



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 46

H.P. 10

House of Representatives, January 8, 2025

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

(EMERGENCY)

Received by the Clerk of the House on January 6, 2025. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MURPHY of Scarborough.
Cosponsored by Senator RAFFERTY of York and
Representatives: DODGE of Belfast, GRAMLICH of Old Orchard Beach, KUHN of Falmouth,
SARGENT of York, Senator: PIERCE of Cumberland.

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 legislation establishes the Inclusive Higher Education Grant Program to support programs at 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 legislation 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 in section 10602.

8 **3. Inclusive higher education.** "Inclusive higher education" means a program of
9 higher education that offers students with intellectual disabilities, 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 that manifested during the person's developmental period.

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

18 **§10602. Inclusive Higher Education Grant Program established; administration;**
19 **qualifications; scholarships; 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 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 program plans.

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 Act of
38 1965, 20 United States Code, Section 1140 (2010);

39 C. Designate a person to be available to answer questions from institutions of higher
40 education in the State 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 in the State 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 program
7 plan must:

8 A. Offer the supports necessary to allow students with intellectual disabilities,
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, developmental disabilities or
12 autism spectrum disorder have access to a wide array of academic courses that students
13 without disabilities attend;

14 C. Ensure that students with intellectual disabilities, 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 and other institution
17 resources, including technological resources, available to students without disabilities;

18 D. Provide students with intellectual disabilities, 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, developmental disabilities or autism spectrum disorder;

23 F. Offer peer mentoring;

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

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

35 I. Use as a model the requirements for a comprehensive transition and postsecondary
36 program under the federal Higher Education Act of 1965, 20 United States Code,
37 Section 1140 (2010) to the extent practicable and to the extent that those requirements
38 do not conflict with any provision of this chapter.

39 A grant application must show that the institution of higher education has engaged
40 stakeholders in the development of the program plan.

41 **3. Scholarships required.** An institution of higher education awarded funding under
42 the grant program shall use 25% of the funds received to provide scholarships to students

1 with intellectual disabilities, developmental disabilities or autism spectrum disorder
2 participating in the program plan. A scholarship recipient under this subsection is not
3 required to possess a high school diploma.

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

6 A. Beginning January 1, 2026, and every 6 months thereafter, an institution of higher
7 education awarded a grant under the grant program shall submit to the department a
8 report that includes:

9 (1) A strategy for the sustainability of the institution of higher education's program
10 plan, including enrollment projections;

11 (2) Any needs for training, technical assistance and any other support necessary to
12 provide for continuation of the program plan; and

13 (3) An evaluation by the institution of higher education of the program plan and
14 identification of best practices with the goal of promoting the development of a
15 statewide model program plan for use by other institutions of higher education in
16 the State.

17 B. On or before March 1, 2026, and annually thereafter, the department shall submit a
18 report to the joint standing committee of the Legislature having jurisdiction over
19 education matters on the effectiveness and success of the grant program.

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

22 SUMMARY

23 This bill establishes a grant program in the Department of Education to increase
24 postsecondary educational opportunities and support employability for students with
25 intellectual or developmental disabilities or autism spectrum disorder.

26 Under the grant program, the department awards competitive grants to institutions of
27 higher education in the State to develop and implement program plans that offer students
28 with intellectual or developmental disabilities or autism spectrum disorder, to the greatest
29 extent possible, the same rights, privileges, experiences, benefits and outcomes in a higher
30 education experience as students without disabilities.

31 The bill requires that, in order to receive funding under the grant program, program
32 plans developed by institutions of higher education must meet the requirements of a
33 comprehensive transition and postsecondary program under the federal Higher Education
34 Act of 1965 so that students enrolled in the program plan may be eligible for certain federal
35 grants and work-study programs. The bill requires institutions of higher education to use
36 25% of the funds received through the grant program for scholarships for students
37 participating in the program plan.

38 Finally, the bill requires institutions of higher education that have been awarded grants
39 to make periodic reports to the department concerning the progress and sustainability of
40 their program plans and requires the department to annually report to the Legislature on the
41 effectiveness of the grant program.