

HOUSE No. 4040

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 29, 2016.

The committee on Higher Education to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4040) ought to pass.

For the committee,

TOM SANNICANDRO.

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**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. Chapter 15A of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by inserting after section 30 the following section: -

3 Section 30A. (a) Public institutions of higher education shall offer inclusive opportunities
4 to support individuals with severe intellectual disabilities, autism spectrum disorders, or other
5 developmental disabilities who are seeking to gain academic, career and technical, and
6 independent living skills in order to prepare for adult life including but not limited to gainful
7 employment and civic engagement.

8 (b) Individuals with severe intellectual disabilities, autism spectrum disorders, or other
9 developmental disabilities shall not be required to: take any standardized college entrance
10 aptitude test; have a high school diploma or its equivalent; meet minimum academic course
11 requirements; meet minimum grade point average requirements; or obtain a passing score on the
12 statewide assessment tests utilized as a basis for competency determinations, pursuant to section
13 1D of chapter 69 of the General Laws, in order to enroll in credit-bearing and noncredit-bearing

14 courses that include students without disabilities, including enrollment in credit-bearing courses
15 in audit status for students who may not meet course prerequisites and requirements, and
16 participation in internships or work-based training in settings with nondisabled students.

17 (c) Students with severe intellectual disabilities, autism spectrum disorders, or other
18 developmental disabilities shall be meaningfully included with nondisabled students in all
19 aspects of higher education, including but not limited to academic and social activities, with
20 provision of individual supports and services, including academic supports available to students
21 with and without disabilities, to support inclusion in academic courses, extracurricular activities
22 and other aspects of campus life in public institutions of higher education.

23 (d) Students eligible to participate in public institutions of higher education pursuant to
24 this section shall be eligible to receive financial assistance from scholarship programs included
25 in section 16 of chapter 15A of the General Laws, provided that determination of satisfactory
26 academic progress of said students shall be made based on whether the student is gaining the
27 academic, career, technical, social or independent living skills necessary to prepare for adult life
28 including but not limited to gainful employment and civic engagement.

29 (e) The secretary of education and the secretary of health and human services shall
30 develop inter-agency agreements, policies, and practices necessary to support the effective
31 collaboration of public institutions of higher education, school committees, the department of
32 developmental services, the Massachusetts Rehabilitation Commission, and other human service
33 agencies in order to provide supports and services necessary to successfully include students
34 with intellectual disabilities, autism spectrum disorders, or other developmental disabilities in
35 higher education, including but not limited to, maximizing federal financial participation through

36 Medicaid and maximizing federal financial aid for this population of students. The secretary of
37 education and secretary of health and human services shall issue a joint report to the house and
38 senate committees on ways and means, the joint committee on education, and the joint
39 committee on higher education regarding the development of said agreements, policies, and
40 practices no later than the end of each fiscal year.

41 (f) For students ages 18 to 21 years old, inclusive, the costs associated with supporting
42 participation in public institutions of higher education pursuant to this section shall be an
43 approved expense under section 5 of chapter 71B of the General Laws, provided that a student's
44 participation in higher education is addressed in the student's Individualized Education Program
45 required by section 3 of chapter 71B of the General Laws. For students older than 21 and for
46 students who are no longer receiving special education services pursuant to chapter 71B of the
47 General Laws, the costs associated with supporting participation in public institutions of higher
48 education pursuant to this section shall be an approved expense under section 74 of chapter 6 of
49 the General Laws and under chapter 19B of the General Laws.