

A Guide to the Turning 22 Law

For young persons with severe disabilities still in need of services Chapter 688 serves as a bridge from educational services into the adult human services program. The law provides for a two year transitional process for those young adults who will lose their entitlement to special education upon graduation or reaching the age of 22. It creates a single point of entry into the adult human services system by developing an Individual Transition Plan (ITP) for every person with a severe disability who is found eligible.

THE PROCESS

The Turning 22 (T-22) system is area based and designed to allow a person to remain where his or her family lives. The process for each consumer is monitored by the Bureau of Transitional Planning at the Executive Office of Health and Human Services. The local school district, through the Chapter 766 evaluation team, makes the decision whether the individual needs additional services beyond graduation or T-22.

The student and/or parents may request a T-22 referral and it must go through the local school district. The school district then forwards the case to the appropriate human services agency, 2 years prior to the termination of a student's special education.

The Transitional Agency opens a client case file, establishes eligibility and assists with a referral to the Social Security Administration or the Turning 22 Eligibility unit at MRC. The Transitional Agency is responsible for developing an ITP. Other appropriate human services agencies, school system personnel, the family and the person with the disability may participate.

The ITP is approved by the Executive Office of Health and Human Services and signed off by the Secretary. This plan spells out services needed and specifies those to be provided immediately upon graduation.

WHO IS ELIGIBLE?

All persons referred to Chapter 688 must be receiving special education services and graduating or turning 22 years of age on or after March 22, 1984 (the effective date of the law). They must be in need of continuing services and unable to work 20 or more hours per week in competitive, non-sheltered, non-supported employment.

HOW ELIGIBILITY IS DETERMINED

A unit at the MRC determines Turning 22 eligibility for individuals not eligible for Supplementary Security Income (SSI) by reviewing the individual's records, work evaluations and/or conducting a personal interview, when necessary.

Individuals who are automatically eligible and require no further determination include:

- * Anyone receiving SSI and SSDI based on their own disability
- * Anyone listed in the registry of the blind at the Massachusetts Commission for the Blind

THE APPEALS PROCESS

All appeals are directed to the Bureau of Transitional Planning in the Executive Office of Health and Human Services (EOHHS). There are two kinds of appeals under 688.

* person may appeal the eligibility decision that determined him/her ineligible for Chapter 688.

* person may reject and appeal the ITP after it has been signed by the Secretary of EOHHS.

WHEN SHOULD MY SON / DAUGHTER GRADUATE?

Chapter 766 provides special education services to students until the age of 22 or until the student earns a high school diploma. Services mandated in the individual Education Plan must be provided. Once a person graduates from school, he or she is no longer eligible.

Young people and their parents should make informed decisions about the many options available under Chapter 766. Adult services are limited to appropriation by the State Legislature. It is important to consider that special education services for older students, 16-22, may be individually designed and more vocationally oriented if the current program is no longer appropriate.

KEY POINTS TO REMEMBER

Application to the Social Security Administration for SSI eligibility determination is encouraged. In Massachusetts, regardless of the severity of one's disabilities, a person is presumed competent at age 18. Every individual 18 or over must sign all consent forms including the referral from to give permission to share information. If unable to sign, it must be signed by the person currently authorized to sign the person with a disability's Individual Education Plan. Become familiar with the adult services in your area long before your child reaches graduation or turns 22. Involve yourself with a parent group-, parents have often been the stimulus in developing adult services.

FURTHER INFORMATION

Bureau of Transitional Planning (617) 727-7600

Massachusetts Department of Education, Special Education Division (781) 388-3300

Disability Law Center (617)723-8455(Voice) (617)-227-9464(TTY)

Massachusetts Developmental Disabilities Council (617) 727-6374(voice) (617)727-1885(TTY)

The Federation for Children with Special Needs (617) 482-2915(V/TTY)

Massachusetts Brain Injury Association (508) 795-0244 or 797-0101 (TTY)

United Cerebral Palsy (617) 926-5480 (617) 926-805 1 (TTY)

Department of Mental Health 617) 727-5500

Department of Mental Retardation (617) 624-7785

Department of Public Health (617) 624-6000

Department of Social Services (617) 727-3171

Massachusetts Rehabilitation Commission (617) 204-3600

Mass. Commission for the Deaf and Hard of Hearing (617) 695-7500 (V/TDD) 1-800-882-1155

Massachusetts Commission for the Blind (617) 727-5550

Statewide Independent Living Council (617) 695-2622

This information is provided by the Massachusetts Rehabilitation Commission.