

SENATE No. 24

The Commonwealth of Massachusetts

PRESENTED BY:

Gale D. Candaras

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 passage of the accompanying bill:

An Act to support the transition to adult services for persons with disabilities .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>

SENATE No. 24

By Ms. Candaras, a petition (accompanied by bill, Senate, No. 24) of Gale D. Candaras, Sal N. DiDomenico, William N. Brownsberger and Patricia D. Jehlen for legislation to support the transition to adult services for persons with disabilities . Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 32 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to support the transition to adult services for persons with 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: The definition of “Disabled person” in Section 12A of chapter 71B as
2 appearing in the 2008 Official Edition, lines 3 through 9, is hereby amended by striking this
3 paragraph and inserting in place thereof the following paragraph:

4 “Person with a disability”, a person with a physical or mental impairment that results in a
5 substantial impediment to employment, or any individual listed on the registry of the
6 Massachusetts Commission for the Blind.

7 Said Section 12A of chapter 71B as appearing in the 2008 Official Edition is further
8 amended by inserting the following definition:

9 "Substantial impediment to employment" refers to a physical or mental impairment
10 which, in light of attendant medical, psychological, vocational, educational and other related
11 factors impedes an individual's occupational performance by preventing his/her obtaining,
12 retaining, or preparing for employment consistent with his/her capacities and abilities.

13 Said Section 12A of chapter 71B as appearing in the 2008 Official Edition is further
14 amended by striking the definition of “substantial gainful activity.”

15 Said Section 12A is further amended by striking “disabled person” on line 14 within the
16 definition of “Habilitative services” and inserting in place thereof the words – person with a
17 disability

18 Said Section 12A is further amended by striking “disabled person” on line 32 within the
19 definition of “transition plan” and inserting in place thereof the words – person with a disability

20 Section 12B of chapter 71B as appearing in the 2008 Official Edition is amended by
21 striking “disabled persons” on line 26 and inserting in place thereof the words – persons with
22 disabilities

23 Section 12C of chapter 71B as appearing in the 2008 Official Edition is amended by
24 striking “disabled person” on line 1 and inserting in place thereof the words – person with
25 disability

26 Said Section 12C is amended by striking “disabled person” on line 16 and inserting in
27 place thereof the words –

28 person with disability

29 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 29
30 and inserting in place thereof the words –

31 person with disability

32 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 41
33 and inserting in place thereof the words –

34 person with disability

35 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 52
36 and inserting in place thereof the words –

37 person with disability

38 Said Section 12C of chapter 71B as is amended by striking “disabled person” on line
39 60-61 and inserting in place thereof the words – person with disability

40 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 69
41 and inserting in place thereof the words –

42 person with disability

43 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 87
44 and inserting in place thereof the words –

45 person with a disability

46 SECTION 2:

47 The definition of “Habilitative services” in Section 12A of chapter 71B as appearing in
48 the 2008 Official Edition is hereby amended inserting a second sentence as follows:

49 Habilitative services shall also include, when necessary, instruction in independent living
50 skills and functional life skills, independent or supportive housing, preparation for postsecondary
51 education, preparation for individualized and integrated competitive or supported employment,
52 and training in self-advocacy.

53 SECTION 3:

54 Section 12C of chapter 71B, second paragraph, as appearing in the 2008 Official Edition
55 is hereby amended by adding a third sentence which follows:

56 When such application is required, the bureau, or such other agency as may be providing
57 a transition plan on its behalf, shall also provide training, assistance or referrals to students,
58 parents and school regarding work incentive programs administered by the Social Security
59 Administration for persons receiving disability benefits.

60 SECTION 4:

61 Section 2 of chapter 71B as appearing in the 2008 Official Edition is hereby amended by
62 adding the following paragraphs:

63 Said transition services to be provided by the school shall be closely coordinated with
64 habilitative services provided by the bureau of transition planning of the executive office of
65 health and human services, pursuant to section 12C of chapter 71B. To facilitate this
66 coordination, with the consent of the parents or a child who has reached the age of majority, the
67 child’s school committee, with no less than 21 calendar days’ notice, shall invite to the child’s
68 Individualized Education Plan (IEP) meeting a representative of the bureau of transition planning
69 or any participating adult service agency identified by the bureau that is known by the school to
70 be responsible for services pursuant to 20 U.S.C. §1414(d)(1)(D) or section 12C of chapter 71B.
71 In the event that there is no participating adult service agency known to be responsible for
72 services, the special education director or administrator employed by the school committee, or
73 his or her designee, shall contact the bureau of transition planning before sending this invitation.
74 The bureau shall respond, to the extent practicable, by designating and identifying an adult
75 services agency, or shall attend the IEP meeting on behalf of the executive office of health and
76 human services. Such representative shall attend at least one such IEP meeting for purposes of

77 facilitating transition planning, no later than two years before either the date the student is
78 anticipated to graduate from high school, or turn age twenty-two, whichever date is earlier. By
79 agreement of all participants, an Individualized Transition Plan (ITP) meeting to discuss services
80 to be provided by any designated adult services agency may be held concurrently with
81 Individualized Education Plan (IEP) meeting. The identification of services in an
82 Individualized Transition Plan (ITP), or the provision of other services provided by the bureau of
83 transition planning or an agency acting on its behalf, shall not be deemed to alter any existing
84 obligation of the local educational agency under state or federal law. If a participating agency,
85 other than the local educational agency, fails to provide the transition services described in the
86 IEP, the local educational agency shall reconvene the IEP Team to identify alternative strategies
87 to meet the transition objectives for the child set out in the IEP. When a child is graduating or
88 attaining the age of 22, whichever occurs first, the school shall provide to the student and to the
89 participating agency a summary of the child's academic achievement and functional
90 performance, which shall include recommendations on how to assist the child in meeting the
91 child's postsecondary goals.

92 SECTION 5:

93 Subject to appropriation, notwithstanding other provisions of the General Laws, the
94 Department of Developmental Services shall develop and administer a discretionary
95 demonstration program to provide, as part of a pilot project, services which are parallel in scope
96 to programs of "community intellectual disability services" pursuant to Sections 12 and 13 of
97 the Chapter 19B of the General Laws. This program shall be limited to persons turning 22 (i.e.,
98 ages 20 to 24) with developmental disabilities, including but not limited to persons on the autism
99 spectrum, who currently do not meet the definition of "Person with an intellectual disability" as
100 defined in M.G.L. c. 123B §1, and regulations promulgated thereunder. The pilot project shall be
101 administered consistent with appropriations and shall be limited to individuals who meet the
102 developmental disabilities definition under the Developmental Disabilities Assistance and Bill of
103 Rights Amendments Act of 2000, 42 U.S.C.. 15002(8)). The goals of the grant program shall be
104 to meet the transitional needs of youth with developmental disabilities by expanding services and
105 supports to those persons "without adult service agency ties" in the chapter 688 transition
106 process, other than the Massachusetts Rehabilitation Commission, and to assist the Department
107 in providing cost estimates to the Legislature pursuant to Section 6.

108 SECTION 6 : The secretary of executive office of health and human services shall file a
109 report to the Joint Committee on Children, Families and Persons with Disabilities, by January 1,
110 2014 and on an annual basis thereafter, describing information about the total number of
111 individuals referred to the bureau of transition planning of the executive office of health and
112 human services for habilitative services from the bureau or any agency acting on its behalf, and
113 the total number of individuals for whom such services not made available. For such persons for
114 whom services were not made available, and who were determined to be persons with
115 disabilities, said report shall include the proportion of individuals in need of extended case

116 management services related to transition planning, the proportion of types of habilitative
117 services needed by these individuals, and the approximate cost of such type of services which
118 were not provided.

119 SECTION 7 The executive office of health and human services shall file a report to the
120 Joint Committee on Children, Families and Persons with Disabilities, by January 1, 2014 on
121 proposed federal Medicaid revenue strategies to address adult service needs of transitioning
122 students with disabilities who are not eligible for programs at state disability agencies. The
123 report shall evaluate the use of the home and community based services (HCBS) state plan
124 option, Community Choice state option, Medicaid rehabilitation services option, HCBS waivers
125 and demonstration waivers. The report shall consider including ranges and methods of funding
126 needed for individuals with varying support needs, e.g., those who require employment supports
127 only, those who require social supports only, those who require community living/safety
128 supports, those who require nursing or medical supports and/or those who require some
129 combination.

130 SECTION 8: Within 90 days after the passage of this act, the secretary of health and
131 human services shall amend its rules and regulations governing transition planning services in
132 accordance with this Act.