

SENATE No. 315

The Commonwealth of Massachusetts

PRESENTED BY:

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 to support the transition to adult services for persons with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>

<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>

SENATE No. 315

By Mrs. L'Italien, a 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. Education.

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 12C of chapter 71 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in line 1, the words “disabled person” and
3 inserting in place thereof the following words:- person with a disability

4 SECTION 2: Said Section 12C of said chapter 71, as so appearing, is hereby further
5 amended by striking out, in line 16, the words “disabled person” and inserting in place thereof
6 the following words:- person with a disability

7 SECTION 3: Section 2 of chapter 71B of the General Laws, as appearing in the 2012
8 Official Edition is hereby amended by adding the following paragraphs:

9 Transition services to be provided by the school shall be closely coordinated with
10 habilitative services provided by the bureau of transition planning of the executive office of
11 health and human services, pursuant to section 12C of chapter 71B. To facilitate this
12 coordination, with the consent of the parents or a child who has reached the age of majority, the

13 child's school committee, with no less than 21 calendar days' notice, shall invite to the child's
14 Individualized Education Program (IEP) meeting a representative of the bureau of transition
15 planning or any participating adult service agency identified by the bureau that is known by the
16 school to be responsible for services pursuant to 20 U.S.C. 1414(d)(1)(D) or section 12C of
17 chapter 71B. In the event that there is no participating adult service agency known to be
18 responsible for services, the special education director or administrator employed by the school
19 committee, or his or her designee, shall contact the bureau of transition planning before sending
20 this invitation. The bureau shall respond, to the extent practicable, by designating and identifying
21 an adult services agency, or shall attend the IEP meeting on behalf of the executive office of
22 health and human services. Such representative shall attend at least one such IEP meeting for
23 purposes of facilitating transition planning, no later than two years before either the date the
24 student is anticipated to graduate from high school, or turn age twenty-two, whichever date is
25 earlier. By agreement of all participants, an Individualized Transition Plan (ITP) meeting to
26 discuss services to be provided by any designated adult services agency may be held
27 concurrently with Individualized Education Program (IEP) meeting. The identification of
28 services in an Individualized Transition Plan (ITP), or the provision of other services provided
29 by the bureau of transition planning or an agency acting on its behalf, shall not be deemed to
30 alter any existing obligation of the local educational agency under state or federal law. If a
31 participating agency, other than the local educational agency, fails to provide the transition
32 services described in the IEP, the local educational agency shall reconvene the IEP Team to
33 identify alternative strategies to meet the transition objectives for the child set out in the IEP.
34 When a child is graduating or attaining the age of 22, whichever occurs first, the school shall
35 provide to the student and to the participating agency a summary of the child's academic

36 achievement and functional performance, which shall include recommendations on how to assist
37 the child in meeting the child’s postsecondary goals.

38 SECTION 4: Section 12A of said chapter 71B, as so appearing, is hereby amended by
39 striking out the second paragraph, and inserting in place thereof the following paragraph:-

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

43 SECTION 5: Said section 12A of said chapter 71B, as so appearing, is hereby further
44 amended by striking out the sixth paragraph.

45 SECTION 6: Said section 12A of said chapter 71B, as so appearing, is hereby further
46 amended by inserting the following paragraph:

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

51 SECTION 7: Said section 12A of said chapter 71B, as so appearing, is hereby further
52 amended by striking out, in line 14, the words “disabled person” and inserting in place thereof
53 the following words:- person with a disability

54 SECTION 8: Said section 12A of said chapter 71B, as so appearing, is hereby further
55 amended by inserting after the word “services”, in line 19, the following words:-

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

60 SECTION 9: Said section 12A of said chapter 71B, as so appearing, is hereby further
61 amended by striking out, on line 32, the words “disabled person” and inserting in place thereof
62 the following words:- person with a disability

63 SECTION 10: Section 12B of said chapter 71B, as so appearing, is hereby amended by
64 striking out, in line 26, the words “disabled persons” and inserting in place thereof the following
65 words:- “persons with disabilities”

66 SECTION 11: Section 12C of said chapter 71B, as so appearing, is hereby amended by
67 striking out, in line 29, the words “disabled person” and inserting in place thereof the following
68 words:- person with a disability

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

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

75 SECTION 13: Said section 12C of said chapter 71B, as so appearing, is hereby further
76 amended by striking out, on line 41, the words “disabled person” and inserting in place thereof
77 the following words:- person with a disability

78 SECTION 14: Said section 12C of chapter 71B, as so appearing, is hereby further
79 amended by striking out, on line 52, the words “disabled person” and inserting in place thereof
80 the following words:- person with a disability

81 SECTION 15: Said section 12C of said chapter 71B, as so appearing, is hereby further
82 amended by striking out, on lines 60-61, the words “disabled person” and inserting in place
83 thereof the following words:- person with a disability

84 SECTION 16: Said section 12C of said chapter 71B, as so appearing, is hereby further
85 amended by striking out, on line 69, the words “disabled person” and inserting in place thereof
86 the following words:- person with a disability

87 SECTION 17: Said section 12C of said chapter 71B, as so appearing, is hereby further
88 amended by striking out, on line 87, the words “disabled person” and inserting in place thereof
89 the following words:- person with a disability

90 SECTION 18: Subject to appropriation, notwithstanding other provisions of the General
91 Laws, the department of developmental services shall develop and administer a discretionary
92 demonstration program to provide, as part of a pilot project, services which are parallel in scope
93 to programs of community intellectual disability services pursuant to Sections 12 and 13 of the
94 Chapter 19B of the General Laws. This program shall be limited to persons turning 22 (i.e., ages
95 20 to 24) with developmental disabilities, including but not limited to persons on the autism
96 spectrum, who currently do not meet the definition of Person with an intellectual disability as

97 defined in M.G.L. c. 123B 1, and regulations promulgated thereunder. The pilot project shall be
98 administered consistent with appropriations and shall be limited to individuals who meet the
99 developmental disabilities definition under the Developmental Disabilities Assistance and Bill of
100 Rights Amendments Act of 2000, 42 U.S.C.. 15002(8)). The goals of the grant program shall be
101 to meet the transitional needs of youth with developmental disabilities by expanding services and
102 supports to those persons without adult service agency ties in the chapter 688 transition process,
103 other than the Massachusetts rehabilitation commission, and to assist the Department in
104 providing cost estimates to the Legislature pursuant to Section 6.

105 SECTION 19 : The secretary of executive office of health and human services shall file a
106 report to the joint committee on children, families and persons with disabilities, by January 1,
107 2016 and on an annual basis thereafter, describing information about the total number of
108 individuals referred to the bureau of transition planning of the executive office of health and
109 human services for habilitative services from the bureau or any agency acting on its behalf, and
110 the total number of individuals for whom such services not made available. For such persons for
111 whom services were not made available, and who were determined to be persons with
112 disabilities, said report shall include the proportion of individuals in need of extended case
113 management services related to transition planning, the proportion of types of habilitative
114 services needed by these individuals, and the approximate cost of such type of services which
115 were not provided.

116 SECTION 20: The executive office of health and human services shall file a report to the
117 joint committee on children, families and persons with disabilities, by January 1, 2016 on
118 proposed federal Medicaid revenue strategies to address adult service needs of transitioning
119 students with disabilities who are not eligible for programs at state disability agencies. The report

120 shall evaluate the use of the home and community based services (HCBS) state plan option,
121 Community Choice state option, Medicaid rehabilitation services option, HCBS waivers and
122 demonstration waivers. The report shall consider including ranges and methods of funding
123 needed for individuals with varying support needs, e.g., those who require employment supports
124 only, those who require social supports only, those who require community living/safety
125 supports, those who require nursing or medical supports and/or those who require some
126 combination.

127 SECTION 21: Within 90 days after the passage of this act, the secretary of health and
128 human services shall amend its rules and regulations governing transition planning services in
129 accordance with this Act.