SENATE DOCKET, NO. 1835 FILED ON: 1/21/2011

SENATE . . . . . No. 32

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gale D. Candaras	☐ *[District]* ☐
Jennifer E. Benson	*37th Middlesex*
James J. Dwyer	*30th Middlesex*
James B. Eldridge	☐ *[District]* ☐
Angelo J. Puppolo, Jr.	*12th Hampden*
Ellen Story	*3rd Hampshire*
James E. Timilty	☐ *[District]* ☐
Denise Provost	*27th Middlesex*
Benjamin Swan	*11th Hampden*

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SENATE . . . . . No. 32

By Ms. Candaras, petition (accompanied by bill, Senate, No. 32) of Timilty, Swan, Story and other members of the General Court for legislation to support the transition to adult services for persons with disabilities [Joint Committee on Children, Families and Persons with Disabilities].

The Commonwealth of Massachusetts

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:

SECTION 1:

The definition of "Disabled person" in section 12A of chapter 71B as appearing in the 2008 official edition, lines 3 through 9, is hereby amended by striking this paragraph and inserting in place thereof the following paragraph:

"Person with a disability", a person with a physical or mental impairment that results in a substantial impediment to employment, or any individual listed on the registry of the Massachusetts commission for the blind.

Said section 12A of chapter 71B as appearing in the 2008 official edition is further amended by inserting the following definition:

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

Said section 12A of chapter 71B as appearing in the 2008 Official Edition is further amended by striking the definition of "substantial gainful activity."

Said section 12A is further amended by striking "disabled person" on line 14 within the definition of "Habilitative services" and inserting in place thereof the words – person with a disability

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

21 Section 12B of chapter 71B as appearing in the 2008 official edition is amended by
22 striking "disabled persons" on line 26 and inserting in place thereof the words – persons with
23 disabilities

24 Section 12C of chapter 71B as appearing in the 2008 official edition is amended by
25 striking "disabled person" on line 1 and inserting in place thereof the words –person with
26 disability

27 Said section 12C is amended by striking "disabled person" on line 16 and inserting in
28 place thereof the words – person with disability

29 Said section 12C of chapter 71B is amended by striking "disabled person" on line 29 and
30 inserting in place thereof the words –person with disability

31 Said section 12C of chapter 71B is amended by striking "disabled person" on line 41 and
32 inserting in place thereof the words – person with disability

33 Said section 12C of chapter 71B is amended by striking "disabled person" on line 52 and
34 inserting in place thereof the words – person with disability

35 Said section 12C of chapter 71B as is amended by striking "disabled person" on line 60-
36 61 and inserting in place thereof the words – person with disability

37 Said section 12C of chapter 71B is amended by striking "disabled person" on line 69 and
38 inserting in place thereof the words – person with disability

39 Said section 12C of chapter 71B is amended by striking "disabled person" on line 87 and
40 inserting in place thereof the words – person with a disability

41 SECTION 2:

42 The definition of "Habilitative services" in Section 12A of chapter 71B as appearing in
43 the 2008 Official Edition is hereby amended inserting a second sentence as follows:

44 Habilitative services shall also include, when necessary, instruction in independent living
45 skills and functional life skills, independent or supportive housing, preparation for postsecondary
46 education, preparation for individualized and integrated competitive employment, and training in
47 self-advocacy.

48 SECTION 3:

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

51 When such application is required, the bureau, or such other agency as may be providing
52 a transition plan on its behalf, shall also provide training, assistance or referrals to students,

53 parents and school regarding work incentive programs administered by the Social Security
54 Administration for persons receiving disability benefits.

55 SECTION 4:

56 Section 2 of chapter 71B as appearing in the 2008 Official Edition is hereby amended by
57 adding a seventh paragraph to read as follows:

58 Said transition services to be provided by the school shall be closely coordinated with
59 habilitative services provided by the bureau of transition planning of the executive office of
60 health and human services, pursuant to section 12C of chapter 71B. To facilitate this
61 coordination, with the consent of the parents or a child who has reached the age of majority, the
62 child's school committee, with no less than 30 days' notice, shall invite to the child's
63 Individualized Education Plan (IEP) meeting a representative of the bureau of transition planning
64 or any participating adult service agency identified by the bureau that is likely to be responsible
65 for services pursuant to 20 U.S.C. §1414(d)(1)(D) or section 12C of chapter 71B. Such
66 representative shall attend at least one such IEP meeting for purposes of facilitating transition
67 planning, no later than two years before either the date the student is anticipated to graduate from
68 high school, or turn age twenty-two, whichever date is earlier. By agreement of all participants,
69 an Individualized Transition Plan (ITP) meeting to discuss services to be provided by any
70 designated adult services agency may be held concurrently with Individualized Education Plan
71 (IEP) meeting. The identification of services in an Individualized Transition Plan (ITP), or the
72 provision of other services provided by the bureau of transition planning or an agency acting on
73 its behalf, shall not be deemed to alter any existing obligation of the local educational agency
74 under state or federal law. If a participating agency, other than the local educational agency,
75 fails to provide the transition services described in the IEP, the local educational agency shall
76 reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the
77 child set out in the IEP. When a child is graduating or attaining the age of 22, whichever occurs
78 first, the school shall provide to the student and to the participating agency a summary of the
79 child's academic achievement and functional performance, which shall include recommendations
80 on how to assist the child in meeting the child's postsecondary goals.

81 SECTION 5: The secretary of executive office of health and human services
82 shall file a report to the Joint Committee on Children, Families and Persons with Disabilities, by
83 January 1, 2012 and on an annual basis thereafter, describing information about each individual
84 referred to the bureau of transition planning of the executive office of health and human services
85 for habilitative services from the bureau or any agency acting on its behalf, for whom such
86 services were, in whole or in part, not made available. Said report shall include the date of the
87 notice by the education authority to the bureau of transition planning, whether such individual
88 was determined to be a person with a disability, whether a case file was prepared, whether a
89 transition plan was created and approved, whether such individual is in need of extended case
90 management services related to transition planning, the types of habilitative services needed by

91 the individual, a description of those services which were and were not made available and the
92 reasons therefore, and if applicable, and the cost of such services which were not provided.

93 SECTION 6: Within 90 days after the passage of this act, the secretary of health
94 and human services shall amend its rules and regulations governing transition planning services
95 in accordance with this Act.