

SENATE No. 698

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/25/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/25/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>1/25/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/27/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/27/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/27/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/27/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>1/30/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/30/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/30/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>1/30/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/30/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/31/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/1/2017</i>

<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/1/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/1/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/1/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>2/2/2017</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/2/2017</i>
<i>Juana B. Matias</i>	<i>16th Essex</i>	<i>2/2/2017</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	<i>2/2/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/3/2017</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	<i>2/3/2017</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/3/2017</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>6/22/2017</i>

SENATE No. 698

By Ms. L'Italien, a petition (accompanied by bill, Senate, No. 698) of Barbara A. L'Italien, Jack Lewis, Michael J. Barrett, Diana DiZoglio and other members of the General Court for legislation to create higher education opportunities for students with intellectual disabilities, autism and other developmental disabilities. Higher Education.

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 line 20 , 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.