

HOUSE No. 1064

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro and Barbara 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 spectrum disorders, and other developmental disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>

<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>

<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Viriato M. DeMacedo</i>	<i>Plymouth and Barnstable</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>

HOUSE No. 1064

By Representative Sannicandro of Ashland and Senator L'Italien, a joint petition (accompanied by bill, House, No. 1064) of Tom Sannicandro and others relative to creating higher education opportunities for students with intellectual disabilities, autism spectrum disorders, and other developmental disabilities. Higher Education.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act creating higher education opportunities for students with intellectual disabilities, autism spectrum disorders, 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. Section 1 of Chapter 15A of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by inserting after the word “opportunities,” in line 10, the
3 following:- , including individuals with severe intellectual disabilities, autism spectrum
4 disorders, and other developmental disabilities.

5 SECTION 2. Said section 1 of said Chapter 15A, as so appearing, is hereby amended by
6 striking out after the word “beyond,” in line 19, the following:- and

7 SECTION 3. Said section 1 of chapter 15A of the General Laws, as appearing in the 2012
8 Official Edition, is hereby amended by striking out, in line 19, the word “and.”

9 SECTION 4. Said section 1 of said chapter 15A, as so appearing, is hereby further
10 amended by striking out, in line 23, the word “levels” and inserting in place thereof the following
11 words:- levels; and

12 (d) to provide inclusive opportunities for individuals with severe intellectual disabilities,
13 autism spectrum disorders, and other developmental disabilities in order to improve academic
14 achievement, employment, and independent living, and to enhance the learning environment for
15 all students.

16 SECTION 5. The fourth paragraph of Section 7 of said Chapter 15A, as so appearing, is
17 hereby amended by inserting after the word “students,” in line 33, the following:- , and students
18 with severe intellectual disabilities, autism spectrum disorders, and other developmental
19 disabilities.

20 SECTION 6. The second paragraph of Section 7A of said Chapter 15A, as so appearing,
21 is hereby amended by striking out the word “and,” in lines 24 and 82; and by inserting after the
22 word “sources,” in lines 25 and 83, the following:- ; and (10) improving access for students with
23 severe intellectual disabilities, autism spectrum disorders, and other developmental disabilities.

24 SECTION 7. Section 19 of said Chapter 15A, as so appearing, is hereby amended by
25 inserting after the third paragraph, the following paragraph:- Such guidelines shall provide
26 tuition and fee waivers for students with severe intellectual disabilities, autism spectrum
27 disorders, and other developmental disabilities participating in courses and campus activities
28 pursuant to section 39A. The commonwealth, not the institutions of public higher education,
29 shall bear the cost of such tuition and fee waivers.

30 SECTION 8. Said Chapter 15A, as so appearing, is hereby amended by inserting after
31 section 30 the following section:-

32 Section 30A. Public institutions of higher education shall offer inclusive opportunities to
33 support individuals with severe intellectual disabilities, autism spectrum disorders, and other
34 developmental disabilities who are seeking to gain academic, career and technical, and
35 independent living skills in order to prepare for gainful employment. Individuals with severe
36 intellectual disabilities, autism spectrum disorders, and other developmental disabilities shall not
37 be required to: take any standardized college entrance aptitude test; have a high school diploma
38 or its equivalent; meet minimum academic course requirements; meet minimum grade point
39 average requirements; or obtain a passing score on the statewide assessment tests utilized as a
40 basis for competency determinations, pursuant to section 1D of chapter 69 of the General Laws,
41 in order to gain admission and enrollment in credit-bearing and noncredit-bearing courses that
42 include students without disabilities, including enrollment in credit-bearing courses in audit
43 status for students who may not meet course prerequisites and requirements, and participation in
44 internships or work-based training in settings with nondisabled students. Students with severe
45 intellectual disabilities, autism spectrum disorders, and other developmental disabilities shall be
46 socially and academically integrated with nondisabled students to the maximum extent possible,
47 with provision of individual supports and services to support inclusion in academic courses,
48 extracurricular activities and other aspects of the institution of higher education's regular
49 postsecondary program.

50 SECTION 9. Said Chapter 15A, as so appearing, is hereby amended by inserting after
51 section 39 the following section:-

52 Section 39A. Students with severe intellectual disabilities, autism spectrum disorders, and
53 other developmental disabilities enrolled in public secondary schools shall be allowed to enroll
54 in credit-bearing and noncredit courses in public higher education institutions in the
55 commonwealth that include nondisabled students, including enrollment in credit-bearing courses
56 in audit status for students who may not meet course prerequisites or requirements, with
57 necessary supports, services, and accommodations provided by the student’s school committee,
58 to facilitate the student’s enrollment and to support inclusion in academic courses,
59 extracurricular activities, internships, work experiences, and other aspects of the institution of
60 higher education’s regular postsecondary program and provide a free and appropriate public
61 education. Such students shall not be required to: take any standardized college entrance aptitude
62 test; have a high school diploma or its equivalent; meet minimum academic course requirements;
63 meet minimum grade point average requirements; or obtain a passing score on the statewide
64 assessment tests , utilized as a basis for competency determinations pursuant to section 1D of
65 Chapter 69 of the General Laws.

66 Section 10. Said Chapter 15A, as so appearing, is hereby amended by inserting after
67 section 27 the following section: 27A:-

68 Section 27A. The board of higher education, in consultation with the executive office of
69 education, the department of elementary and secondary education, and the executive office of
70 health and human services shall take steps necessary to include students with intellectual
71 disabilities, autism spectrum disorders, and other developmental disabilities in the residence life
72 of all public institutions of higher education, with accommodations, supports, and services
73 necessary to enable inclusive dormitory living.

74 SECTION 11 Chapter 71B of the General Laws is hereby amended by inserting after
75 Section 16 the following section: -

76 Section 17: Inclusive Concurrent Enrollment

77 (a) Subject to appropriation, the Executive Office of Education shall develop and
78 administer a discretionary grant program to provide monies to school committees and state
79 public institutions of higher education partnering together to offer inclusive concurrent
80 enrollment program options for school-aged children with disabilities ages 18 to 22, inclusive;
81 provided:

82 (1) that the grant program shall be limited to said students who are considered to have
83 severe intellectual disabilities, autism spectrum disorders, or other developmental disabilities;
84 and

85 (2) in the case of students aged 18-19, the grant program shall be further limited to
86 students with severe disabilities who have been unable to achieve the competency determination
87 necessary to pass the statewide assessment test pursuant to section 1Dof chapter 69 of the
88 general laws. .

89 (b) The goal of the grant program shall be for school committees to partner with
90 institutions of higher education to provide a free appropriate public education in the least
91 restrictive environment that meets the transition needs of students with severe intellectual
92 disabilities, autism spectrum disorders, or other developmental disabilities, and to support their
93 academic success, participation in student life of the college community, and competitive
94 employment. This shall be achieved by fully including said students in higher education
95 institutions by requiring the following:

96 (1) development of partnerships between institutions of higher education and school
97 committees which also include any relevant agency serving students with severe intellectual
98 disabilities, autism spectrum disorders, and other developmental disabilities, including but not
99 limited to a vocational rehabilitation agency;

100 (2) enrollment in credit-bearing and non-credit courses that include students without
101 disabilities including enrollment in credit-bearing courses in audit status for students who may
102 not meet course prerequisites;

103 (3) participation in on-campus student life activities;

104 (4) adequate preparation for competitive employment;

105 (5) waiver of tuition for all courses by the institution of higher education;

106 (6) provision of supports and services necessary to facilitate a student's enrollment and
107 support inclusion in academic courses, extracurricular activities, internships, work experiences,
108 and other aspects of the institution of higher education's regular postsecondary program;

109 (7) training and technical assistance for teachers, faculty and personnel regarding strategy
110 and teaching methodology to achieve successful inclusion of individuals with severe intellectual
111 disabilities, autism spectrum disorders, and other developmental disabilities;

112 (8) that students with severe intellectual disabilities, autism spectrum disorders, and other
113 developmental disabilities be socially and academically integrated with nondisabled students to
114 the maximum extent possible; and institutions of higher education may choose to engage
115 students pursuing study in the areas of special education, general education, vocational
116 rehabilitation, assistive technology, psychology, or related fields;

117 (9) utilization of person-centered planning in the development of the course of study for
118 each participating student.

119 (c) The Executive Office of Education, in consultation with the Department of
120 Elementary and Secondary Education, the Department of Higher Education and the Inclusive
121 Concurrent Enrollment Advisory Board, shall develop guidelines to ensure that the grant
122 program meets this goal.

123 (d) Subject to appropriation, the Executive Office of Education shall designate an
124 Inclusive Concurrent Enrollment Coordinator to manage grant administration and coordinate
125 reporting. The Executive Office of Education shall notify all participating school committees and
126 institutions of higher education of the name and contact information for the Inclusive Concurrent
127 Enrollment Coordinator.

128 (e) The Executive Office of Education shall establish an Inclusive Concurrent Enrollment
129 Advisory Board to evaluate and to advise the Executive Office of Education on efforts to
130 implement inclusive concurrent enrollment and to participate in educational outreach efforts on
131 inclusive concurrent enrollment. The Inclusive Concurrent Enrollment Advisory Board shall
132 include representatives of school districts and colleges and universities where the inclusive
133 concurrent enrollment program has been successfully implemented, two former or current
134 students who have participated in an inclusive concurrent enrollment program, the co-chairs of
135 the joint committee on Education or designees, the co-chairs of the joint committee on Higher
136 Education or designees, the Commissioner of Higher Education or designee, the Commissioner
137 of Elementary and Secondary Education or designee, the Secretary of Education or designee, the
138 Commissioner of the Department of Development Disability Services or designee, the

139 Commissioner of the Massachusetts Rehabilitation Commission or designee, a representative of
140 Massachusetts Advocates for Children, a representative of the Federation for Students with
141 Special Needs, a representative of the Institute for Community Inclusion, and the Inclusive
142 Concurrent Enrollment Coordinator. The Inclusive Concurrent Enrollment Advisory Board shall
143 meet quarterly.

144 (f) The Inclusive Concurrent Enrollment Coordinator, in consultation with the
145 Department of Elementary and Secondary Education, the Department of Higher Education and
146 the Inclusive Concurrent Enrollment Advisory Board, shall develop strategies and procedures
147 designed to assist institutions of higher education in sustaining, expanding and replicating
148 inclusive concurrent enrollment partnerships established through the Executive Office of
149 Education's discretionary grant program. Strategies and procedures shall include but not be
150 limited to:

151 (1) provision of continued grant funding for partnerships between institutions of higher
152 education and school committees that have developed inclusive concurrent enrollment programs
153 in order to sustain the existing programs and to retain employment specialists to assist students in
154 meeting competitive employment and other transition-related goals;

155 (2) adoption of procedures and funding mechanisms to ensure that new partnerships
156 providing inclusive concurrent enrollment programs fully utilize the models and expertise
157 developed in existing partnerships to ensure that all programs are successful and sustainable;

158 (3) development of a mechanism to encourage existing and new partnerships to expand
159 capacity to respond to school committees and individual parents who are not currently

160 benefitting from those partnerships and who request an opportunity for their children to
161 participate in inclusive concurrent enrollment;

162 (4) outreach to institutions of higher education and school committees that are not
163 currently participating in inclusive concurrent enrollment, with intent to encourage such
164 institutions of higher education and school committees to offer inclusive concurrent enrollment
165 programming;

166 (5) addressing of challenges frequently faced by institutions of higher education and
167 newly created inclusive concurrent enrollment programs and a compilation of best practices to
168 address these difficulties;

169 (6) for those institutions that offer residential life for students, the integration of students
170 with severe intellectual disabilities, autism spectrum disorders, and other developmental
171 disabilities into the housing offered to nondisabled students with the accommodations, supports,
172 and services necessary to enable inclusive dormitory living.

173 (g) The executive office of education shall distribute strategies and procedures developed
174 pursuant to subsection (f) to all public colleges and universities in the Commonwealth annually.

175 (h) The executive office of education shall select grant recipients no later than July 15 of
176 each year.

177 (i) The executive office of education, in consultation with the department of elementary
178 and secondary education and the department of higher education, shall make a report available
179 online on the status of the grant program annually, no later than March 15. The report shall
180 include but not be limited to the following components:

181 (1) enrollment data that details the number of students enrolled in inclusive concurrent
182 enrollment each semester and the unduplicated count of total students served at each institution;

183 (2) a list of all full-time and part-time employment positions supported by the grant
184 program that are dedicated to supporting students with severe disabilities through the inclusive
185 concurrent enrollment program and the average salary for those positions including but not
186 limited to:

187 (i) educational coaches;

188 (ii) educational specialists;

189 (iii) job coaches and vocational specialists;

190 (iv) program specialists;

191 (v) program directors;

192 (vi) peer mentors, note-takers, and tutors;

193 (vii) contracted employees;

194 (viii) parent and school committee liaisons.

195 (3) a list of all courses taken by all students participating in the inclusive concurrent
196 enrollment program during the academic year with indication as to whether the student attempted
197 the course for credit or for audit and whether the student passed or completed the course;

198 (4) a summary of innovative strategies and practices implemented at each institution of
199 higher education that helped foster their relationship with school committees or helped students
200 succeed;

201 (5) employment data for students and graduates, obtained to the best of the ability of the
202 school committee and the institution of higher education;

203 (6) a report detailing the amount of grant funds allocated to each institution of higher
204 education in the planning and implementation phases, the amount allocated to the department of
205 elementary and secondary education and the department of higher education, and the amount
206 allocated to the executive office of education.

207 SECTION 12. The executive office of education shall promulgate guidelines pursuant to
208 section 17 of chapter 71B of the General Laws on or before January 1, 2015.

209 SECTION 13. Section 2 of Chapter 71B of the General Laws, as so appearing, is hereby
210 amended by inserting the following phrase after the tenth item of the third paragraph:-

211 ; and (12) For older students ages 18-22, options including continuing education,
212 enrollment in credit and noncredit courses that include students without disabilities in an
213 institution of higher education, development of independent living skills, development of skills
214 necessary for seeking, obtaining, and maintaining jobs, development of skills to access
215 community services, and development of skills for self-management of medical needs.