

Bill Summary 1-12-17

An Act Creating Higher Education Opportunities for Students with Intellectual Disabilities, Autism, and other Developmental Disabilities HD456 (Rep. Haddad, Rep Garballey) – SD931 (Sen. L'Italien).

Section 1:

Amends chapter 15A, inserting a new § 30A which states that:

(a) Students with severe ID, ASD, and other DD are not required to pass MCAS, have a high school diploma or GED, meet minimum requirements for academic courses or GPA, or take college entrance exams in order to participate in higher education.

(b) This section addresses concerns raised about this bill:

--Explicitly gives colleges the authority to create guidelines for admission of students with ID, ASD, and DD, making it clear that participation may not be appropriate for some students.

--explicitly gives colleges authority to establish course selection guidelines, and clarifying that students are not given course enrollment preference over other students

--students can audit courses; students can only take courses for credit if they meet course prerequisites and requirement

(c) Students shall be included with nondisabled students in academic and non-academic campus life, with necessary supports and services. (This section helps ensure that students with severe disabilities are not isolated in separate programs on the campus.)

(d) Explicitly states that colleges shall not be required to bear the additional costs of supporting students with intellectual disabilities who attend the college through this initiative.

This section also identifies potential sources of funding:

- i. Participation on a college campus is an approved K-12 special education expense if higher education is required by a student's IEP
- ii. Participation on a college campus is also an approved expense for clients of DDS or MRC.
- iii. Families can privately pay expenses (i.e. using ABLE accounts or any other private funds)
- iv. Any other public funds available

Note: This legislation does not create an entitlement to services necessary to support student participation. Rather, this bill removes MCAS/diploma barriers and identifies potential public and private funding sources. If funding is not available, students would be unable to participate (similar to participation of nondisabled students).

(e) Requires that students follow the code of conduct, including Title IX provisions.
--ensures that colleges make the code accessible and provides reasonable accommodations, consistent with higher education current practice for matriculating students with disabilities.

(f) Students are eligible to apply for financial assistance from scholarship programs.

Sections 2-9

These sections clarify that strengthening access for this population of students is a goal for the state's higher education system, and also incorporate improved access for this population of students as an accountability objective/performance measure objective for colleges. (Note: the bill does not include specific requirements regarding amount of progress or timetable for improvement.)

--many of these sections are technical amendments

Section 10

Requires the Board of Higher Education, in consultation with the Executive Office of Education, the Department of Elementary and Secondary Education, the Executive Office of Health and Human Services, and the ICEI advisory board, to take steps necessary to include these students in dormitories, with necessary support, services, and accommodations.

Section 11:

Requires the secretary of EOHHS to develop inter-agency agreements and policies if necessary to maximize federal financial participation through Medicaid, maximize federal financial aid, and otherwise support participation of this population.

SECTION 12:

Codifies the existing ICEI discretionary grant program in Chapter 71B.

- Does not guarantee any appropriation – that is still subject to the budget process
- Enables school committees to partner with colleges and universities to provide opportunities for students.
- Clarifies that the grant program is open to students ages 18-21, who continue to receive special education services.
- Limits participation of students 18 & 19 to students who cannot pass the MCAS.
- Incorporates language that has been in the budget for several years and reflects best practices.

- Creates an Inclusive Concurrent Enrollment Initiative Advisory Board, and an ICEI coordinator (subject to appropriation).

Section 13:

Codifies an existing special education regulation for students ages 18-22, and clarifies that options for older students can include participation in higher education.

(Note: See 603 CMR 28.06(4), stating that program options for students 18-22 include: continuing education, development of employment and independent living skills, and accessing community services and developing skills for self-management of medical needs.)

Section 14:

DESE and DHE shall develop guidelines for the newly codified ICEI grant program, in consultation with the state university council of presidents or designee, the university of Massachusetts office of the president or designee and executive director of Massachusetts community colleges or designee, and the ICEI advisory board.