in courses and campus activities  
28 pursuant to section 39A. The commonwealth, not the institutions of public higher education,  
29 shall bear the cost of such tuition and fee waivers.

30 SECTION 8. Said Chapter 15A, as so appearing, is hereby amended by inserting after  
31 section 30 the following section:-

32 Section 30A. Public institutions of higher education shall offer inclusive opportunities to  
33 support individuals with severe intellectual disabilities, autism spectrum disorders, and other  
34 developmental disabilities who are seeking to gain academic, career and technical, and  
35 independent living skills in order to prepare for gainful employment. Individuals with severe  
36 intellectual disabilities, autism spectrum disorders, and other developmental disabilities shall not  
37 be required to: take any standardized college entrance aptitude test; have a high school diploma  
38 or its equivalent; meet minimum academic course requirements; meet minimum grade point  
39 average requirements; or obtain a passing score on the statewide assessment tests utilized as a  
40 basis for competency determinations, pursuant to section 1D of chapter 69 of the General Laws,  
41 in order to gain admission and enrollment in credit-bearing and noncredit-bearing courses that  
42 include students without disabilities, including enrollment in credit-bearing courses in audit  
43 status for students who may not meet course prerequisites and requirements, and participation in  
44 internships or work-based training in settings with nondisabled students. Students with severe  
45 intellectual disabilities, autism spectrum disorders, and other developmental disabilities shall be  
46 socially and academically integrated with nondisabled students to the maximum extent possible,  
47 with provision of individual supports and services to support inclusion in academic courses,  
48 extracurricular activities and other aspects of the institution of higher education's regular  
49 postsecondary program.

50 SECTION 9. Said Chapter 15A, as so appearing, is hereby amended by inserting after  
51 section 39 the following section:-

52           Section 39A. Students with severe intellectual disabilities, autism spectrum disorders, and  
53 other developmental disabilities enrolled in public secondary schools shall be allowed to enroll  
54 in credit-bearing and noncredit courses in public higher education institutions in the  
55 commonwealth that include nondisabled students, including enrollment in credit-bearing courses  
56 in audit status for students who may not meet course prerequisites or requirements, with  
57 necessary supports, services, and accommodations provided by the student’s school committee,  
58 to facilitate the student’s enrollment and to support inclusion in academic courses,  
59 extracurricular activities, internships, work experiences, and other aspects of the institution of  
60 higher education’s regular postsecondary program and provide a free and appropriate public  
61 education. Such students shall not be required to: take any standardized college entrance aptitude  
62 test; have a high school diploma or its equivalent; meet minimum academic course requirements;  
63 meet minimum grade point average requirements; or obtain a passing score on the statewide  
64 assessment tests , utilized as a basis for competency determinations pursuant to section 1D of  
65 Chapter 69 of the General Laws.

66           Section 10. Said Chapter 15A, as so appearing, is hereby amended by inserting after  
67 section 27 the following section: 27A:-

68           Section 27A. The board of higher education, in consultation with the executive office of  
69 education, the department of elementary and secondary education, and the executive office of  
70 health and human services shall take steps necessary to include students with intellectual  
71 disabilities, autism spectrum disorders, and other developmental disabilities in the residence life  
72 of all public institutions of higher education, with accommodations, supports, and services  
73 necessary to enable inclusive dormitory living.

74 SECTION 11 Chapter 71B of the General Laws is hereby amended by inserting after  
75 Section 16 the following section: -

76 Section 17: Inclusive Concurrent Enrollment

77 (a) Subject to appropriation, the Executive Office of Education shall develop and  
78 administer a discretionary grant program to provide monies to school committees and state  
79 public institutions of higher education partnering together to offer inclusive concurrent  
80 enrollment program options for school-aged children with disabilities ages 18 to 22, inclusive;  
81 provided:

82 (1) that the grant program shall be limited to said students who are considered to have  
83 severe intellectual disabilities, autism spectrum disorders, or other developmental disabilities;  
84 and

85 (2) in the case of students aged 18-19, the grant program shall be further limited to  
86 students with severe disabilities who have been unable to achieve the competency determination  
87 necessary to pass the statewide assessment test pursuant to section 1Dof chapter 69 of the  
88 general laws. .

89 (b) The goal of the grant program shall be for school committees to partner with  
90 institutions of higher education to provide a free appropriate public education in the least  
91 restrictive environment that meets the transition needs of students with severe intellectual  
92 disabilities, autism spectrum disorders, or other developmental disabilities, and to support their  
93 academic success, participation in student life of the college community, and competitive  
94 employment. This shall be achieved by fully including said students in higher education  
95 institutions by requiring the following:



96 (1) development of partnerships between institutions of higher education and school  
97 committees which also include any relevant agency serving students with severe intellectual  
98 disabilities, autism spectrum disorders, and other developmental disabilities, including but not  
99 limited to a vocational rehabilitation agency;

100 (2) enrollment in credit-bearing and non-credit courses that include students without  
101 disabilities including enrollment in credit-bearing courses in audit status for students who may  
102 not meet course prerequisites;

103 (3) participation in on-campus student life activities;

104 (4) adequate preparation for competitive employment;

105 (5) waiver of tuition for all courses by the institution of higher education;

106 (6) provision of supports and services necessary to facilitate a student's enrollment and  
107 support inclusion in academic courses, extracurricular activities, internships, work experiences,  
108 and other aspects of the institution of higher education's regular postsecondary program;

109 (7) training and technical assistance for teachers, faculty and personnel regarding strategy  
110 and teaching methodology to achieve successful inclusion of individuals with severe intellectual  
111 disabilities, autism spectrum disorders, and other developmental disabilities;

112 (8) that students with severe intellectual disabilities, autism spectrum disorders, and other  
113 developmental disabilities be socially and academically integrated with nondisabled students to  
114 the maximum extent possible; and institutions of higher education may choose to engage  
115 students pursuing study in the areas of special education, general education, vocational  
116 rehabilitation, assistive technology, psychology, or related fields;

117 (9) utilization of person-centered planning in the development of the course of study for  
118 each participating student.

119 (c) The Executive Office of Education, in consultation with the Department of  
120 Elementary and Secondary Education, the Department of Higher Education and the Inclusive  
121 Concurrent Enrollment Advisory Board, shall develop guidelines to ensure that the grant  
122 program meets this goal.

123 (d) Subject to appropriation, the Executive Office of Education shall designate an  
124 Inclusive Concurrent Enrollment Coordinator to manage grant administration and coordinate  
125 reporting. The Executive Office of Education shall notify all participating school committees and  
126 institutions of higher education of the name and contact information for the Inclusive Concurrent  
127 Enrollment Coordinator.

128 (e) The Executive Office of Education shall establish an Inclusive Concurrent Enrollment  
129 Advisory Board to evaluate and to advise the Executive Office of Education on efforts to  
130 implement inclusive concurrent enrollment and to participate in educational outreach efforts on  
131 inclusive concurrent enrollment. The Inclusive Concurrent Enrollment Advisory Board shall  
132 include representatives of school districts and colleges and universities where the inclusive  
133 concurrent enrollment program has been successfully implemented, two former or current  
134 students who have participated in an inclusive concurrent enrollment program, the co-chairs of  
135 the joint committee on Education or designees, the co-chairs of the joint committee on Higher  
136 Education or designees, the Commissioner of Higher Education or designee, the Commissioner  
137 of Elementary and Secondary Education or designee, the Secretary of Education or designee, the  
138 Commissioner of the Department of Development Disability Services or designee, the

139 Commissioner of the Massachusetts Rehabilitation Commission or designee, a representative of  
140 Massachusetts Advocates for Children, a representative of the Federation for Students with  
141 Special Needs, a representative of the Institute for Community Inclusion, and the Inclusive  
142 Concurrent Enrollment Coordinator. The Inclusive Concurrent Enrollment Advisory Board shall  
143 meet quarterly.

144 (f) The Inclusive Concurrent Enrollment Coordinator, in consultation with the  
145 Department of Elementary and Secondary Education, the Department of Higher Education and  
146 the Inclusive Concurrent Enrollment Advisory Board, shall develop strategies and procedures  
147 designed to assist institutions of higher education in sustaining, expanding and replicating  
148 inclusive concurrent enrollment partnerships established through the Executive Office of  
149 Education's discretionary grant program. Strategies and procedures shall include but not be  
150 limited to:

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

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

158 (3) development of a mechanism to encourage existing and new partnerships to expand  
159 capacity to respond to school committees and individual parents who are not currently

160 benefitting from those partnerships and who request an opportunity for their children to  
161 participate in inclusive concurrent enrollment;

162 (4) outreach to institutions of higher education and school committees that are not  
163 currently participating in inclusive concurrent enrollment, with intent to encourage such  
164 institutions of higher education and school committees to offer inclusive concurrent enrollment  
165 programming;

166 (5) addressing of challenges frequently faced by institutions of higher education and  
167 newly created inclusive concurrent enrollment programs and a compilation of best practices to  
168 address these difficulties;

169 (6) for those institutions that offer residential life for students, the integration of students  
170 with severe intellectual disabilities, autism spectrum disorders, and other developmental  
171 disabilities into the housing offered to nondisabled students with the accommodations, supports,  
172 and services necessary to enable inclusive dormitory living.

173 (g) The executive office of education shall distribute strategies and procedures developed  
174 pursuant to subsection (f) to all public colleges and universities in the Commonwealth annually.

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

177 (i) The executive office of education, in consultation with the department of elementary  
178 and secondary education and the department of higher education, shall make a report available  
179 online on the status of the grant program annually, no later than March 15. The report shall  
180 include but not be limited to the following components:

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

183 (2) a list of all full-time and part-time employment positions supported by the grant  
184 program that are dedicated to supporting students with severe disabilities through the inclusive  
185 concurrent enrollment program and the average salary for those positions including but not  
186 limited to:

187 (i) educational coaches;

188 (ii) educational specialists;

189 (iii) job coaches and vocational specialists;

190 (iv) program specialists;

191 (v) program directors;

192 (vi) peer mentors, note-takers, and tutors;

193 (vii) contracted employees;

194 (viii) parent and school committee liaisons.

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

198 (4) a summary of innovative strategies and practices implemented at each institution of  
199 higher education that helped foster their relationship with school committees or helped students  
200 succeed;

201 (5) employment data for students and graduates, obtained to the best of the ability of the  
202 school committee and the institution of higher education;

203 (6) a report detailing the amount of grant funds allocated to each institution of higher  
204 education in the planning and implementation phases, the amount allocated to the department of  
205 elementary and secondary education and the department of higher education, and the amount  
206 allocated to the executive office of education.

207 SECTION 12. The executive office of education shall promulgate guidelines pursuant to  
208 section 17 of chapter 71B of the General Laws on or before January 1, 2015.

209 SECTION 13. Section 2 of Chapter 71B of the General Laws, as so appearing, is hereby  
210 amended by inserting the following phrase after the tenth item of the third paragraph:-

211 ; and (12) For older students ages 18-22, options including continuing education,  
212 enrollment in credit and noncredit courses that include students without disabilities in an  
213 institution of higher education, development of independent living skills, development of skills  
214 necessary for seeking, obtaining, and maintaining jobs, development of skills to access  
215 community services, and development of skills for self-management of medical needs.