

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine Lawrence Gentile

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 documentation requirement standards to demonstrate a disability for a public institution of higher education in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/10/2025</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/13/2025</i>

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[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act creating documentation requirement standards to demonstrate a disability for a public institution of higher education in the commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 15A of the General Laws is hereby amended by adding the following section:-

2 Section 48. (a) For the purposes of this section the following words shall, unless the
3 context clearly requires otherwise, have the following meanings:

4 “Individualized education plan, a written statement, developed and approved in
5 accordance with federal special education law in a form established by the department of
6 elementary and secondary education that identifies a student's special education needs and
7 describes the services a school district shall provide to meet those needs.

8 “Public institution”, a public institution of higher education listed in section 5.

9 “Section 504 plan”, a plan pursuant to Section 504 of the federal Rehabilitation Act of
10 1973, as set forth in 34 CFR section 104.

11 (b) Any of the following documentation submitted by an enrolled, admitted or
12 transferring student to a public institution shall be sufficient to establish that the student has a
13 disability:

14 (i) documentation that the student received special education services pursuant to an
15 individualized education plan prior to attending the public institution;

16 (ii) documentation describing services or accommodations provided to the student
17 pursuant to a section 504 plan. The public institution may request additional documentation from
18 a student who has received services or accommodations under a section 504 plan if the section
19 504 plan was not in effect immediately prior to the date when the student exited high school;

20 (iii) documentation of a plan or record of service for the student from a private school, a
21 local education agency, a state educational agency or an institution of higher education in
22 accordance with the federal Americans with Disabilities Act;

23 (iv) documentation of a record or evaluation from a relevant licensed professional finding
24 that the student has a disability;

25 (v) documentation of a disability from another institution of higher education either
26 within or outside the commonwealth; or

27 (vi) documentation of a disability due to military service.

28 (c) The board of higher education shall promulgate rules or regulations necessary to carry
29 out this section, including the process by which the public institutions shall determine eligibility
30 for accommodations for a student with a disability.

31 (d) Each public institution shall disclose the process by which it determines eligibility for
32 accommodations for a student with a disability and it shall be posted on the institution's website
33 for public viewing.