

**BOARD OF HIGHER EDUCATION  
REQUEST FOR BOARD ACTION**

**MOTION NO.** BHE 25-24  
**BOARD DATE:** January 14, 2025

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**AUTHORIZATION FOR COMMISSIONER TO SOLICIT PUBLIC COMMENT ON 610  
CMR 15.00: MASSACHUSETTS INCLUSIVE POSTSECONDARY EDUCATION  
INITIATIVE PROGRAM GUIDELINES**

**MOVED:** The Board of Higher Education (Board) hereby authorizes the Commissioner to proceed in accordance with the Administrative Procedure Act, M.G.L. c. 30A, § 3, and solicit public comment on the proposed regulation, 610 CMR 15.00: Massachusetts Inclusive Postsecondary Education Initiative Program Guidelines.

**VOTED:** Motion adopted by the BHE on 1/14/2025.

**Authority:** M.G.L. c. 15A, § 9(u) and § 30A; M.G.L. c. 71B, § 17; and Sections 12, 22, 36, 165 and 168 of Chapter 126 of the Acts of 2022, as amended by Sections 56 and 57 of Chapter 2 of the Acts of 2023, and as further amended by Sections 23 and 26 of Chapter 206 of the Acts of 2024.

**Contact:** Constantia T. Papanikolaou, Chief Legal Counsel  
Richard Riccardi, Deputy Commissioner for Academic Affairs and Student Success

## **Massachusetts Board of Higher Education**

### **Proposed New Regulations for Massachusetts Inclusive Postsecondary Education Initiative Program Guidelines**

#### Background

In July of 2022, via FY2023 Budget language, landmark legislation was enacted in Massachusetts related to expanding opportunities for students with severe disabilities to participate in post-secondary experiences within the public higher education system.<sup>1</sup>

The legislation: 1) codified the then-existing Massachusetts Inclusive Concurrent Enrollment Initiative (MAICEI) in statute for individuals between the ages of eighteen (18) and up to twenty-two (22) years (M.G.L. c. 71B, §17); and 2) expanded access to postsecondary education opportunities by requiring each public institution of higher education in Massachusetts to establish policies and guidelines governing the selection and participation of eligible individuals with severe disabilities aged twenty-two (22) years and over (M.G.L. c. 15A, §30A) (hereinafter the “FY23 MAICEI Law”). Therein, the legislature also charged the Department of Higher Education (Department) with promulgating regulations implementing the new law and, more specifically, the associated grant program which facilitates student access and is referenced in section 17 of Chapter 71B.

Since its inception in 2007, MAICEI had served as a grant program that funds and supports high school students between the ages of 18 and 21 (i.e., up to the age of 22) with severe disabilities to concurrently participate in college-level classes, pursuant to and subject to the student’s Individualized Educational Plan (IEP). Importantly, the FY23 MAICEI Law seeks to *expand* access to post-secondary experiences to those students with severe intellectual disabilities, aged twenty-two (22) years and over, who have aged out of the K-12 sector without obtaining a sufficient competency determination under c. 69, §1D or obtaining a high school diploma. In effect, under the new law prospective students who previously fell beyond MAICEI’s purview will now have opportunities to participate in courses as non-matriculating students with their nondisabled peers, while also engaging in extracurricular activities and other aspects of campus life—with supports and services necessary to facilitate inclusion.

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<sup>1</sup> Sections 12, 22, 36, 165 and 168 of Chapter 126 of the Acts of 2022, as amended by Sections 56 and 57 of Chapter 2 of the Acts of 2023, and as further amended by Sections 23 and 26 of Chapter 206 of the Acts of 2024.

To effectively meet these objectives, the FY23 MAICEI Law provided for the establishment of a “MAICEI Task Force” in the Fall of 2022, to help inform the implementation of the new law and development of the newly expanded MAICEI program for students aged 22 and over. The MAICEI Task Force was a temporary advisory body comprised of several stakeholders, including: individuals representing public higher education institutions; the Department of Elementary and Secondary Education (DESE); state agencies that serve adults with disabilities (namely, the Department of Developmental Services (DDS) and MassAbility<sup>2</sup>); representatives from K-12 school districts; and several advocacy groups. Convened by a pre-existing MAICEI Advisory Board and co-chaired by both DHE and DDS, the MAICEI Task Force met regularly to collaboratively evaluate needs relating to student housing, transportation, socialization, costs, and potential funding streams with partner agencies.

The Task Force’s work toward helping to inform implementation of the law culminated in a written report submitted to the Massachusetts Legislature on or about August 30, 2024. As intended, the Task Force informed the Department’s drafting of regulations essential for implementing the FY23 MAICEI Law. The proposed draft regulations are attached as “Attachment A.”

These implementing regulations establish minimum policy expectations and procedures to help public higher education institutions offer inclusive education programming safely and appropriately to eligible students and help strengthen partnerships with other state agencies.

Specifically, the proposed regulations seek to:

- establish the nomenclature for the new program, by instituting “Massachusetts Inclusive Postsecondary Education Initiative” (MAIPSE) as an umbrella term for both “MAICEI Programs” (students aged 18 years up to the age of w22 years) and “Post-MAICEI Programs” (students aged 22 years and over), which will collectively refer to a comprehensive model of services designed to support individuals with severe intellectual disabilities, severe autism spectrum disorder, and severe developmental disabilities;
- define minimum expectations for MAIPSE programs at public institutions of higher education (IHEs), such as by requiring IHEs to develop internal policies governing

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<sup>2</sup> In-September 2024 the Massachusetts Rehabilitation Commission was renamed “MassAbility.”

student selection criteria, institutional administrative capacity, course selection, residential housing, and student conduct;

- Provide 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
- set forth annual institutional reporting requirements.

Department staff have engaged in informal vetting with select stakeholder partners including the Executive Office of Education, other state agencies such as DESE, DDS, and MassAbility; the Commonwealth’s public IHEs; and student disability advocates. All relevant comments received to date have been incorporated and otherwise addressed. The proposed draft regulations for public comment are as “Attachment A.”

Upon the conclusion of the public comment period on or about February 21, 2025, the Department will make any necessary changes to the regulations with the intention of presenting final regulations to the Board for approval and promulgation at the Board’s meeting on February 24, 2025. The full regulatory timeline is set forth below.

#### Staff Recommendation

Staff recommend that the Board approve 610 CMR 15.00 to be submitted to the Secretary of the Commonwealth’s Office for publication in the Massachusetts Register, which will initiate the presentment of the proposed regulations to the public for comment in accordance with the attached Timeline.

#### **Comment Period and Regulatory Compliance Timeline**

<b>DATE</b>	<b>TASK/OCCURENCE</b>
January 14, 2025	<ul style="list-style-type: none"><li>• BHE meeting (approve draft regulations to be published for public comment)</li></ul>

January 17, 2025	<ul style="list-style-type: none"> <li>• Draft regulations, small business impact/fiscal effect statements, and notice of public comment period will be brought to the Secretary of the Commonwealth's Office for publication in next edition of the <i>Massachusetts Register</i> (January 31, 2025)</li> <li>• Letters will be sent to DHCD/MMA per E.O. 145</li> </ul>
January 28, 2025	<ul style="list-style-type: none"> <li>• Last day for notice of public comment period to be sent to the Boston Globe for publication on January 31, 2025</li> </ul>
January 31, 2025	<ul style="list-style-type: none"> <li>• Publication of draft regulations and notices of public comment period in the <i>Massachusetts Register</i></li> <li>• Target date for resubmission of EO 562 packet to ANF and GOV (and also for internal approvals and external stakeholder vetting to be concluded)</li> </ul>
January 31, 2025 – February 21, 2025	<ul style="list-style-type: none"> <li>• Public comment period</li> </ul>
February 24, 2025	<ul style="list-style-type: none"> <li>• Final regulations, pending internal and ANF review, distributed to BHE for review</li> </ul>
<b>February 25, 2025</b>	<ul style="list-style-type: none"> <li>• <b>BHE meeting</b> (final regulations presented for approval)</li> </ul>
February 27, 2025	<ul style="list-style-type: none"> <li>• Last day to submit final small business impact statement to Secretary of the Commonwealth's Office.</li> </ul>
February 28, 2025	<ul style="list-style-type: none"> <li>• Last day to submit final regulations to Secretary of the Commonwealth's Office for publication in the next edition of the <i>Massachusetts Register</i> (March 14, 2025)</li> </ul>
March 14, 2025	<ul style="list-style-type: none"> <li>• Publication of the final regulations in the <i>Massachusetts Register</i></li> </ul>

	<ul style="list-style-type: none"><li>• Regulations will be final</li></ul>
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