

SENATE No. 2157

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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SENATE, Monday, March 7, 2016

The committee on Higher Education to whom was referred the petitions (accompanied by bill, Senate, No. 672) of Barbara L'Italien, Angelo M. Scaccia, Michael O. Moore, Marjorie C. Decker and other members of the General Court for legislation to create higher education opportunities for students with intellectual and developmental disabilities,- reports the accompanying bill (Senate, No. 2157).

For the committee,
Michael O. Moore

SENATE No. 215

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 and 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 2014
2 Official Edition, is hereby amended by inserting after the word “opportunities” in line 11, 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 20, the following:- and

7 SECTION 3. Said section 1 of said chapter 15A, as so appearing, is hereby further
8 amended by striking out, in line 25, the word “levels” and inserting in place thereof the following
9 words:- levels; and

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

14 SECTION 4. The fourth paragraph of section 7 of said chapter 15A, as so appearing, is
15 hereby amended by inserting after the word “students” in line 35, the following:- , and students
16 with severe intellectual disabilities, autism spectrum disorders, and other developmental
17 disabilities.

18 SECTION 5. The second paragraph of section 7A of said chapter 15A, as so appearing, is
19 hereby amended by striking out the word “and,” in lines 26 and 86; and by inserting after the
20 word “sources” in lines 26 and 86, the following:- ; and (10) improving access for students with
21 severe intellectual disabilities, autism spectrum disorders, and other developmental disabilities.

22 SECTION 6. Section 19 of said chapter 15A, as so appearing, is hereby amended by
23 inserting after the third paragraph, the following paragraph:- Such guidelines shall provide
24 tuition and fee waivers for students with severe intellectual disabilities, autism spectrum
25 disorders, and other developmental disabilities participating in courses and campus activities
26 pursuant to section 30A. The commonwealth, not the institutions of public higher education,
27 shall bear the cost of such tuition and fee waivers.

28 SECTION 7. Said chapter 15A, as so appearing, is hereby amended by inserting after
29 section 30 the following section:-

30 Section 30A. (a) Public institutions of higher education shall offer inclusive opportunities
31 to support individuals with severe intellectual disabilities, autism spectrum disorders, or other
32 developmental disabilities who are seeking to gain academic, career and technical, and
33 independent living skills in order to prepare for adult life including but not limited to gainful
34 employment and civic engagement.

35 (b) Individuals with severe intellectual disabilities, autism spectrum disorders, or other
36 developmental disabilities shall not be required to: take any standardized college entrance
37 aptitude test; have a high school diploma or its equivalent; meet minimum academic course
38 requirements; meet minimum grade point average requirements; or obtain a passing score on the
39 statewide assessment tests utilized as a basis for competency determinations, pursuant to section
40 1D of chapter 69 of the General Laws, in order to enroll in credit-bearing and noncredit-bearing
41 courses that include students without disabilities, including enrollment in credit-bearing courses
42 in audit status for students who may not meet course prerequisites and requirements, and
43 participation in internships or work-based training in settings with nondisabled students.

44 (c) Students with severe intellectual disabilities, autism spectrum disorders, or other
45 developmental disabilities shall be fully included with nondisabled students in all academic and
46 non-academic aspects of life at public institutions of higher education. Provision of individual
47 supports and services, including academic supports available to students with and without
48 disabilities, shall be made available to support inclusion in academic courses, extracurricular
49 activities and other aspects of campus life

50 (d) Students eligible to participate in public institutions of higher education pursuant to
51 this section shall be eligible to receive financial assistance from scholarship programs included
52 in section 16 of chapter 15A of the General Laws, provided that determination of satisfactory
53 academic progress of said students shall be made based on whether the student is gaining the
54 academic, career, technical, social or independent living skills necessary to prepare for adult life
55 including but not limited to gainful employment and civic engagement.

56 (e) The secretary of education and the secretary of health and human services shall
57 develop inter-agency agreements, policies, and practices necessary to support the effective

58 collaboration of public institutions of higher education, school committees, the department of
59 developmental services, the Massachusetts Rehabilitation Commission, and other human service
60 agencies in order to provide supports and services necessary to successfully include students
61 with intellectual disabilities, autism spectrum disorders, or other developmental disabilities in
62 higher education, including but not limited to, maximizing federal financial participation through
63 Medicaid and maximizing federal financial aid for this population of students. The secretary of
64 education and secretary of health and human services shall issue a joint report to the house and
65 senate committees on ways and means, the joint committee on education, and the joint
66 committee on higher education regarding the development of said agreements, policies, and
67 practices no later than the end of each fiscal year.

68 (f) For students ages 18 to 21 years old, inclusive, the costs associated with supporting
69 participation in public institutions of higher education pursuant to this section shall be an
70 approved expense under section 5 of chapter 71B of the General Laws, provided that a student's
71 participation in higher education is addressed in the student's Individualized Education Program
72 required by section 3 of chapter 71B of the General Laws. For students older than 21 and for
73 students who are no longer receiving special education services pursuant to chapter 71B of the
74 General Laws, the costs associated with supporting participation in public institutions of higher
75 education pursuant to this section shall be an approved expense under section 74 of chapter 6 of
76 the General Laws and under chapter 19B of the General Laws.

77 SECTION 8. Said chapter 15A, as so appearing, is hereby amended by inserting after
78 section 39 the following section:-

79 Section 39A. Students with severe intellectual disabilities, autism spectrum disorders, and
80 other developmental disabilities enrolled in public secondary schools shall be allowed to enroll
81 in credit-bearing and noncredit courses in public higher education institutions in the
82 commonwealth that include nondisabled students, including enrollment in credit-bearing courses
83 in audit status for students who may not meet course prerequisites or requirements, with
84 necessary supports, services, and accommodations provided by the student's school committee,
85 to facilitate the student's enrollment and to support inclusion in academic courses,
86 extracurricular activities, internships, work experiences, and other aspects of the institution of
87 higher education's regular postsecondary program and provide a free and appropriate public
88 education. Such students shall not be required to: take any standardized college entrance aptitude
89 test; have a high school diploma or its equivalent; meet minimum academic course requirements;
90 meet minimum grade point average requirements; or obtain a passing score on the statewide
91 assessment tests, utilized as a basis for competency determinations pursuant to section 1D of
92 chapter 69 of the General Laws.

93 SECTION 9. Said chapter 15A, as so appearing, is hereby amended by inserting after
94 section 27 the following section: 27A:-

95 Section 27A. The board of higher education, in consultation with the executive office of
96 education, the department of elementary and secondary education, and the executive office of
97 health and human services shall take steps necessary to include students with severe intellectual
98 disabilities, autism spectrum disorders, and other developmental disabilities in the residence life
99 of all public institutions of higher education, with accommodations, supports, and services
100 necessary to enable inclusive dormitory living.

101 SECTION 10. Chapter 71B of the General Laws, as appearing in the 2014 Official
102 Edition is hereby amended by inserting after section 16 the following section: -

103 Section 17: Inclusive Concurrent Enrollment Initiative

104 (a) Subject to appropriation, the executive office of education shall develop and
105 administer a discretionary grant program to provide monies to school committees and state
106 public institutions of higher education partnering together to offer inclusive concurrent
107 enrollment initiative options for school-aged children with disabilities ages 18 to 22, inclusive;
108 provided:

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

112 (2) in the case of students aged 18-19, the grant program shall be further limited
113 to students with severe disabilities who have been unable to achieve the competency
114 determination necessary to pass the statewide assessment test pursuant to section 1D of chapter
115 69 of the general laws.

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

123 (1) development of partnerships between institutions of higher education and
124 school committees which also include any relevant state or other agency serving students with
125 severe intellectual disabilities, autism spectrum disorders, and other developmental disabilities,
126 including but not limited to the department of developmental services, the Massachusetts
127 Rehabilitation Commission, or any other vocational rehabilitation agency or organization;

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

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

132 (4) adequate preparation for competitive employment;

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

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

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

141 (8) that students with severe intellectual disabilities, autism spectrum disorders,
142 and other developmental disabilities are fully included with nondisabled students in all aspects of
143 higher education, including but limited to academic and social activities; and that institutions of

144 higher education provide opportunities to engage students studying special education, general
145 education, vocational rehabilitation, assistive technology, psychology, or related fields in
146 inclusive concurrent enrollment initiative opportunities;

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

149 (c) The executive office of education, in consultation with the department of elementary
150 and secondary education, the department of higher education, and the Inclusive Concurrent
151 Enrollment Initiative Advisory Board, shall develop guidelines to ensure that the grant program
152 meets this goal.

153 (d) Subject to appropriation, the executive office of education shall designate an Inclusive
154 Concurrent Enrollment Coordinator to manage grant administration and coordinate reporting.
155 The executive office of education shall notify all school committees and institutions of higher
156 education of the name and contact information for the Inclusive Concurrent Enrollment
157 Coordinator.

158 (e) The executive office of education shall establish an Inclusive Concurrent Enrollment
159 Advisory Board to evaluate and to advise the executive office of education on efforts to
160 implement inclusive concurrent enrollment and to participate in educational outreach efforts on
161 inclusive concurrent enrollment. The Inclusive Concurrent Enrollment Advisory Board shall
162 include representatives of school committees and colleges and universities where the inclusive
163 concurrent enrollment initiative has been successfully implemented, two former or current
164 students who have participated in an inclusive concurrent enrollment program, the co-chairs of
165 the joint committee on education or designees, the co-chairs of the joint committee on higher

166 education or designees, the commissioner of higher education or designee, the commissioner of
167 elementary and secondary education or designee, the secretary of education or designee, the
168 commissioner of the department of development disability services or designee, the
169 commissioner of the Massachusetts Rehabilitation Commission or designee, a representative of
170 Massachusetts Advocates for Children, a representative of the Federation for Students with
171 Special Needs, a representative of the Institute for Community Inclusion, and the Inclusive
172 Concurrent Enrollment Coordinator. The Inclusive Concurrent Enrollment Advisory Board shall
173 meet at least quarterly.

174 (f) The Inclusive Concurrent Enrollment Coordinator, in consultation with the department
175 of elementary and secondary education, the department of higher and the Inclusive Concurrent
176 Enrollment Advisory Board, shall develop strategies and procedures designed to assist
177 institutions of higher education in sustaining, expanding, and replicating inclusive concurrent
178 enrollment partnerships established through the executive office of education's discretionary
179 grant program. Strategies and procedures shall include but not be limited to:

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

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

188 (3) development of a mechanism to encourage existing and new partnerships to
189 expand capacity to respond to school committees and individual parents who are not currently
190 benefitting from those partnerships and who request an opportunity for their children to
191 participate in inclusive concurrent enrollment initiatives;

192 (4) outreach to institutions of higher education and school committees that are not
193 currently participating in inclusive concurrent enrollment, with the intent to encourage such
194 institutions of higher education and school committees to offer inclusive concurrent enrollment
195 opportunities;

196 (5) addressing challenges frequently faced by institutions of higher education and
197 newly created inclusive concurrent enrollment initiatives and a compilation of best practices to
198 address these difficulties;

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

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

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

207 (i) The executive office of education, in consultation with the department of elementary
208 and secondary education, and the department of higher education, shall make a report available

209 online on the status of the grant program annually, no later than March 15. The report shall
210 include but not be limited to the following components:

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

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

218 (i) educational coaches;

219 (ii) educational specialists;

220 (iii) job coaches and vocational specialists;

221 (iv) program specialists;

222 (v) program directors;

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

224 (vii) contracted employees;

225 (viii) parent and school committee liaisons.

226 (3) a list of all courses taken by all students participating in the inclusive
227 concurrent enrollment initiative during the academic year with indication as to whether the

228 student enrolled in the course for credit or in audit status and whether the student passed or
229 completed the course;

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

233 (5) employment data for students and graduates, obtained to the best of the ability
234 of the school committee, the institution of higher education, and the executive office of
235 education;

236 (6) a report detailing the amount of grant funds allocated to each institution of
237 higher education in the planning and implementation phases, the amount allocated to the
238 department of elementary and secondary education and the department of higher education, and
239 the amount allocated to the executive office of education.

240 SECTION 11. The executive office of education shall promulgate guidelines pursuant to
241 section 17 of chapter 71B of the General Laws on or before January 1, 2017.

242 SECTION 12. Section 2 of chapter 71B of the General Laws, as so appearing, is hereby
243 amended by inserting the following phrase after the tenth item of the third paragraph:-

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