Bill S.698, An Act creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities, sponsored by Senator Barbara L’Italien, intends to remove the barriers that are currently preventing individuals with these disabilities from accessing public higher education. Through 14 sections of changes and amendments to the portions of the General Laws of Massachusetts pertaining to education for individuals with disabilities as well as higher education, this bill aims to include students with intellectual disabilities, autism spectrum disorders, and other developmental disabilities in all the experiences higher education offers.

The Bill
S.698: An Act creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities

Elevator Speech
Hi I’m Nicole and I’m Francesca, and we are students at Brandeis University. Access to higher education remains an unfulfilled fundamental value of the Commonwealth of Massachusetts. Therefore, in order to bolster our community we must provide fair opportunities for individuals with intellectual disabilities within public institutions of higher education. In 2011, only 23% of students with such disabilities enrolled in either a 2 year or 4 year university. We are concerned because college teaches students essential independent life skills and provides them skills necessary to enter the workforce. For this reason, we must fully integrate students with intellectual disabilities in order to ensure their success as adults.

You can support these individuals by reporting favorably on S.698, scheduling a hearing as well as supporting its passage through the Joint Committee On Higher Education.

Excerpt from the Storybook
Expert Testimony: Maura Sullivan, The Arc of Massachusetts
“S. 698 is on the top of our priority list right now. What people need to understand is that this bill will be beneficial for all of Massachusetts’ constituents because it will ultimately lead to an increase
in employment rates for people with disabilities, thereby reducing the amount of individuals who rely on SSI benefits for basic needs like food, shelter, clothing. We believe that education is the source of improved outcomes for people with disabilities, which is why we are really pushing for the passage of it in this session.”

Expert Testimony: Tom Sannicandro (Former Legislator/Current Disability Education Lawyer and father of a man with Down Syndrome)

When my son with Down Syndrome was in high school, I was the chair for his school, a successful attorney, and had administrative experience in disability education law, and yet as a parent, I felt powerless to help my own son succeed. Since creating the pilot program of the ICEI in 2007, 1,200 Massachusetts students with IDs have been fully integrated in Massachusetts colleges, and based on findings in 2014 by a task force on higher education for people with IDs, DDs, and autism, this program has helped students gain independence, social skills, and access to meaningful employment. If these students have the opportunity to go to college, they can learn the skills necessary to support themselves, cutting down on SSI benefits and increasing the labor force. I support S.698 because people need to see that the lack of options for students with disabilities as they are about to transition are detrimental to the potential success these people can have if they would just be given the opportunities afforded to other students.

Op-Ed
Francesca DiLapi

Maybe it’s because I am an impatient and naïve millennial, but I actually expect all people to be treated equally under the law of the United States. Regardless, I find it baffling that it took until 2017 for the Supreme Court to determine that the free and appropriate public education in the least restrictive environment provisions of the Individuals with Disabilities Education Act should require “that schools must do more than provide a ‘merely more than de minimis’ education for students with disabilities. The decision explicitly states that schools must now provide these students with the opportunity to make ‘appropriately ambitious’ progress in line with the federal education law.” It is 2017 and lawmakers are finally required up until the age of 22, and yet until now most students have been left in high school settings with kids who are younger than them, not learning skills that would allow them to be independent in the adult world, which completely goes against the recent Supreme Court ruling. This is problematic, especially in a state such as Massachusetts, which is lauded for its liberal values but still has more than 3,700 students ages 18-22 living with these disabilities, only 23 percent of who will go to college.

Luckily there is a piece of legislation that will increase access to college level education for these students, significantly improving their chances of a successful life. Known as Bill S.698: “An Act creating higher education opportunities for students with intellectual disabilities, autism, and other developmental disabilities,” this bill removes the barriers to enrolling in public institutions of higher education to fully integrate these students within the university.

Through amendments to the Massachusetts General Laws, S.698 offers provisions that will ensure easier access to higher education. For instance, students with developmental disabilities, autism, and intellectual disabilities will no longer be required to meet state requirements, the requirements of aptitude tests, class requirements, or obtain a high school degree. Instead, universities will provide students with supports and services that will allow them to take public college classes with their peers on either a credit-bearing or audit-bearing basis.

This bill also extends public education services to these students at the college level by codifying the Inclusive Concurrent Enrolment Initiative grant, which provides funding for partnerships between public high schools and colleges to promote the successful integration of students with disabilities into public institutions of higher education.

Through bill S.698, students have the opportunity to establish new social networks, participate in activities, use public transportation, and gain employment through university connections.

Not only does this bill complement the decision in Endrew F v. Douglas County School District, but it also provides university students the chance to become more accepting of differences. According to Dr. Lisa Battaglino, Dean, College of Education and Allied Studies at Bridgewater State, a school that has already implemented an ICEI program, “the ICE student made the course better for every single person in the class...The ICE student brought a sense of community, kindness, and camaraderie to the college classroom, an element that is often missing due to the diverse
make-up and busy lives of university students.” This is testimony to the fact that students with intellectual disabilities can indeed benefit from a college education and other students can benefit from interacting with them.

Bill S.698 is currently sitting in the Joint Committee on Higher Education, waiting for a hearing. For the well-being of the constituents of the Commonwealth, as well as the fact that a bill like this is way overdue, it is imperative that citizens pressure the committee to vote the bill out favorably as soon as possible, so the thousands of constituents living with intellectual disabilities can finally have the free and (actually) appropriate public education in the least restrictive environment that they deserve. You can help by calling your local representatives and requesting to talk about inclusive higher education for students with intellectual disabilities, autism and other developmental disabilities.

**House Ways and Means Script**

As students of Brandeis University and residents of the Commonwealth of Massachusetts, we have benefited from countless opportunities, which have enabled us to become independent as well as successful constituents. The top-notch tools provided to students in the Commonwealth’s higher education institutions foster skills which promote independence, and confidence to ensure that Massachusetts’s residents remain prosperous and content members of society. Typical young adults prepare to study at an institution of higher education from a young age, focusing only on which school they should attend. However, “more than 3,700 students ages 18-22 with severe disabilities statewide” struggle to access college level education due to their unique situations. Unlike their peers, these students contemplate questions such as, “Will I be able to attend college? And if not, what will happen to me after I finish high school?”

While Massachusetts has made great strides in its attempt to increase opportunities for students with intellectual and developmental disabilities, the percentage of intellectually disabled individuals who attend college has remained low. In 2011, only 23% of eligible students with these severe disabilities enrolled in two or four year universities. Meanwhile, 81% of individuals with such disabilities spent numerous hours in unpaid work environments, and only 18% of young adults with such disabilities from the ages of 16 to 21 had a form of employment. Without accessing higher education, these students do not have the chance to attend classes, live in dorms with peers of their own age, participate in extracurricular activities, learn how to gain meaningful employment through internships, or develop the skills necessary to live independent lives.

Bill S.698 removes the barriers to enrolling in public institutions of higher education with the purpose of fully integrating these disabled students into both academic and nonacademic settings within the university. Through 14 sections of amendments to the Massachusetts General Laws, this bill offers provisions that will ensure easier access to higher education. For instance, students with developmental disabilities, autism, and intellectual disabilities will no longer be required to meet state requirements, the requirements of aptitude tests, class requirements, or obtain a high school degree. Instead, universities will provide students with supports and services that will allow them to take public college classes with their peers on either a credit-bearing or audit-bearing basis. This bill also extends public education services to these students at the college level. Additionally, bill S. 698 codifies the ICEI grant, which provides funding for partnerships between public high schools and colleges to promote the successful integration of students with disabilities into public institutions of higher education.

Some may argue that bill S. 698 might prove problematic in its reliance on state funding. However, while allocations for supports provided to these students will require state funds, the appropriation will come from money already given to the Inclusive Concurrent Enrollment Initiative through the Executive Office of Education. The ICEI currently receives 1 million dollars in funding, but experts estimate that a budget of 2 million dollars would best accommodate the supports and services guaranteed by bill S. 698. Ultimately, the money invested in these students’ education will cut down on SSI benefits they will receive, due to the fact that they will have gainful employment. In offering students with developmental disabilities, autism, and intellectual disabilities a well-rounded education, students will in turn become contributing members of society.

Another concern some may have is that the full integration of students with severe disabilities may interfere with the progress of other students and professors within the university setting. Students with disabilities differ from their peers, and their differences may initially confuse members of the university. However, the 15 public institutions of higher education in Massachusetts that already participate in the Inclusive Concurrent Enrollment initiative, have only provided positive feedback in response to implementing such a program. According to Dr. Lisa Battaglino, Dean, College of Education and Allied Studies at Bridgewater State, one of the participating schools, “What I found was that the ICE student made the course better for every single person in the class... The ICE student brought a sense of community, kindness, and camaraderie to the college classroom, an element that is often missing due to the diverse make-up and busy lives of university students.”
Due to the positive impacts of bill S.698, along with the promise of equal opportunities for all citizens of the commonwealth to pursue higher education, we support this bill and urge the House Ways and Means Committee to vote on it favorably.

**Letter to the Legislator**

As a father of five children and a member of the Board of Directors of the Boys & Girls Club, we know we can count on you to support equal access to higher education within the Commonwealth of Massachusetts. Currently, individuals with intellectual, autism spectrum disorders, and developmental disabilities struggle to obtain a higher education in their transition from students to young adults. This particular group of disabled individuals remains grossly underrepresented and marginalized as members of society. In 2011, only 23% of students with intellectual and/or developmental disabilities enrolled in a two-year or four-year university, and only 18% of young adults from the ages 16 to 21 obtained employment.

S.698 recognizes the influential role universities play in fostering independence, offering extracurricular activities, as well as providing unique internship opportunities for students. Therefore, this bill provides fair opportunities and seeks to improve outcomes for individuals with intellectual disabilities by removing barriers to attending public institutions of higher education, as well as promoting full integration of disabled individuals in both academic and nonacademic settings.

Under the bill, students have the option to take courses for credit or audit with any individualized supports and services necessary for success in and out of the classroom. Although universities may feel pressured to allocate additional funds for accommodating intellectually disabled students, S.698 guarantees that public universities will not need to grow their previously established budget. Furthermore, S.698 reinforces any expenses established in students’ Individualized Education Program, while also recognizing the role of supplemental aids in covering the costs of supports. Thus, as advocates for disability rights we implore you to discuss the bill with your colleagues and assist S.698’s passage through the Joint Committee on Higher Education.

**Excerpts from Campaign Journals**

**Francesca**

Meeting with Maximo P, MAICEI Student and Intern at Massachusetts Advocates for Children and Julia Landau, Senior Program Director at Massachusetts Advocates for Children

By this point in our campaign for bill S.D 698, Nicole and I had become slightly frustrated by the lack of positive responses we had received from legislators. There was no opposition to the bill, but there seemed to be apathy towards disability issues in general, possibly because legislators did not understand what it was like to meet people with disabilities. Having been beaten down slightly, Nicole and I were nervous for this meeting, because we felt like this could either be a turning point for us or it could show us what we had already seen. At first, when we talked to Julia, she seemed to confirm our fears by saying that despite disability issues being important to those directly affected or by advocates such as ourselves, people just didn't think about disability enough, which made our job harder. I admit that this brief encounter with Julia simply deflated me, but then she introduced Maximo, and I was reminded why I was passionate about this issue in the first place.

Maximo is a MAICEI student, and he told us his story of finally being in an inclusive school setting at his university. He desperately wants people to understand that he is a caring person who wants other students to be able to benefit from education, like he did. Maximo already has an internship with MAC, he is taking three courses, and he knows what he wants to do in the future, which is hard to do for any college student. By participating in inclusive higher education, Maximo has come to the realization that he wants to be a human services worker in a school or organization. Because of this program, he believes that students with disabilities can succeed in anything they put their minds to.

Hearing Maximo’s story made me realize that this is what people need to see. Legislators need to hear stories such as this, so they can understand this population better. There are over 3,700 students with intellectual disabilities in Massachusetts who could benefit from MAICEI programs, and it is time for their voices to be heard. As advocates, it must be our job to find these students and help them show the government what they are capable of when given the chance.

**Nicole**

On April 3rd I attended a 10 a.m. Arc meeting discussing the governor’s budget. This coalition meeting took place in the new Arc building and consisted of three members from the Arc as well as 9 coalition members. The meeting proved very timely as I had just finished my budget report of Turning 22. Coincidentally, my line-item was on the agenda for the
meeting. Thus, coordinators from the Arc requested that I give a brief presentation on the line-item. After stressing the points mentioned above one of the coordinators requested that I consolidate my findings in a document to be shared with the Arc. In addition to T22, we also discussed the Arc’s 10 prioritized bills which included S.698 as well as the Abuse Registry bill and Dental Therapist Expansion bills. The committee discussed both of these bills in length. The former one seeks to create a registry of caretakers who have abused disabled individuals, and the latter seeks to improve dental health treatment by providing more specialized training to staff on how to treat patients with IDs, autism, and/or DDs. Although I received a packet with the agenda as well as information on the specific line-items and bills prioritized by the Arc, I found it difficult to follow some of the discussion. Throughout the meeting I had to reassure myself of the fact that it was my first meeting and I had only become educated on my designated bill and line-item. After discussing the bills, committee members shared their experiences lobbying/advocating on behalf of the Arc. Even though I did not partake in this reflective part of the discussion, my contributions were generally helpful in introducing/describing my line-item. The meeting went well and committee members thanked me for sharing my time.

- **Update**

The bill was scheduled for a hearing July 13, 2017.

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**For more information**

View the Bill:
malegislature.gov/Bills/190/S698

The Arc of Massachusetts:
thearcofmass.org