

HOUSE No. 4286

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 6, 2018.

The committee on Higher Education to whom were referred the petition (accompanied by bill, House, No. 634) of Patricia A. Haddad, Sean Garballey and others relative to higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities, the petition (accompanied by bill, House, No. 2995) of James M. Cantwell and others for legislation to create a scholarship fund to increase the number of medical providers who are knowledgeable in autism, and the petition (accompanied by bill, House, No. 2999) of Sean Garballey that public institutions of higher education be authorized to provide flexibility in graduation requirements for students who have one or more diagnosed and documented intellectual or developmental disabilities, reports recommending that the accompanying bill (House, No. 4286), ought to pass.

For the committee,

JOHN W. SCIBAK.

HOUSE No. 4286

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act creating higher education opportunities for students with intellectual disabilities, autism, 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 2016
2 Official Edition, is hereby amended by inserting after the word “opportunities”, in line 14 , the
3 following words:- , including individuals with severe intellectual disabilities, autism spectrum
4 disorders, and other developmental disabilities.

5 SECTION 2. Said section 1 of said chapter 15A of the General Laws, as so appearing, is
6 hereby amended by striking out, in line 23 , the second time it appears, the following word:-
7 “and”.

8 SECTION 3. Said section 1 of said chapter 15A, as so appearing, is hereby further
9 amended by inserting after the word “levels”, in line 28, the following words:- ; and

10 (d) to provide inclusive educational opportunities for individuals with severe intellectual
11 disabilities, autism spectrum disorders and other developmental disabilities in order to improve

12 academic achievement, develop employment and independent living skills, and enhance the
13 learning environment for all citizens.

14 SECTION 4. The fourth paragraph of section 7 of said chapter 15A, as so appearing, is
15 hereby amended by inserting after the word “students”, in line 35, the following:- , and students
16 with severe intellectual disabilities, autism spectrum disorders, and other developmental
17 disabilities.

18 SECTION 5. Section 7A of said chapter 15A, as so appearing, is hereby amended by
19 striking out, in line 26, the word “and”.

20 SECTION 6. Said section 7A of said chapter 15A, as so appearing, is hereby further
21 amended by inserting after the word “sources”, in line 26, the following words:- ; and (10)
22 improving access for students with severe intellectual disabilities, autism spectrum disorders and
23 other developmental disabilities.

24 SECTION 7. Said section 7A of said chapter 15A, as so appearing, is hereby further
25 amended by striking out, in line 86, the word “and”.

26 SECTION 8. Said section 7A of said chapter 15A, as so appearing, is hereby further
27 amended by inserting after the word “sources”, in line 87, the following words:- ; and (10) to
28 improve access for students with severe intellectual disabilities, autism spectrum disorders and
29 other developmental disabilities.

30 SECTION 9. Said chapter 15A, as so appearing, is hereby amended by inserting after
31 section 27 the following section: -

32 Section 27A. The board of higher education, in consultation with the inclusive concurrent
33 enrollment advisory board, the executive office of education, the department of elementary and
34 secondary education, and the executive office of health and human services shall take steps
35 necessary to include students with severe intellectual disabilities, autism spectrum disorders, and
36 other developmental disabilities in the residence life of all public institutions of higher education,
37 with accommodations, supports, and services necessary to enable inclusive dormitory living.

38 SECTION 10. Said chapter 15A, as so appearing, is hereby amended by inserting after
39 section 30 the following section: -

40 Section 30A. (a) Notwithstanding any general or special law, regulation, standard or
41 guideline to the contrary, in order to provide individuals with severe intellectual disabilities,
42 autism spectrum disorders, or other developmental disabilities with opportunities to be included
43 with nondisabled students in all aspects of higher education for the purpose of gaining academic,
44 career and technical, and independent living skills to prepare them for adult life, including but
45 not limited to employment and civic engagement, these individuals shall not be required to take
46 any standardized college entrance aptitude test; have a high school diploma or its equivalent;
47 meet minimum academic course requirements; meet minimum grade point average requirements;
48 or obtain a passing score on the statewide assessment tests utilized as a basis for competency
49 determinations, under section 1D of chapter 69 of the General Laws, in order to enroll and
50 participate in academic courses that include students without disabilities, participate in
51 internships or work-based training in settings with nondisabled students, and participate in
52 extracurricular activities and all other aspects of campus life, in accordance with the provisions
53 of this section.

54 (b) Public institutions of higher education, in consultation with the department of higher
55 education and consistent with the purposes of this section, may create guidelines for admission
56 of said individuals pursuant to this section, provided that these individuals may not be denied
57 admission solely due to their intellectual disability, autism spectrum disorder or developmental
58 disability. Public institutions of higher education, in consultation with the department of higher
59 education and consistent with the purposes of this section, may also establish course selection
60 guidelines to help ensure that these individuals receive guidance in selecting courses that are
61 appropriate to their individual strengths, needs, preferences and interests. These individuals shall
62 be allowed to choose either to take a credit-bearing, academic course for credit if they have met
63 the course prerequisites and requirements, or to audit a credit-bearing, academic course if they
64 have not met the course prerequisites and requirements. Nothing in this section shall require a
65 public institution of higher education to provide course enrollment preference for students with
66 severe intellectual disabilities, autism spectrum disorders, or other developmental disabilities.

67 (c) Individuals enrolled under this section shall be included with nondisabled students
68 in all academic and non-academic aspects of life at public institutions of higher education so that
69 they have inclusive educational opportunities to acquire academic, career, technical and
70 independent living skills that prepare them for adult life including, but not limited to,
71 employment and civic engagement. Individual supports and services, including academic
72 supports, shall be made available to support inclusion in academic courses, extracurricular
73 activities and other aspects of campus life.

74 (d) Public institutions of higher education shall not be required to bear the costs of
75 individual supports and services that exceed the kind of supports and services generally provided
76 by public institutions of higher education. The costs associated with supporting participation in

77 public institutions of higher education under this section shall be: (i) an approved expense
78 pursuant to section 5 of chapter 71B of the General Laws, provided that a student's participation
79 in higher education is addressed in the student's Individualized Education Program required by
80 section 3 of chapter 71B of the General Laws for students ages 18 to 21 years old, inclusive and
81 (ii) an approved expense, subject to appropriation, pursuant to section 74 of chapter 6 and
82 chapter 19B of the General Laws for those individuals who have been accepted as clients
83 pursuant to section 74 of chapter 6 or chapter 19B for students of all ages. Costs can also be
84 covered by any other private or public sources available to the student.

85 (e) Individuals enrolled under this section shall be required to follow the public
86 institution of higher education's student code of conduct, including Title IX policies, provided
87 that the public institution of higher education shall provide reasonable accommodations for these
88 individuals and shall provide the code of conduct in a manner that is fully accessible.

89 SECTION 11. Section 2 of chapter 71B of the General Laws, as appearing in the 2016
90 Official Edition, is hereby amended by inserting after the word "department", in line 53, the
91 following words:- ; and (12) For older students ages 18-21, inclusive, options including
92 continuing education, enrollment in credit and noncredit courses that include students without
93 disabilities in an institution of higher education, development of independent living skills,
94 development of skills necessary for seeking, obtaining, and maintaining jobs, development of
95 skills to access community services, and development of skills for self-management of medical
96 needs.

97 SECTION 12: Said chapter 71B, as so appearing, is hereby amended by inserting after
98 section 16 the following section: -

99 Section 17: Inclusive Concurrent Enrollment Initiative

100 (a) Subject to appropriation, the executive office of education shall develop and
101 administer a discretionary grant program to provide monies to school committees and public
102 institutions of higher education partnering to offer inclusive concurrent enrollment initiative
103 options for school-aged children, ages 18 to 21, inclusive with disabilities. The program shall be
104 limited to students: (i) who are considered to have severe intellectual disabilities, autism
105 spectrum disorders, or other developmental disabilities; and (ii) for students age 18 to 19,
106 inclusive, with severe disabilities who have been unable to achieve the competency
107 determination necessary to pass the statewide assessment test pursuant to section 1D of chapter
108 69.

109 (b) The grant program shall enable school committees to partner with public institutions
110 of higher education in order to assist in meeting the transitional needs of eligible students
111 pursuant to subsection (a), which shall include facilitating movement from school to post-school
112 activities and competitive employment. Said grant program shall be based on a results oriented
113 process focused on improving academic and functional achievement in accordance with the
114 provisions of the federal Individuals with Disabilities Education Act.

115 (c) The grant program shall allow participation of any relevant state or other agency
116 serving students with severe intellectual disabilities, autism spectrum disorders and other
117 developmental disabilities, including, but not limited to, the department of developmental
118 services, the Massachusetts rehabilitation commission or other vocational rehabilitation agency
119 or organization to support student academic success, participation in student life of the college
120 community and competitive employment.

121 (d) The grant program shall support partnerships that provide : (i) participation in credit-
122 bearing and non-credit courses that include students without disabilities, including participation
123 in credit-bearing courses in audit status for students who may not meet course prerequisites; (ii)
124 participation in on-campus student life activities; (iii) preparation for competitive employment;
125 (iv) the waiver of tuition for courses by the public institution of higher education; (v) the
126 provision of supports and services necessary to facilitate a student’s participation and support
127 inclusion in academic courses, extracurricular activities, internships, work experiences and other
128 aspects of the public institution of higher education’s regular postsecondary program; (vi)
129 training and technical assistance for teachers, faculty and personnel regarding strategy and
130 teaching methodology to achieve successful inclusion of individuals with severe intellectual
131 disabilities, autism spectrum disorders and other developmental disabilities; (vii) full inclusion of
132 students with severe intellectual disabilities, autism spectrum disorders and other developmental
133 disabilities with nondisabled students in all aspects of higher education including, but not limited
134 to, academic and social activities; and (viii) the utilization of person-centered planning in the
135 development of the course of study for each participating student. Partnerships with institutions
136 of higher education that offer dormitory living may also include opportunities for students with
137 severe intellectual disabilities, autism spectrum disorders and other developmental disabilities to
138 live in residential housing offered to nondisabled students with the accommodations, supports
139 and services necessary to enable inclusive dormitory living if it is offered by the public institute
140 of higher education.

141 (e) The executive office of education shall establish an inclusive concurrent enrollment
142 advisory board to advise the executive office of education on efforts to implement inclusive
143 concurrent enrollment and to participate in educational outreach efforts related to inclusive

144 concurrent enrollment. The inclusive concurrent enrollment advisory board shall include the
145 following members or their designees: the inclusive concurrent enrollment coordinator , who
146 shall serve as chair; the secretary of education, the commissioner of higher education; the
147 commissioner of elementary and secondary education; the commissioner of developmental
148 services; the commissioner of the Massachusetts rehabilitation commission; a representative of
149 Massachusetts Advocates for Children, Inc.; a representative of The Federation for Students with
150 Special Needs, Inc.; a representative of the Institute for Community Inclusion; at least 2
151 representatives of school districts and public institutions of higher education that have
152 successfully implemented inclusive concurrent enrollment initiatives, to be appointed by the
153 chair; and 2 students who are participating or have participated in an inclusive concurrent
154 enrollment program, to be appointed by the chair. The inclusive concurrent enrollment advisory
155 board shall meet at least quarterly. Members of the advisory board shall serve without
156 compensation.

157 (f) Subject to appropriation, the executive office of education shall designate an inclusive
158 concurrent enrollment coordinator to manage grant administration and coordinate reporting.

159 SECTION 13. The secretary of education and the secretary of health and human services
160 shall, as necessary, develop inter-agency agreements, policies and practices with the department
161 of higher education, the department of elementary and secondary education, public institutions of
162 higher education, school committees, the department of developmental services, the
163 Massachusetts rehabilitation commission and other relevant agencies in order to maximize
164 federal financial participation through Medicaid, maximize federal financial aid, and address any
165 other issues necessary for successful inclusion of students with intellectual disabilities, autism
166 spectrum disorders or other developmental disabilities in higher education.

167 SECTION 14. The department of higher education and the department of elementary
168 secondary education, in consultation with the inclusive concurrent enrollment initiative advisory
169 board, state university council of presidents or designee, the university of Massachusetts office
170 of the president or designee and executive director of Massachusetts community colleges or
171 designee shall issue guidelines pursuant to section 17 of chapter 71B of the General Laws on or
172 before June 15, 2018.