

HOUSE No. 00985

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Matthew Beaton</i>	<i>11th Worcester</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>David M. Torrissi</i>	<i>14th Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>

HOUSE No. 00985

By Mr. Tom Sannicandro of Ashland, petition (accompanied by bill, House, No. 00985) of Karen Spilka and others for legislation to provide adult transitional support services for persons with disabilities. Joint Committee on Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

Bridges to Success: 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:

2 The definition of “Disabled person” in Section 12A of chapter 71B as appearing in the 2008

3 Official Edition, lines 3 through 9, is hereby amended by striking this paragraph and inserting in

4 place thereof the following paragraph:

5 “Person with a disability”, a person with a physical or mental impairment that results in a

6 substantial impediment to employment, or any individual listed on the registry of the

7 Massachusetts Commission for the Blind.

8 Said Section 12A of chapter 71B as appearing in the 2008 Official Edition is further amended

9 by inserting the following definition:

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

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

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

18 person with a disability

19 Said Section 12A is further amended by striking "disabled person" on line 32 within the
20 definition of "transition plan" and inserting in place thereof the words –

21 person with a disability

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

24 persons with disabilities

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

27 person with disability

28 Said Section 12C is amended by striking "disabled person" on line 16 and inserting in place
29 thereof the words –

30 person with disability

31 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 29 and

32 inserting in place thereof the words –

33 person with disability

34 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 41 and

35 inserting in place thereof the words –

36 person with disability

37 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 52 and

38 inserting in place thereof the words –

39 person with disability

40 Said Section 12C of chapter 71B as is amended by striking “disabled person” on line 60-61 and

41 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 69 and

44 inserting in place thereof the words –

45 person with disability

46 Said Section 12C of chapter 71B is amended by striking “disabled person” on line 87 and

47 inserting in place thereof the words –

48 person with a disability

49

50 SECTION 2:

51 The definition of “Habilitative services” in Section 12A of chapter 71B as appearing in the 2008

52 Official Edition is hereby amended inserting a second sentence as follows:

53 Habilitative services shall also include, when necessary, instruction in independent living skills

54 and functional life skills, independent or supportive housing, preparation for postsecondary

55 education, preparation for individualized and integrated competitive employment, and training in

56 self-advocacy.

57 SECTION 3:

58 Section 12C of chapter 71B, second paragraph, as appearing in the 2008 Official Edition is

59 hereby amended by adding a third sentence which follows:

60 When such application is required, the bureau, or such other agency as may be providing a

61 transition plan on its behalf, shall also provide training, assistance or referrals to students, parents

62 and school regarding work incentive programs administered by the Social Security

63 Administration for persons receiving disability benefits.

64

65 SECTION 4:

66 Section 2 of chapter 71B as appearing in the 2008 Official Edition is hereby amended by adding

67 a seventh paragraph to read as follows:

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

91

92 SECTION 5: The secretary of executive office of health and human services shall file a report to
93 the Joint Committee on Children, Families and Persons with Disabilities, by January 1, 2012 and
94 on an annual basis thereafter, describing information about each individual referred to the bureau
95 of transition planning of the executive office of health and human services for habilitative
96 services from the bureau or any agency acting on its behalf, for whom such services were, in
97 whole or in part, not made available. Said report shall include the date of the notice by the
98 education authority to the bureau of transition planning, whether such individual was determined
99 to be a person with a disability, whether a case file was prepared, whether a transition plan was
100 created and approved, whether such individual is in need of extended case management services
101 related to transition planning, the types of habilitative services needed by the individual, a
102 description of those services which were and were not made available and the reasons therefore,
103 and if applicable, and the cost of such services which were not provided.

104

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