

HOUSE No. 1218

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 who have exited special education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	<i>1/15/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/17/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/22/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/22/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/22/2019</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/23/2019</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/1/2019</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>2/1/2019</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/25/2019</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/25/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/30/2019</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/29/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/24/2019</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/23/2019</i>

<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>2/1/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2019</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>1/23/2019</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>	<i>2/1/2019</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/31/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/23/2019</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/29/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/1/2019</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>2/1/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/23/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/1/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>2/1/2019</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>2/1/2019</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/29/2019</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/1/2019</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>1/29/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>1/23/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/28/2019</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/30/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/28/2019</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>1/31/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>1/24/2019</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/31/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/30/2019</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/30/2019</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>2/1/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/30/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/23/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/29/2019</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/30/2019</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/1/2019</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>1/25/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/24/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/28/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/1/2019</i>

<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/24/2019</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>1/30/2019</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/31/2019</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/30/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/29/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>1/28/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/31/2019</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/29/2019</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/24/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/30/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/28/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/29/2019</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/29/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>1/31/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>1/31/2019</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/29/2019</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>1/31/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/28/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/31/2019</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/1/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/29/2019</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/31/2019</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>1/29/2019</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>1/31/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>2/1/2019</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/30/2019</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/23/2019</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/31/2019</i>

HOUSE No. 1218

By Representatives Haddad of Somerset and Garballey of Arlington, a petition (accompanied by bill, House, No. 1218) of Patricia A. Haddad, Sean Garballey and others relative to creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities who have exited special education. Higher Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities who have exited special education.

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. The secretary of health and human services shall convene a task force no later
2 than January 1, 2020 in order to develop and pilot mechanisms to support institutions of higher
3 education offering opportunities to include individuals with severe intellectual disabilities, severe
4 autism spectrum disorders or other severe developmental disabilities over the age of 21. The
5 task force shall consist of the following members or their designees: the commissioner of higher
6 education; the commissioner of the department of developmental services; the commissioner of
7 the Massachusetts rehabilitation commission; the president of Bridgewater State University; the
8 president of Westfield State University; the president of Holyoke Community College; the
9 president of Massachusetts Bay Community College; the president of Salem State University;
10 the Chancellor of UMass Amherst; the director of the UMass Boston institute for community
11 inclusion; the executive director of the Massachusetts Down Syndrome Congress; the executive

12 director of the Massachusetts Advocates for Children; and any other members chosen by the
13 secretary.

14 Section 2. Section 30 of chapter 15A of the General Laws, as appearing in the 2016
15 Official Edition, is hereby amended by inserting after section 30 the following section: -

16 Section 30(A) (a) In order to provide individuals with severe intellectual disabilities,
17 severe autism spectrum disorders, or other severe developmental disabilities over age 21 with
18 opportunities to be included with nondisabled students in all aspects of higher education for the
19 purpose of gaining academic, career and technical, and independent living skills to prepare them
20 for adult life, including but not limited to employment and civic engagement, these individuals
21 shall not be required to take any standardized college entrance aptitude test; have a high school
22 diploma or its equivalent; meet minimum academic course requirements; meet minimum grade
23 point average requirements; or obtain a passing score on the statewide assessment tests utilized
24 as a basis for competency determinations, under section 1D of chapter 69 of the General Laws, in
25 order to participate in undergraduate academic courses that include students without disabilities,
26 participate in internships or work-based training in settings with nondisabled students, and
27 participate in extracurricular activities and all other aspects of campus life, in accordance with
28 the provisions of this section.

29 (b) Public institutions of higher education, in consultation with the department of higher
30 education and consistent with the purposes of this section, may create guidelines to select
31 students participating in higher education pursuant to this section, including but not limited to
32 guidelines to determine campus capacity and to coordinate selection of students with relevant
33 local, state or other public agencies serving students with severe intellectual disabilities, severe

34 autism spectrum disorders, and other severe developmental disabilities, provided that these
35 individuals may not be denied opportunities to participate in higher education solely due to their
36 intellectual disability, autism spectrum disorders or developmental disability. Public institutions
37 of higher education, in consultation with the department of higher education and consistent with
38 the purposes of this section, may also establish course selection guidelines to help ensure that
39 these individuals receive guidance in selecting courses that are appropriate to their individual
40 strengths, needs, preferences and interests. These individuals shall be allowed to choose either to
41 take a credit-bearing, undergraduate academic course for credit if they have met the course
42 prerequisites and requirements, or to audit a credit-bearing, undergraduate academic course,
43 consistent with campus policies governing selection of students for audit participation, if they
44 have not met the course prerequisites and requirements. Nothing in this section shall require a
45 public institution of higher education to provide course enrollment or audit preference for
46 students with severe intellectual disabilities, severe autism spectrum disorders, or other severe
47 developmental disabilities, relative to other persons seeking to enroll or audit a course. Nothing
48 in this section shall require a public institution of higher education to include students with
49 severe intellectual disabilities, severe autism spectrum disorders, or other severe developmental
50 disabilities in graduate and continuing education courses.

51 (c) Individuals participating in higher education pursuant to subsection (a) of this section
52 shall be included with nondisabled students in all academic and non-academic opportunities at
53 public institutions of higher education so that they have inclusive educational opportunities to
54 acquire academic, career, technical and independent living skills that prepare them for adult life
55 including, but not limited to, employment and civic engagement. Individual supports and
56 services, shall be made available to support inclusion in academic courses, extracurricular

57 activities and other aspects of campus life; provided however that nothing in this section shall
58 supersede subsections (b) and (d) of this section.

59 (d) Public institutions of higher education shall not be required to bear the costs of
60 individual supports and services that exceed the kind of supports and services generally provided
61 by public institutions of higher education. The costs associated with supporting participation in
62 public institutions of higher education under this section shall be : (i) subject to the availability of
63 federal funding and appropriation, provided under section 74 of Chapter 6 for individuals who
64 are determined eligible for vocational rehabilitation services; provided that access to higher
65 education assists in the attainment of an identified employment goal, as determined by the
66 agency, consistent with all applicable regulations, and subject to the development of the
67 Individualized Plan for Employment; (ii) subject to appropriation, provided under chapter 19B
68 of the General Laws for individuals 22 years of age or older, who are determined eligible for
69 services; provided, that the individual supports and services are determined to be an appropriate
70 support, of the type, frequency and duration identified in an assessment conducted by the
71 department, and subject to the development of the annual individual support plan; and (iii) costs
72 of participation may be covered by any other public or private sources available to the student.

73 (e) Participating individuals under this section shall be required to follow the public
74 institution of higher education's student behavioral policies, including the student code of
75 conduct, antidiscrimination and sexual violence policies, provided that the public institution of
76 higher education shall provide such policies in accessible formats and shall provide reasonable
77 accommodations for these individuals in any process instituted thereunder.

78 (f) Nothing in this section shall be construed to impose any liability against any public
79 institution of higher education, including trustees, officers, administrators, or employees of said
80 institution of higher education.

81 (g) Nothing in this section shall be construed as creating or imposing a specific duty of
82 care, nor shall this section create or impose a private right of action against any public institution
83 of higher education, including trustees, officers, administrators, or employees of said institution
84 of higher education.

85 Section 3. Section 2 of this act shall take effect for individuals with severe intellectual
86 disabilities, severe autism spectrum disorders or other severe developmental disabilities in higher
87 education over age 21 on January 1, 2022 or at an earlier date if certified as appropriate by the
88 secretary of education and the secretary of health and human services in a report to the general
89 court; provided that nothing in this section shall prohibit institutions of higher education from
90 offering opportunities to include said individuals over age 21 on a discretionary basis