

HOUSE No. 1336

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>2/18/2021</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/18/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>3/3/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>3/3/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>3/3/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/8/2022</i>

HOUSE No. 1336

By Representatives Haddad of Somerset and Garballey of Arlington, a petition (accompanied by bill, House, No. 1336) 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-Second General Court
(2021-2022)

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, 2022 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 2018
15 Official Edition, is hereby amended by inserting after section 30 the following section: -

16 Section 30(A) (a) In order to ensure that individuals with severe intellectual disabilities,
17 severe autism spectrum disorders, or other severe developmental disabilities over age 21 have
18 opportunities to be included with nondisabled students in all aspects of higher education for the
19 purpose of gaining academic, career, technical, and independent living skills to prepare them for
20 adult life, including but not limited to employment and civic engagement, these individuals shall
21 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

autism spectrum disorders, and other severe developmental disabilities, provided that these individuals shall not be denied opportunities to participate in higher education solely due to their intellectual disability, autism spectrum disorders or developmental disability. Public institutions of higher education, in consultation with the department of higher education and consistent with the purposes of this section, may also establish course selection guidelines to help ensure that these individuals receive guidance in selecting courses that are appropriate to their individual strengths, needs, preferences and interests. Participating individuals shall be permitted to: i) take a credit-bearing, undergraduate academic course for credit if they have met the course prerequisites and requirements: or ii) audit a credit-bearing, undergraduate academic course, consistent with campus policies governing selection of students for audit participation, if they have not met the course prerequisites and requirements.

Nothing in this section shall require a public institution of higher education to provide course enrollment or audit preference for students with severe intellectual disabilities, severe autism spectrum disorders, or other severe developmental disabilities, relative to other persons seeking to enroll or audit a course. Nothing in this section shall require a public institution of higher education to include students with severe intellectual disabilities, severe autism spectrum disorders, or other severe developmental disabilities in graduate and continuing education courses.

(c) Individuals participating in higher education pursuant to subsection (a) shall have access to and be included with nondisabled students in all academic and non-academic opportunities at public institutions of higher education in order to have inclusive educational opportunities to acquire academic, career, technical and independent living skills that prepare them for adult life including, but not limited to, employment and civic engagement. Individual

57 supports and services shall be made available to support inclusion in academic courses,
58 extracurricular activities and other aspects of campus life; provided however that nothing in this
59 section shall supersede subsections (b) and (d) of this section.

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

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

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

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

Section 3. Section 2 of this act shall take effect for individuals with severe intellectual disabilities, severe autism spectrum disorders or other severe developmental disabilities in higher education over age 21 on January 1, 2023 or at an earlier date if certified as appropriate by the secretary of education and the secretary of health and human services in a report to the general court; provided that nothing in this section shall prohibit institutions of higher education from offering opportunities to include said individuals over age 21 on a discretionary basis