

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

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 and developmental disabilities.

PETITION OF:

NAME:

Barbara L'Italien

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No.

[Pin Slip]

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 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
11 following words:- levels; and

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

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

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

23 SECTION 7. Section 19 of said Chapter 15A, as so appearing, is hereby amended by
24 inserting after the third paragraph, the following paragraph:- Such guidelines shall provide
25 tuition and fee waivers for students with severe intellectual disabilities, autism spectrum
26 disorders, and other developmental disabilities participating in courses and campus activities
27 pursuant to section 30A. The commonwealth, not the institutions of public higher education,
28 shall bear the cost of such tuition and fee waivers.

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

31 Section 30A. (a) Public institutions of higher education shall offer inclusive opportunities
32 to support individuals with severe intellectual disabilities, autism spectrum disorders, and other
33 developmental disabilities who are seeking to continue academic, career and technical, and

34 independent living instruction in order to prepare for gainful employment. Individuals with
35 severe intellectual disabilities, autism spectrum disorders, and other developmental disabilities
36 shall not be required to: take any standardized college entrance aptitude test; have a high school
37 diploma or its equivalent; meet minimum academic course requirements; meet minimum grade
38 point average requirements; or obtain a passing score on the Massachusetts Comprehensive
39 Assessment, Partnership for Readiness for College and Careers Assessment, or any other
40 assessment utilized as a basis for competency determinations pursuant to section 1D of Chapter
41 69 of the General Laws in order to gain admission and enrollment in credit-bearing and
42 noncredit-bearing courses that include students without disabilities, including enrollment in
43 credit-bearing courses in audit status for students who may not meet course pre-requisites and
44 requirements, and participate in internships or work-based training in settings with non-disabled
45 students. Students with severe intellectual disabilities, autism spectrum disorders, and other
46 developmental disabilities shall be socially and academically integrated with non-disabled
47 students to the maximum extent possible, with provision of individual supports and services to
48 support inclusion in academic courses, extracurricular activities and other aspects of the
49 institution of higher education's regular 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 non-disabled students, including enrollment in credit-bearing
56 courses in audit status for students who may not meet course pre-requisites 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.

62 SECTION 10. The third paragraph of Section 2 of Chapter 71B of the General Laws, as
63 appearing in the 2012 Official Edition, is hereby amended by striking out clauses (1) through
64 (12), inclusive, in lines 32-50, inclusive, and inserting in place thereof the following:- (1)
65 additional direct or indirect instruction consultation service, materials, equipment or aid provided
66 children or their regular classroom teachers which directly benefits children requiring special
67 education; (2) supplementary individual or small group instruction or treatment in conjunction
68 with a regular classroom program; (3) integrated programs in which children are assigned to
69 special resource classrooms but attend regular classes to the extent that they are able to function
70 therein; (4) full-time special class teaching in a public school building; (5) teaching at home; (6)
71 full-time teaching in a special day school or other day facility; (7) teaching at a hospital; (8)
72 teaching at a short or long-term residential school; (9) occupational or pre-occupational training
73 in conjunction with the regular occupational training program in a public school; (10)
74 occupational and pre-occupational training in conjunction with full-time special class teaching in
75 a public school building, at home, in a special day school or other day facility, hospital or short
76 or long-term residential school; (11) for older students ages 18-22, options including continuing
77 education, enrollment in credit and noncredit courses that include students without disabilities in
78 an institution for higher education, development of independent living skills, development of
79 skills necessary for seeking, obtaining, and maintaining jobs, development of skills to access

80 community services, and development of skills for self-management of medical needs; and (12)
81 any combination or modification of these programs or other programs, services or experimental
82 provisions which obtain the prior approval of the department.

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

85 Section 17: Inclusive Concurrent Enrollment

86 (a) Subject to appropriation, the executive office of education shall develop and
87 administer a discretionary grant program to provide monies to school committees and state
88 public institutions of higher education partnering together to offer inclusive concurrent
89 enrollment program options for school aged children with disabilities ages 18 to 22, inclusive;
90 provided:

91 (1) that the grant program shall be limited to said students who are considered to have
92 severe disabilities; and

93 (2) in the case of students aged 18-19, shall be further limited to students with severe
94 disabilities who have been unable to achieve the competency determination necessary to pass the
95 Massachusetts Comprehensive Assessment System exam.

96 (b) The goal of the grant program shall be for school committees to partner with
97 institutions of higher education to provide a free appropriate public education in the least
98 restrictive environment that meets the transition needs of students with severe disabilities, and to
99 support academic success, participation in student life of the college community, competitive

100 employment. This shall be achieved by fully including students in higher education institutions
101 by requiring the following:

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

106 (2) enrollment in credit-bearing and non-credit courses that include students without
107 disabilities including enrollment in credit-bearing courses in audit status for students who may
108 not meet course pre-requisites;

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

110 (4) adequate preparation for competitive employment;

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

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

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

118 (8) that students with severe intellectual disabilities, autism spectrum disorders, and other
119 developmental disabilities be socially and academically integrated with non-disabled students to
120 the maximum extent possible; and institutions of higher education may choose to engage

121 students pursuing study in the areas of special education, general education, vocational
122 rehabilitation, assistive technology, psychology, or related fields; in the administration of the
123 program;

124 (9) utilization of person-centered planning in the development of the course of study for
125 each participating student

126 (c) The executive office of education, in consultation with the department of elementary
127 and secondary education, the department of higher education and the inclusive concurrent
128 enrollment advisory board, shall develop guidelines to ensure that the grant program meets this
129 goal.

130 (d) Subject to appropriation, the executive office of education shall designate an inclusive
131 concurrent enrollment coordinator to manage grant administration and coordinate reporting. The
132 executive office of education shall notify all participating school committees and institutions of
133 higher education of the name and contact information for the inclusive concurrent enrollment
134 coordinator.

135 (e) The executive office of education shall establish an inclusive concurrent enrollment
136 advisory board to evaluate and to advise the executive office of education on efforts to
137 implement inclusive concurrent enrollment and to participate in educational outreach efforts on
138 inclusive concurrent enrollment. The inclusive concurrent enrollment advisory board shall
139 include representatives of school districts and colleges and universities where the inclusive
140 concurrent enrollment program has been successfully implemented, 2 former or current students
141 that have participated in an inclusive concurrent enrollment program, the co-chairs of the joint
142 committee on education or designees, the co-chairs of the joint committee on higher education or

143 designees, the commissioner of higher education or designee, the commissioner of elementary
144 and secondary education or designee, the secretary of education or designee, the commissioner
145 of the department of development disability services or designee, the commissioner of the
146 Massachusetts Rehabilitation Commission or designee, a representative of Massachusetts
147 Advocates for Children, a representative of the Federation for Students with Special Needs, a
148 representative of the Institute for Community Inclusion, and the inclusive concurrent enrollment
149 coordinator. The inclusive concurrent enrollment advisory board shall meet quarterly.

150 (f) The inclusive concurrent enrollment coordinator, in consultation with the department
151 of elementary and secondary education, the department of higher education and the inclusive
152 concurrent enrollment advisory board, shall develop strategies and procedures designed to assist
153 institutions of higher education in sustaining, expanding and replicating inclusive concurrent
154 enrollment partnerships established through the executive office of education's discretionary
155 grant program. Strategies and procedures shall include but not be limited to:

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

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

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

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

167 (4) outreach to institutions of higher education and school committees that are not
168 currently participating in inclusive concurrent enrollment with intent to encourage such
169 institutions of higher education and school committees to offer inclusive concurrent enrollment
170 programming;

171 (5) addressing of challenges frequently faced by institutions of higher education and
172 newly created inclusive concurrent enrollment programs and a compilation of best practices to
173 address these difficulties

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

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

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

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

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

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

192 (i) educational coaches;

193 (ii) educational specialists;

194 (iii) job coaches and vocational specialists;

195 (iv) program specialists;

196 (v) program director;

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

198 (vii) contracted employees;

199 (viii) parent and school committee liaisons.

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

203 (4) a summary of unique and creative ideas implemented at each institution of higher
204 education that helped foster their relationships with school committees or helped students
205 succeed

206 (5) employment data for students and graduates, obtained to the best of the ability of the
207 school committee and the institution of higher education.

208 (6) a report detailing the amount of grant funds allocated to each institution of higher
209 education in the planning and implementation phases, the amount allocated to the department of
210 elementary and secondary education and the department of higher education, and the amount
211 allocated to the executive office of education.

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

214 SECTION 13. Section 2 of Chapter 71B of the General Laws, as so appearing, is hereby
215 amended by inserting after the word “department”, in line 50, the following words:-

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