

SENATE No. 2223

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

SENATE, Wednesday, April 13, 2016

The committee on Education to whom was referred the petition (accompanied by bill, Senate, No. 315) of Barbara L'Italien, Angelo J. Puppolo, Jr., Carolyn C. Dykema, Tom Sannicandro and other members of the General Court for legislation to support the transition to adult services for persons with disabilities,- reports the accompanying bill (Senate, No. 2223).

For the committee,
Sonia Chang-Diaz

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An Act to support the transition to adult services for persons with 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 2 of chapter 71B of the General Laws, as appearing in the 2014
2 Official Edition is hereby amended adding the following paragraph:

3 Transition services to be provided by the school shall be closely coordinated with
4 habilitative services provided by the bureau of transition planning of the executive office of
5 health and human services, pursuant to section 12C of chapter 71B. A representative of the
6 bureau of transition planning shall attend at least one of the student's Individualized Education
7 Program (IEP) meetings for purposes of facilitating transition planning, no later than two years
8 before either the date the student is anticipated to graduate from high school, or the date the
9 student turns twenty-two, whichever date is earlier.

10 SECTION 2. Section 12A of said chapter 71B, as so appearing, is hereby amended by
11 striking out the second paragraph, and inserting in place thereof the following paragraph:-

“person with a disability” a person with a physical or mental impairment that results in a substantial impediment to employment, or any individual listed on the registry of the Massachusetts Commission for the Blind.

SECTION 3. Said section 12A of said chapter 71B, as so appearing, is hereby further amended by inserting the following paragraph:

"Substantial impediment to employment" refers to a physical or mental impairment which, in light of attendant medical, psychological, vocational, educational and other related factors impedes an individual's occupational performance by preventing his/her obtaining, retaining, or preparing for employment consistent with his/her capacities and abilities.

SECTION 4. Said section 12A of said chapter 71B, as so appearing, is hereby further amended by striking out, in line 14, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 5. Said section 12A of said chapter 71B, as so appearing, is hereby further amended by inserting after the word “services”, in line 19, the following words:-

Habilitative services shall also include, when necessary, instruction in independent living skills and functional life skills, independent or supportive housing, preparation for postsecondary education, preparation for individualized and integrated competitive or supported employment, and training in self-advocacy.

SECTION 6. Said section 12A of said chapter 71B, as so appearing, is hereby further amended by striking out, on line 32, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 7. Section 12C of said chapter 71B, as so appearing, is hereby amended by striking out, in line 29, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 8. Said section 12C of said chapter 71B, as so appearing, is hereby further amended by inserting after the word “benefits”, in line 37, the following words:-

When such application is required, the bureau, or such other agency as may be providing a transition plan on its behalf, shall also provide training, assistance or referrals to students, parents and school regarding work incentive programs administered by the Social Security Administration for persons receiving disability benefits.

SECTION 9. Said section 12C of said chapter 71B, as so appearing, is hereby further amended by striking out, on line 41, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 10. Said section 12C of chapter 71B, as so appearing, is hereby further amended by striking out, on line 52, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 11. Said section 12C of said chapter 71B, as so appearing, is hereby further amended by striking out, on lines 60-61, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 12. Said section 12C of said chapter 71B, as so appearing, is hereby further amended by striking out, on line 69, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 13. Said section 12C of said chapter 71B, as so appearing, is hereby further amended by striking out, on line 87, the words “disabled person” and inserting in place thereof the following words:- person with a disability.

SECTION 14. The department of developmental services shall, subject to appropriation, develop and administer a pilot program to provide services which are parallel in scope to the programs and services provided under sections 12 and 13 of the chapter 19B of the General Laws. Said pilot program shall be limited to persons turning 22 with developmental disabilities who do not have an intellectual disability, as defined in section 1 of chapter 123B of the General Laws. The pilot program shall be limited to individuals with developmental disabilities, as defined under the Developmental Disabilities Assistance and Bill of Rights Amendments Act of 2000, 42 U.S.C. 15002(8), including persons on the autism spectrum. The goal of the pilot program shall be to meet the transitional needs of youth with developmental disabilities by expanding services and supports to those persons who do not currently have ties to an adult service agency through the chapter 688 transition process, other than the Massachusetts rehabilitation commission.

SECTION 15. The secretary of executive office of health and human services shall annually submit a report to the joint committee on children, families and persons with disabilities, by January 1, of each year, describing information about the total number of individuals referred to the bureau of transition planning of the executive office of health and human services for habilitative services from the bureau or any agency acting on its behalf, and the total number of individuals for whom such services were not made available. For such persons for whom services were not made available, and who were determined to be persons with disabilities, said report shall include the proportion of individuals in need of extended case

management services related to transition planning, the proportion of types of habilitative services needed by these individuals, and the approximate cost of such type of services which were not provided.

SECTION 16. The executive office of health and human services shall submit a report to the joint committee on children, families and persons with disabilities , on proposed federal Medicaid revenue strategies to address adult service needs of transitioning students with disabilities who are not eligible for programs at state disability agencies. The report shall evaluate the use of the home and community based services (HCBS) state plan option, Community Choice state option, Medicaid rehabilitation services option, HCBS waivers and demonstration waivers. The report shall consider including ranges and methods of funding needed for individuals with varying support needs. The executive office of health and human services shall file its report not later than 12 months after the effective date of this act.

SECTION 17. The secretary of health and human services shall amend its rules and regulations governing transition planning services in accordance with this Act.

SECTION 18. The Board of Elementary and Secondary Education shall, in consultation of the Executive Office of Health and Human Services promulgate rules and regulations to implement provisions of section 1 of this act.