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Legislative Document

No. 2166

H.P. 1386

House of Representatives, January 16, 2024

**An Act to Establish a Grant Program to Increase Postsecondary
Educational Opportunities for Students with Intellectual or
Developmental Disabilities or Autism Spectrum Disorder**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MILLETT of Cape Elizabeth.

Cosponsored by Representatives: BRENNAN of Portland, CRAFTS of Newcastle, DODGE of Belfast, KUHN of Falmouth, LEE of Auburn, MURPHY of Scarborough, OSHER of Orono.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act establishes the Inclusive Higher Education Grant Program to support pilot programs in institutions of higher education designed to increase postsecondary educational opportunities for students with intellectual or developmental disabilities or autism spectrum disorder; and

Whereas, the Department of Health and Human Services is currently designing a Medicaid home and community-based services waiver, known as the Lifespan Waiver, to support individuals with intellectual or developmental disabilities or autism spectrum disorder; and

Whereas, the grant program established by this Act could constructively inform the design of the Lifespan Waiver and should therefore be initiated as soon as possible before the Lifespan Waiver is expected to go into effect in 2025; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 408 is enacted to read:

CHAPTER 408

INCLUSIVE HIGHER EDUCATION GRANT PROGRAM

§10601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Developmental disability. "Developmental disability" means a disability attributable to a mental or physical impairment or combination of mental and physical impairments that:

A. Is manifested before the person reaches 22 years of age;

B. Is likely to continue indefinitely;

C. Results in substantial functional limitations in 3 or more of the following areas of major life activity:

(1) Self-care;

(2) Receptive and expressive language;

(3) Learning;

(4) Mobility;

(5) Self-direction;

1 (6) Capacity for independent living; and

2 (7) Economic self-sufficiency; and

3 D. Reflects the person's need for a combination and sequence of special,
4 interdisciplinary or generic care, treatment or other services that are of a lifelong or
5 extended duration and are individually planned and coordinated.

6 **2. Grant program.** "Grant program" means the Inclusive Higher Education Grant
7 Program established by this chapter.

8 **3. Inclusive higher education.** "Inclusive higher education" means a program of
9 higher education that offers students with intellectual disabilities or developmental
10 disabilities or autism spectrum disorder, to the greatest extent possible, the same rights,
11 privileges, experiences, benefits and outcomes that result in a higher education experience
12 similar to students without disabilities.

13 **4. Intellectual disability.** "Intellectual disability" means a condition of significantly
14 subaverage intellectual functioning resulting in or associated with concurrent impairments
15 in adaptive behavior and manifested during the developmental period.

16 **5. Pilot program.** "Pilot program" means an inclusive higher education plan developed
17 by an institution of higher education in the State.

18 **§10602. Inclusive Higher Education Grant Program established; administration;**
19 **qualifications; reports**

20 The Inclusive Higher Education Grant Program is established in the department to
21 support postsecondary educational opportunities for students with intellectual disabilities
22 or developmental disabilities or autism spectrum disorder. Under the grant program, the
23 department shall award competitive grants to institutions of higher education in the State
24 to develop and implement pilot programs that offer inclusive higher education.

25 **1. Administration.** The department shall administer the grant program. To carry out
26 the purposes of the grant program, the department shall:

27 A. Include in the administration of the grant program a representative of at least one of
28 the following offices within the department: the office supporting special education
29 and inclusive education services, the office supporting innovation in education and
30 policy implementation and the office supporting workforce development;

31 B. Develop and send to each institution of higher education in the State the following
32 materials related to the grant program:

33 (1) Materials describing the purpose and goals of the grant program;

34 (2) An application for the grant program;

35 (3) Compliance requirements and information concerning available funding; and

36 (4) Information outlining the requirements for qualifying as a comprehensive
37 transition and postsecondary program under the federal Higher Education
38 Opportunity Act, 20 United States Code, Section 1140 (2010);

39 C. Designate a person to be available to answer questions from institutions of higher
40 education concerning grant program qualifications and funding;

41 D. Develop application requirements consistent with subsection 2;

1 E. Review and approve applications and award grants to institutions of higher
2 education on a competitive basis; and

3 F. Adopt rules as necessary for the operation of the grant program. Rules adopted
4 pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375,
5 subchapter 2-A.

6 **2. Qualifications.** To qualify for a grant under the grant program, a proposed pilot
7 program must:

8 A. Offer the supports necessary to allow students with intellectual disabilities or
9 developmental disabilities or autism spectrum disorder to have the same rights,
10 privileges, experiences, benefits and outcomes as students without disabilities;

11 B. Ensure that students with intellectual disabilities or developmental disabilities or
12 autism spectrum disorder have access to a wide array of academic courses that are
13 attended by students without disabilities;

14 C. Ensure that students with intellectual disabilities or developmental disabilities or
15 autism spectrum disorder have access to and support for participation in campus life,
16 including social activities and organizations, institution facilities, technology and other
17 institution resources available to students without disabilities;

18 D. Provide students with intellectual disabilities or developmental disabilities or autism
19 spectrum disorder with the supports and experiences necessary to seek and sustain
20 competitive employment;

21 E. Develop and promote the self-determination skills of students with intellectual
22 disabilities or developmental disabilities or autism spectrum disorder;

23 F. Offer peer mentoring;

24 G. Adopt admissions standards that do not require a student with an intellectual
25 disability or developmental disability or autism spectrum disorder to participate in a
26 curriculum-based achievement college entrance examination that is administered
27 nationwide. For the purposes of this paragraph, "curriculum-based achievement college
28 entrance examination" means a college entrance examination composed of questions
29 directly related to high school curriculum. "Curriculum-based achievement college
30 entrance examination" does not include an examination primarily designed to measure
31 scholastic aptitude;

32 H. Include the development of one or more meaningful credentials for students with
33 intellectual disabilities or developmental disabilities or autism spectrum disorder to
34 earn on successful completion of the pilot program; and

35 I. Meet the requirements of a comprehensive transition and postsecondary program
36 under the federal Higher Education Opportunity Act, 20 United States Code, Section
37 1140 (2010), so that students with intellectual disabilities or developmental disabilities
38 or autism spectrum disorder may be eligible for certain federal grants and work-study
39 programs.

40 A grant application must show that the institution of higher education has engaged
41 stakeholders in the development of the applicant's pilot program.

3. Scholarships required. An institution of higher education awarded funding under the grant program shall use 25% of the funds received to provide scholarships to students with intellectual disabilities or developmental disabilities or autism spectrum disorder participating in the pilot program.

4. Reports. An institution of higher education participating in the grant program and the department shall issue the following reports.

A. Beginning January 1, 2025, and every 6 months thereafter, an institution of higher education awarded a grant under the grant program shall submit to the department a report that includes:

(1) A strategy for the sustainability of the institution of higher education's pilot program including enrollment projections;

(2) Any needs for training, technical assistance and other capacity necessary to provide for continuation of the pilot program; and

(3) Lessons learned by the institution of higher education and identification of best practices with the goal of promoting the development of a statewide model program for use by other institutions of higher education in the State.

B. On or before March 1, 2025, and annually thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters on the effectiveness and success of the grant program.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill establishes a grant program in the Department of Education to increase postsecondary educational opportunities and support employability for students with intellectual or developmental disabilities or autism spectrum disorder. Under the grant program, the department awards competitive grants to institutions of higher education to develop and implement pilot programs that offer students with intellectual or developmental disabilities or autism spectrum disorder, to the greatest extent possible, the same rights, privileges, experiences, benefits and outcomes in a postsecondary education as students without disabilities. The bill requires that, in order to receive funding under the grant program, pilot programs developed by institutions of higher education meet the requirements of a comprehensive transition and postsecondary program under the federal Higher Education Opportunity Act so that students enrolled in the pilot program may be eligible for certain federal grants and work-study programs. The bill requires institutions of higher education to use 25% of the funds received through the grant program for scholarships for students participating in the pilot program. Finally, the bill requires institutions of higher education to make periodic reports to the department concerning the progress and sustainability of its pilot program and requires the department to annually report to the Legislature the effectiveness of the grant program.