SENATE DOCKET, NO. 298 FILED ON: 1/13/2017

SENATE . . . . . No. 288

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 supporting the transition to adult services for persons with disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Barbara A. L'Italien	*Second Essex and Middlesex*	
Jack Lewis	*7th Middlesex*	*1/26/2017*
Jason M. Lewis	*Fifth Middlesex*	*1/31/2017*
Denise Provost	*27th Middlesex*	*1/31/2017*
James B. Eldridge	*Middlesex and Worcester*	*2/1/2017*
Paul R. Heroux	*2nd Bristol*	*2/1/2017*
Danielle W. Gregoire	*4th Middlesex*	*2/1/2017*
Marjorie C. Decker	*25th Middlesex*	*2/1/2017*
John F. Keenan	*Norfolk and Plymouth*	*2/1/2017*
Patrick M. O'Connor	*Plymouth and Norfolk*	*2/1/2017*
Richard J. Ross	*Norfolk, Bristol and Middlesex*	*2/1/2017*
Joan B. Lovely	*Second Essex*	*2/2/2017*
Mary S. Keefe	*15th Worcester*	*2/2/2017*
Carolyn C. Dykema	*8th Middlesex*	*2/2/2017*
Michael D. Brady	*Second Plymouth and Bristol*	*2/2/2017*
James M. Murphy	*4th Norfolk*	*2/2/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/2/2017*
Juana B. Matias	*16th Essex*	*2/2/2017*

Thomas M. Stanley	*9th Middlesex*	*2/3/2017*
Alice Hanlon Peisch	*14th Norfolk*	*2/3/2017*
Michael O. Moore	*Second Worcester*	*2/6/2017*
Jennifer L. Flanagan	*Worcester and Middlesex*	*2/10/2017*

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By Ms. L'Italien, a petition (accompanied by bill, Senate, No. 288) of Barbara A. L'Italien, Jack Lewis, Jason M. Lewis, Denise Provost and other members of the General Court for legislation to support the transition to adult services for persons with disabilities. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *315* OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act supporting 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:

SECTION 1: Section 12C of chapter 71 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 1, the words “disabled person” and inserting in place thereof the following words:- person with a disability

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

SECTION 3: Section 2 of chapter 71B of the General Laws, as appearing in the 2014 Official Edition is hereby amended by adding the following paragraphs:

Transition services to be provided by the school shall be closely coordinated with habilitative services provided by the bureau of transition planning of the executive office of health and human services, pursuant to section 12C of chapter 71B. To facilitate this coordination, with the consent of the parents or a child who has reached the age of majority, the child's school committee, with no less than 21 calendar days' notice, shall invite to the child's Individualized Education Program (IEP) meeting a representative of the bureau of transition planning or any participating adult service agency identified by the bureau that is known by the school to be responsible for services pursuant to 20 U.S.C. 1414(d)(1)(D) or section 12C of chapter 71B. In the event that there is no participating adult service agency known to be responsible for services, the special education director or administrator employed by the school committee, or his or her designee, shall contact the bureau of transition planning before sending this invitation. The bureau shall respond, to the extent practicable, by designating and identifying an adult services agency, or shall attend the IEP meeting on behalf of the executive office of health and human services. Such representative shall attend at least one such IEP meeting for purposes of facilitating transition planning, no later than two years before either the date the student is anticipated to graduate from high school, or turn age twenty-two, whichever date is earlier. By agreement of all participants, an Individualized Transition Plan (ITP) meeting to discuss services to be provided by any designated adult services agency may be held concurrently with Individualized Education Program (IEP) meeting. The identification of services in an Individualized Transition Plan (ITP), or the provision of other services provided by the bureau of transition planning or an agency acting on its behalf, shall not be deemed to alter any existing obligation of the local educational agency under state or federal law. If a participating agency, other than the local educational agency, fails to provide the transition

services described in the IEP, the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP. When a child is graduating or attaining the age of 22, whichever occurs first, the school shall provide to the student and to the participating agency a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

SECTION 4: Section 12A of said chapter 71B, as so appearing, is hereby amended by 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 5: Said section 12A of said chapter 71B, as so appearing, is hereby further amended by striking out the sixth paragraph.

SECTION 6: 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 7: 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 8: 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 9: 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 10: Section 12B of said chapter 71B, as so appearing, is hereby amended by striking out, in line 26, the words “disabled persons” and inserting in place thereof the following words:- “persons with disabilities”

SECTION 11: 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 12: 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 13: 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 14: 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 15: 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 16: 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 17: 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 18: Subject to appropriation, notwithstanding other provisions of the General Laws, the department of developmental services shall develop and administer a discretionary

demonstration program to provide, as part of a pilot project, services which are parallel in scope to programs of community intellectual disability services pursuant to Sections 12 and 13 of the Chapter 19B of the General Laws. This program shall be limited to persons turning 22 (i.e., ages 20 to 24) with developmental disabilities, including but not limited to persons on the autism spectrum, who currently do not meet the definition of Person with an intellectual disability as defined in M.G.L. c. 123B 1, and regulations promulgated thereunder. The pilot project shall be administered consistent with appropriations and shall be limited to individuals who meet the developmental disabilities definition under the Developmental Disabilities Assistance and Bill of Rights Amendments Act of 2000, 42 U.S.C.. 15002(8)). The goals of the grant program shall be to meet the transitional needs of youth with developmental disabilities by expanding services and supports to those persons without adult service agency ties in the chapter 688 transition process, other than the Massachusetts rehabilitation commission, and to assist the Department in providing cost estimates to the Legislature pursuant to Section 6.

SECTION 19 : The secretary of executive office of health and human services shall file a report to the joint committee on children, families and persons with disabilities, by January 1, 2018 and on an annual basis thereafter, 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 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 20: The executive office of health and human services shall file a report to the joint committee on children, families and persons with disabilities, by January 1, 2018 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, e.g., those who require employment supports only, those who require social supports only, those who require community living/safety supports, those who require nursing or medical supports and/or those who require some combination.

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