

HOUSE No. 270

The Commonwealth of Massachusetts

PRESENTED BY:

Alan Silvia

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 relative to autism education reform.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|-----------------------|------------------|
| <i>Alan Silvia</i> | <i>7th Bristol</i> | <i>2/16/2021</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> | <i>4/12/2021</i> |
| <i>Christopher Hendricks</i> | <i>11th Bristol</i> | <i>4/13/2021</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>4/13/2021</i> |
| <i>Paul J. Donato</i> | <i>35th Middlesex</i> | <i>4/14/2021</i> |

HOUSE No. 270

By Mr. Silvia of Fall River, a petition (accompanied by bill, House, No. 270) of Alan Silvia and Steven S. Howitt relative to autism education reform and to facilitate appropriate interactions with persons on the autism spectrum. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to autism education reform.

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. Chapter 6 of the General Laws is hereby amended by inserting after section
2 116I the following section:-

3 Section 116I½. (a) For the purposes of this section, the following words shall, unless the
4 context clearly requires otherwise, have the following meanings:-

5 “Autism spectrum”, any of the pervasive developmental disorders as defined by the most
6 recent edition of the Diagnostic and Statistical Manual of Mental Disorders, including autistic
7 disorder, Asperger's disorder and pervasive developmental disorders not otherwise specified.

8 “Correction officer”, any officer employed by a correctional facility who is tasked with
9 the custody, care, or transport of incarcerated or detained persons.

10 “Correctional facility”, as defined in section 1 of chapter 125.

11 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
12 agency, including, but not limited to: a city, town or district police department, the office of
13 environmental law enforcement, the University of Massachusetts police department, the
14 department of the state police, the Massachusetts Port Authority police department, also known
15 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
16 Authority police department; (ii) a sheriff’s department in its performance of police duties and
17 functions; or (iii) a public or private college, university or other educational institution or
18 hospital police department.

19 “Law enforcement officer” or “officer”, any officer of a law enforcement agency,
20 including the head of the law enforcement agency; a special state police officer appointed
21 pursuant to section 58 or section 63 of chapter 22C; a special sheriff appointed pursuant to
22 section 4 of chapter 37 performing police duties and functions; a deputy sheriff appointed
23 pursuant to section 3 of said chapter 37 performing police duties and functions; a constable
24 executing an arrest for any reason; or any other special, reserve or intermittent police officer.

25 (b) The municipal police training committee shall establish an in-service training
26 curriculum on or before January 1, 2022 for the training of law enforcement officers and
27 correction officers in appropriate interactions with persons on the autism spectrum; provided,
28 that this training shall not increase the currently required hours of in-service training. The
29 municipal police training committee shall develop guidelines for law enforcement response to
30 persons on the autism spectrum who are victims or witnesses to crime, or suspected or convicted
31 of a crime or who are in the custody of a law enforcement agency or officer. The course of
32 instruction and the guidelines shall emphasize: (1) positive responses to persons on the autism
33 spectrum; (2) de-escalating potentially dangerous situations; (3) understanding of the different

34 manner by which persons on the autism spectrum process sensory stimuli and language; and (4)
35 appropriate methods of interrogation. The training shall address the best practices for interactions
36 with the broad range of persons on the autism spectrum, including those with intersecting
37 marginalized identities.

38

39 SECTION 2. Section 38G½ of chapter 71 of the General Laws, as appearing in the 2018
40 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
41 thereof the following paragraph:-

42 The board shall provide an endorsement in autism which shall include no less than 2
43 years of coursework and field experience for licensed special education teachers to acquire the
44 competencies necessary to conduct assessments, develop appropriate individualized education
45 programs, supervise paraprofessionals and teacher assistants in classrooms with students with
46 autism, provide specially designed instruction and related services and consult and collaborate
47 with other educators, including general education teachers, in order to meet the unique and
48 complex educational needs of students with autism in the least restrictive environment. The
49 board shall provide an endorsement in autism for paraprofessionals and teacher assistants, which
50 shall include no less than 2 years of coursework and field experience to acquire the competencies
51 necessary in order to meet the unique and complicated educational needs of students with autism
52 in the least restrictive environment; provided, however, that to be eligible for an endorsement in
53 autism, the paraprofessional or teacher assistant shall hold an associate's degree or bachelor's
54 degree in arts or sciences from an accredited community college, college or university with a
55 major course in the arts or sciences appropriate to the instruction of students with autism.

56 Competencies shall also include, but not be limited to, the impact of autism on verbal and
57 nonverbal communication, social interaction, sensory experiences, behaviors, literacy and
58 academic achievement. All content taught as part of this specialization shall be consistent with
59 the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., for
60 evidence based practices. The requirements for the endorsement in autism, as promulgated by the
61 board, may also be used to satisfy course requirements necessary to obtain a professional license.
62 The board shall promulgate regulations specifying the subject matter knowledge, skills and
63 competencies required for such endorsement, including requirements to incorporate renewal of
64 the endorsement as part of the individual professional development plan required pursuant to
65 section 38G. Said regulations shall also specify components necessary for preparation programs
66 offering an endorsement in autism, which shall be included in the department's process for
67 approving preparation programs.

68 SECTION 3. Section 3 of chapter 71B of the General Laws, as so appearing, is hereby
69 amended by inserting after the word “development”, in line 145, the following sentence:-
70 Whenever an evaluation indicates that a child has a disability on the autism spectrum, the child’s
71 Individualized Education Program shall be periodically reviewed by an independent review
72 panel comprised of 3 educators appointed by the administrator of special education with an
73 endorsement in autism pursuant to section 38G½ of chapter 71.

74 SECTION 4. Said section 3 of said chapter 71B, as so appearing, is hereby amended by
75 adding the following 2 paragraphs:-

76 Whenever an evaluation indicates that a child has a disability on the autism spectrum,
77 which includes autistic disorder, Asperger’s disorder, pervasive developmental disorder not

78 otherwise specified, childhood disintegrative disorder, or Rhett’s Syndrome, as defined in the
79 most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric
80 Association, the child shall be placed in a special education program specific to children on the
81 autism spectrum; provided, however, that the special education program is the least restrictive
82 environment for that child. All teachers, paraprofessionals and teacher assistants assigned to
83 classrooms where children who have a disability on the autism spectrum are taught shall have an
84 endorsement in autism pursuant to section 38G½ of chapter 71.

85 Notwithstanding any general or special law to the contrary, video cameras shall be
86 installed in all classrooms and quiet rooms where children who have a disability on the autism
87 spectrum are taught. The school administrator shall maintain all recordings generated by the
88 video camera as education records pursuant to 20 USC §1232G(a)(4)(A).

89 SECTION 5. Section 2 of chapter 90 of the General Laws, as so appearing, is hereby
90 amended by adding the following paragraph:-

91 The registrar shall furnish without charge, upon application, to owners of private
92 passenger motor vehicles and motorcycles who have been diagnosed with a health condition or
93 disability, such as autism spectrum disorder, as defined in section 116I½ of chapter 6, that may
94 impede effective communication with a law enforcement officer and upon presentation of
95 evidence deemed satisfactory by the registrar, distinctive registration plates bearing a blue puzzle
96 piece or the words, “COMMUNICATION IMPEDIMENT”.

97 SECTION 6. Section 8 of said chapter 90, as so appearing, is hereby amended by adding
98 the following paragraph:-

99 Each applicant for a license or renewal thereof shall be asked in writing whether they
100 wish to voluntarily indicate on their license that the applicant has a health condition or disability,
101 such as autism spectrum disorder as defined in section 116I½ of chapter 6, that may impede
102 effective communication with a law enforcement officer. Any request for a communication
103 impediment indicator shall be accompanied by a form prescribed by the registrar and completed
104 by a licensed physician.

105 SECTION 7. Section 8B of said chapter 90, as so appearing, is hereby amended by
106 adding the following paragraph:-

107 Each applicant or family member shall be asked in writing whether they wish to
108 voluntarily indicate on their learner's permit that the applicant has a health condition or
109 disability, such as autism spectrum disorder as defined in section 116I½ of chapter 6, that may
110 impede effective communication with a law enforcement officer. Any request for a
111 communication impediment indicator shall be accompanied by a form prescribed by the registrar
112 and completed by a licensed physician.

113 SECTION 8. Section 8E of said chapter 90, as so appearing, is hereby amended by
114 adding the following paragraph:-

115 Each applicant or family member for an identification card or renewal thereof shall be
116 asked in writing whether they wish to voluntarily indicate on their identification card that the
117 applicant has a health condition or disability, such as autism spectrum disorder as defined in
118 section 116I½ of chapter 6, that may impede effective communication with a law enforcement
119 officer. Any request for a communication impediment indicator shall be accompanied by a form
120 prescribed by the registrar and completed by a licensed physician.