

610 CMR 15.00: Notice of Public Hearing

NOTICE OF PUBLIC HEARING

610 CMR 15.00: Massachusetts Inclusive Postsecondary Education Initiative Program Guidelines

Notice is hereby given pursuant to [M.G.L. c. 30A § 2](#) and [c. 15A, § 9](#) that the Massachusetts Department of Higher Education will open a comment period relative to the adoption of regulation 610 CMR 15.00: Massachusetts Inclusive Postsecondary Education Initiative Program Guidelines.

The Department of Higher Education's proposed regulation 610 CMR 15.00 seeks to establish minimum guidelines, expectations, and procedures to help public higher education institutions offer inclusive education programming safely and appropriately to eligible students with severe disabilities and help strengthen partnerships with other state agencies. Specifically, the proposed regulation: (1) establishes nomenclature for the new program, by instituting "Massachusetts Inclusive Postsecondary Education Initiative" (MAIPSE) as an umbrella term for both the previously existing and newly codified "MAICEI Programs" (students aged 18 years up to the age of 22 years) and "Post-MAICEI Programs" (students aged 22 years and over), which collectively refer to a comprehensive model of services designed to support individuals with severe intellectual disabilities, severe autism spectrum disorder, and severe developmental disabilities; (2) defines minimum expectations for MAIPSE programs at public institutions of higher education (IHEs), such as by requiring each IHE to develop guidelines governing student selection criteria, institutional administrative capacity, course selection, residential housing, and student conduct; (3) provides minimum expectations for an "Individual Student-Centered Participation Plan (ISCPP)", an umbrella term to describe the written plan(s) that are developed in alignment with 610 CMR 15.05 by DDS, MassAbility, or any other relevant state agency that serves individuals with Severe Disabilities and supports participation of a student aged twenty-two (22) years or over in a Public Institution's Post-MAICEI program; and (4) addresses annual, legislatively mandated institutional reporting requirements.

The comment period will begin when the proposed regulation is published in the Massachusetts Register on January 31, 2025 and will close three weeks thereafter, on February 21, 2025.

The public hearing will be held virtually on Friday, February 7, 2025 at 12:00 noon via Zoom:

When: Feb 7, 2025 12:00 PM Eastern Time (US and Canada)

Participants must register in advance for this meeting:

<https://us02web.zoom.us/meeting/register/i4M6oyqQQI6CyuhCIly6cQ>

After registering, you will receive a confirmation email containing information about joining the meeting.

Written comments on the proposed amendments may be submitted at any time prior to 5:00pm EST on February 21, 2025, by directing the same to the following:

Email:

BHERegulationsComments@dhe.mass.edu

Postal Mail:

Massachusetts Department of Higher Education

One Ashburton Place, Room 1401

Boston, MA 02108

Attn: Christopher J. Grimaldi, Assistant General Counsel

Please submit electronic comments as an attached Word document and type "610 CMR 15.00" in the subject line. All submissions must include the sender's full name and address.

A copy of the proposed regulations, as well as the Department of Higher Education's fiscal effect and small business impact statement, are available on the Department of Higher Education's website at <https://www.mass.edu/bhe/review.asp>. Copies may also be obtained by calling Christopher J. Grimaldi at 617-994-6983.

For special accommodations for submission of public comments or information regarding submission of public comments in an alternative format, please contact Christopher J. Grimaldi.

610 CMR 15.00 SMALL BUSINESS IMPACT STATEMENT

The Board of Higher Education seeks to enact revisions to existing regulations: 610 CMR 15.00: Massachusetts Inclusive Postsecondary Education Initiative Program Guidelines.

In July of 2022, via the FY2023 General Appropriations Act, legislation was enacted in Massachusetts to expand post-secondary educational and experiential opportunities for students with severe disabilities who were unable to achieve a competency determination under section 1D of chapter 69 (*e.g.*, pass MCAS). The legislation both codified the then-existing Massachusetts Inclusive Concurrent Enrollment Initiative (MAICEI) that had been funded in prior appropriation line items to provide such opportunities to individuals between the ages of 18 and 22 (M.G.L. c. 71B, §17); and also established a foundation for expanding access to postsecondary education opportunities for individuals over the age of 22 by requiring each public institution of higher education in Massachusetts to establish policies and guidelines governing the selection and participation of 22 and over eligible individuals with severe disabilities. The legislation has several components, including amending the Department of Higher Education's (DHE) enabling legislation (M.G.L. c. 15A, Section 30A), creating a trust fund (M.G.L. c. 29, Section 2VVVVV), and codifying a grant program (M.G.L. c. 71B, section 17) to help fund, support, and administer the collective programs.

In turn, the legislature charged the DHE with promulgating regulations to implement the new law and, more specifically, the associated grant program which facilitates student access and is referenced in section 17 of chapter 71B. The DHE's proposed regulation seeks to establish minimum guidelines, expectations, and procedures to help public higher education institutions offer inclusive education programming safely and appropriately to eligible students with severe disabilities and help strengthen partnerships with other state agencies. Specifically, the proposed regulation:

- establishes nomenclature for the new program, by instituting "Massachusetts Inclusive Postsecondary Education Initiative" (MAIPSE) as an umbrella term for both the previously existing and newly codified "MAICEI Programs" (students aged 18 years up to the age of 22 years) and "Post-MAICEI Programs" (students aged 22 years and over), which collectively refer to a comprehensive model of services designed to support individuals with severe intellectual disabilities, severe autism spectrum disorder, and severe developmental disabilities;
- defines minimum expectations for MAIPSE programs at public institutions of higher education (IHEs), such as by requiring each IHE to develop guidelines governing student selection criteria, institutional administrative capacity, course selection, residential housing, and student conduct;
- provides minimum expectations for an "Individual Student-Centered Participation Plan (ISCPP)", an umbrella term to describe the written plan(s) that are developed in alignment with 610 CMR 15.05 by DDS, MassAbility, or any other relevant state agency that serves individuals with Severe Disabilities and supports participation of a student aged twenty-two (22) years or over in a Public Institution's Post-MAICEI program; and
- addresses annual, legislatively mandated institutional reporting requirements.

M.G.L. c. 30A provides that before any regulation becomes effective, agencies of the Commonwealth must file with the Secretary of the Commonwealth a statement considering the impact of said regulation on small businesses. Such statement of consideration shall include, but not be limited to, an estimate of the number of small businesses subject to the proposed regulation; projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation; the appropriateness of performance standards versus design standards; an identification of relevant regulations of the promulgating agency, or any other state agency, which may duplicate or conflict with the proposed regulation; and an analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth.

An estimate of the number of small businesses subject to the proposed regulation

This regulation will apply only to the twenty-eight (28) Massachusetts public institutions of higher education that offer undergraduate programming, and will not extend to, nor place any regulatory burden upon, any private independent institutions or other entities operating in the Commonwealth. Public higher education institutions do not fall under the definition of “small businesses” as established by the U.S. Small Business Administration in 13 CFR section 12.201.

Projected reporting, recordkeeping, and other administrative costs

The Board anticipates that the Department of Higher Education will experience incidental administrative costs related to collecting and reviewing annual institutional reports regarding MAIPSE programming, as well as administrative costs of otherwise ensuring public institutions’ compliance with the requirements of M.G.L. c. 15A, s. 30A. The Board further anticipates that the twenty-eight public higher education institutions to which the regulation applies will experience incidental administrative costs related to their compliance with the regulation’s annual reporting requirement, minimum administrative capacities and certifications. The grant program that is the subject of the regulation, however, is intended to cover the costs of these administrative capacities.

Appropriateness of performance standards versus design standards

Performance standards are appropriate for these regulations, which are proposed in part to establish minimum criteria for public higher educational institutions’ participation in the MAIPSE Program. Design standards are also appropriate for these regulations, which are proposed in part to establish procedures by which institutions can establish and maintain eligibility for MAIPSE grant funding, while maintaining a sense of predictability and consistency among all twenty-eight public campuses.

Identification of duplicate or conflicting regulations

The Board has not identified any duplicate or conflicting regulations promulgated by any state agency.

Analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth

The proposed regulation is unlikely to have an impact on the competitive environment in Massachusetts or the economy at large due to the regulation's limited scope. The regulation applies only to Massachusetts public institutions of higher education to offer inclusive undergraduate programming for students with severe disabilities and set forth minimum expectations on how such institutions can access grant funding to support program implementation. As such, the regulation does not extend to, nor does it place any regulatory burden upon, any private/independent colleges and universities located in the Commonwealth of Massachusetts.