

**HOUSE . . . . . No. 634**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia A. Haddad and Sean Garballey***

*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 creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>

<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>

*Carlos González*

*10th Hampden*

**HOUSE . . . . . No. 634**

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By Representatives Haddad of Somerset and Garballey of Arlington, a 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. Higher Education.

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**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. 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) Notwithstanding any general or special law, regulation, standard or  
4 guideline to the contrary, in order to provide individuals with severe intellectual disabilities,  
5 autism spectrum disorders, or other developmental disabilities with opportunities to be included  
6 with nondisabled students in all aspects of higher education for the purpose of gaining academic,  
7 career and technical, and independent living skills to prepare them for adult life, including but  
8 not limited to employment and civic engagement, said individuals shall not be required to take  
9 any standardized college entrance aptitude test; have a high school diploma or its equivalent;  
10 meet minimum academic course requirements; meet minimum grade point average requirements;  
11 or obtain a passing score on the statewide assessment tests utilized as a basis for competency

12 determinations, under section 1D of chapter 69 of the General Laws, in order to enroll and  
13 participate in academic courses that include students without disabilities, participate in  
14 internships or work-based training in settings with nondisabled students, and participate in  
15 extracurricular activities and all other aspects of campus life, in accordance with the provisions  
16 of this section.

17 (b) Public institutions of higher education, in consultation with the department of higher  
18 education and consistent with the purposes of this section, may create guidelines for admission  
19 of said individuals pursuant to this section, provided that these individuals may not be denied  
20 admission solely due to their intellectual disability, autism spectrum disorder or developmental  
21 disability. Public institutions of higher education, in consultation with the department of higher  
22 education and consistent with the purposes of this section, may also establish course selection  
23 guidelines to help ensure that these individuals receive guidance in selecting courses that are  
24 appropriate to their individual strengths, needs, preferences and interests. These individuals shall  
25 be allowed to choose either to take a credit-bearing, academic course for credit if they have met  
26 the course prerequisites and requirements, or to audit a credit-bearing, academic course if they  
27 have not met the course prerequisites and requirements. Nothing in this section shall require a  
28 public institution of higher education to provide course enrollment preference for students with  
29 severe intellectual disabilities, autism spectrum disorders, or other developmental disabilities.

30 (c) Individuals enrolled under this section shall be included with nondisabled students in  
31 all academic and non-academic aspects of life at public institutions of higher education so that  
32 they have inclusive educational opportunities to acquire academic, career, technical and  
33 independent living skills that prepare them for adult life including, but not limited to, gainful  
34 employment and civic engagement. Individual supports and services, including academic

35 supports, shall be made available to support inclusion in academic courses, extracurricular  
36 activities and other aspects of campus life.

37 (d) Public institutions of higher education shall not be required to bear the costs of  
38 individual supports and services that exceed the kind of supports and services generally provided  
39 by public institutions of higher education. The costs associated with supporting participation in  
40 public institutions of higher education under this section shall be: (i) an approved expense  
41 pursuant to section 5 of chapter 71B of the General Laws, provided that a student's participation  
42 in higher education is addressed in the student's Individualized Education Program required by  
43 section 3 of chapter 71B of the General Laws for students ages 18 to 21 years old, inclusive and  
44 (ii) an approved expense, subject to appropriation, pursuant to section 74 of chapter 6 and  
45 chapter 19B of the General Laws for those individuals who have been accepted as clients  
46 pursuant to said section 74 of chapter 6 or said chapter 19B for students of all ages. Said costs  
47 can also be covered by any other private or public sources available to the student.

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

52 (f) Students eligible to participate in public institutions of higher education pursuant to  
53 this section shall be eligible to apply for financial assistance from scholarship programs included  
54 in section 16.

55 SECTION 2. Section 1 of Chapter 15A of the General Laws, as appearing in the 2014  
56 Official Edition, is hereby amended by inserting after the word "opportunities", in line 10 , the

57 following words:- , including individuals with severe intellectual disabilities, autism spectrum  
58 disorders, and other developmental disabilities.

59 SECTION 3. Said section 1 of chapter 15A of the General Laws, as appearing in the 2014  
60 Official Edition, is hereby amended by striking out, in line20 , the second time it appears, the  
61 following word:- “and”.

62 SECTION 4. Said section 1 of said chapter 15A, as so appearing, is hereby further  
63 amended by inserting after the word “levels”, in line 25, the following words:- ; and

64 (d) to provide inclusive educational opportunities for individuals with severe intellectual  
65 disabilities, autism spectrum disorders and other developmental disabilities in order to improve  
66 academic achievement, develop employment and independent living skills, and enhance the  
67 learning environment for all citizens.

68 SECTION 5. The fourth paragraph of Section 7 of said Chapter 15A, as so appearing, is  
69 hereby amended by inserting after the word “students”, in line 33 , the following:- , and students  
70 with severe intellectual disabilities, autism spectrum disorders, and other developmental  
71 disabilities.

72 SECTION 6. Section 7A of said chapter 15A, as so appearing, is hereby amended by  
73 striking out, in line 26, the word “and”.

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

78 SECTION 8. Said section 7A of said chapter 15A, as so appearing, is hereby further  
79 amended by striking out, in line 86, the word “and”.

80 SECTION 9. Said section 7A of said chapter 15A, as so appearing, is hereby further  
81 amended by inserting after the word “sources”, in line 87, the following words:- ; and (10) to  
82 improve access for students with severe intellectual disabilities, autism spectrum disorders and  
83 other developmental disabilities.

84 SECTION 10. Said chapter 15A, as so appearing, is hereby amended by inserting after  
85 section 27 the following section: 27A:-

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

92 SECTION 11. The secretary of education and the secretary of health and human services  
93 shall, as necessary, develop inter-agency agreements, policies and practices with the department  
94 of higher education, the department of elementary and secondary education, public institutions of  
95 higher education, school committees, the department of developmental services, the  
96 Massachusetts rehabilitation commission and other relevant agencies in order to maximize  
97 federal financial participation through Medicaid, maximize federal financial aid, and address any  
98 other issues necessary for successful inclusion of students with intellectual disabilities, autism  
99 spectrum disorders or other developmental disabilities in higher education.



100 SECTION 12: Chapter 71B of the General Laws is hereby amended by inserting after  
101 Section 16 the following section: -

102 Section 17: Inclusive Concurrent Enrollment Initiative

103 (a) Subject to appropriation, the executive office of education shall develop and  
104 administer a discretionary grant program to provide monies to school committees and public  
105 institutions of higher education partnering to offer inclusive concurrent enrollment initiative  
106 options for school-aged children, ages 18 to 21, inclusive with disabilities. The program shall be  
107 limited to students: (i) who are considered to have severe intellectual disabilities, autism  
108 spectrum disorders, or other developmental disabilities; and (ii) for students age 18 to 19,  
109 inclusive, with severe disabilities who have been unable to achieve the competency  
110 determination necessary to pass the statewide assessment test pursuant to section 1D of chapter  
111 69.

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

118 (c) The grant program shall allow participation of any relevant state or other agency  
119 serving students with severe intellectual disabilities, autism spectrum disorders and other  
120 developmental disabilities, including, but not limited to, the department of developmental  
121 services, the Massachusetts rehabilitation commission or other vocational rehabilitation agency

122 or organization to support student academic success, participation in student life of the college  
123 community and competitive employment.

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

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

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

162 SECTION 13. Section 2 of Chapter 71B of the General Laws, as so appearing, is hereby  
163 amended by inserting after the word “department”, in line 53, the following words:-

164 ; and (12) For older students ages 18-21, inclusive, options including continuing  
165 education, enrollment in credit and noncredit courses that include students without disabilities in

166 an institution of higher education, development of independent living skills, development of  
167 skills necessary for seeking, obtaining, and maintaining jobs, development of skills to access  
168 community services, and development of skills for self-management of medical needs.

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