

**SENATE . . . . . No. 2223**

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**The Commonwealth of Massachusetts**

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

**SENATE . . . . . No. 2223**

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**The Commonwealth of Massachusetts**

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

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:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57 SECTION 14. The department of developmental services shall, subject to appropriation,  
58 develop and administer a pilot program to provide services which are parallel in scope to the  
59 programs and services provided under sections 12 and 13 of the chapter 19B of the General  
60 Laws. Said pilot program shall be limited to persons turning 22 with developmental disabilities  
61 who do not have an intellectual disability, as defined in section 1 of chapter 123B of the General  
62 Laws. The pilot program shall be limited to individuals with developmental disabilities, as  
63 defined under the Developmental Disabilities Assistance and Bill of Rights Amendments Act of  
64 2000, 42 U.S.C. 15002(8), including persons on the autism spectrum. The goal of the pilot  
65 program shall be to meet the transitional needs of youth with developmental disabilities by  
66 expanding services and supports to those persons who do not currently have ties to an adult  
67 service agency through the chapter 688 transition process, other than the Massachusetts  
68 rehabilitation commission.

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

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

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

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

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