

## **Chapter 688 Process in Massachusetts**

**Prepared by the Mental Health Legal Advisors Committee<sup>1</sup>  
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### **What is Chapter 688?**

Chapter 688 is a Massachusetts law enacted in 1983 to address the needs of young adults with disabilities as they end their public school education.<sup>2</sup>

Chapter 688 provides a two-year planning process at graduation from high school or at the time when special education services end, whichever comes first. Since special education services can continue until age 22, the process is sometimes called the “Turning 22” process.

Chapter 688 does not guarantee a young adult any services. Instead, it establishes a planning process which identifies services or supports which may be needed through the adult service system once the student has graduated or turned 22 and special education entitlements have terminated.

The 688 process ensures that eligible individuals are working with the appropriate state human service agency before exiting special education, and provides very specific timelines which ensures sufficient planning for a smooth transition to the new agency (if the individual is found eligible for that agency’s services).

### **Who is eligible for Chapter 688 services?**

To be eligible for Chapter 688 services, a person must:

- be receiving special education paid for by the Commonwealth of Massachusetts;
- need continuing habilitative services at the time of turning 22 or graduating from special education; and
- be unable to work competitively (without specialized supports) for more than 20 hours per week at the time of leaving school.

An individual is automatically eligible for Chapter 688 services if he or she receives Supplemental Security Income (SSI), Social Security Disability Income (SSDI), or is registered with the Massachusetts Commission for the Blind.

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<sup>1</sup> This flyer is largely drawn from a publication of the Massachusetts Department of Developmental Services entitled *The Road Forward: A DDS Guide for Transition Planning*, available at <http://www.mass.gov/eohhs/docs/dmr/transition-planning-road-forward.rtf>.

<sup>2</sup> M.G.L. c. 71B, § 12A-C.

## **How is a Chapter 688 referral made?**

The local school system, also known as the Local Education Authority (LEA), makes a 688 referral if it believes that the student will need additional services after leaving special education. The referral must be made while the student is still in school. The local school system decides which human service agency might best meet the student's needs as an adult and sends the referral directly to that agency. The school system must ask the parent, student, or guardian to sign a Chapter 688 referral in order to send school records to the appropriate agency.

If a student's school district has not made a Chapter 688 referral, but the student or parent believes that a referral should have been made, the student or parent should contact the special education department at the student's school. The student or parent should request that the school convene the student's Individualized Education Program (IEP) team for the purpose of initiating transition services and discussing the need for a Chapter 688 referral.

Parents also can file a complaint with the Program Quality Assurance division of Department of Elementary and Secondary Education (DESE) if they believe that the Chapter 688 process is not being properly followed.

If a student leaves school without a Chapter 688 referral being made, the student is not eligible for planning through Chapter 688. Families therefore should complete all Chapter 688 processes with the student's LEA.

Whether or not a Chapter 688 referral is made, an individual still may apply to a state agency to receive adult services just as any person would.

## **When should the referral be made?**

Chapter 688 requires the school system to make the Chapter 688 referral two years before a student graduates or turns 22, whichever is earlier. However, doing the referral even earlier may allow human service agencies to better plan for the youth's needs.

Referrals that are made less than two years before graduation do not always afford adequate planning time. Students or families who are concerned about the timing of a Chapter 688 referral should contact the school district. At the same time, families may want to contact the human service agencies that might serve the youth as an adult to begin the application process and possibly facilitate the Chapter 688 process.

### **What is the parent/student role?**

As part of the ongoing transition planning process:

- A Chapter 688 referral should be discussed at the student's IEP Team meeting at least two years before the student is expected to graduate or turn 22.
- Parents should ask the school to submit a Chapter 688 referral for their child. Make this request in writing.
- The request must be signed by the parent, legal guardian, or by a young adult who is age 18 or older.
- Request in writing a copy of the form that is submitted.
- The parent/student may want to consider applying for SSI for a youth who may meet the Chapter 688 eligibility criteria.

### **What is the IEP team's role?**

The IEP team's role is to determine whether the youth is likely to require continuing services from an adult human services agency. If so, the school district's Administrator of Special Education makes a referral to the Bureau of Transitional Planning (a unit within the Massachusetts Executive Office of Health and Human Services) in accordance with Chapter 688.<sup>3</sup>

### **What is the role of the Bureau of Transitional Planning?**

The Bureau of Transitional Planning (BTP) is responsible for the administration of Chapter 688. The BTP can provide technical assistance to schools, state agencies, individuals and families regarding Chapter 688.

### **What is the role of the Transitional Agency on the Chapter 688 form?**

The Transitional Agency (TA), sometimes referred to as the Lead Agency, is the state agency that receives the Chapter 688 referral. It is the agency that the local school system feels will best meet the student's future needs.

The TA helps the student plan to move from special education services into adult life. TAs include the Department of Developmental Disabilities (DDS), the Department of Mental Health (DMH) and the Massachusetts Rehabilitation Commission (MRC).

Designation of an agency as the TA does not mean that the youth is eligible for adult services from that agency. Adult eligibility requires the separate application and acceptance as a client of that agency.

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<sup>3</sup> 603 CMR 28.05(4)(c).

## **What is the Transitional Advisory Committee?**

The Transitional Advisory Committee (TAC) is a committee within the Executive Office of Health and Human Services. TAC consists of the Director of the BTP and representatives from DMH, DDS, the Department of Children and Families (DCF), the Department of Youth Services (DYS), the Massachusetts Commission for the Blind (MCB), the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), MRC, and DESE. The TAC is a resource for problem solving for complex cases for individuals through age 21.

## **What is an ITP?**

As part of the Chapter 688 process, the TA will work with eligible students to develop an Individual Transition Plan (ITP).

The ITP is the document that specifies what kinds of support the student/family is requesting upon leaving special education. A representative from the TA arranges and chairs a meeting or meetings to develop the ITP.

The ITP meeting is typically held about one year before the student is ready to leave school, and involves the student, family members, school personnel, and other individuals who know the student well. The TA representative is responsible for inviting other agency staff, if that agency could assist a student. Students and families may also invite others whom they feel might be helpful.

The purpose of an ITP meeting is to develop a plan that includes the interests, skills and needs of the person. The ITP does not contain specific goals and objectives, or identify specific provider agencies. The ITP functions as more of a “blueprint” of the student’s requested support needs.

Supports identified in the ITP are not guaranteed and do not create an entitlement. They are subject to prioritization, appropriation and availability.

After the meeting, the TA representative (or Transition Coordinator) writes the ITP. The TA approves it and the representative sends it to the student or guardian for approval.

## **Where can I get more information on the Chapter 688 process?**

- The DESE, A Guide To Chapter 688: Massachusetts’ Transitional Planning Program, <http://www.doe.mass.edu/sped/iep/688/brochure.pdf>.
- The Department of Elementary and Secondary Education, Chapter 688, <http://www.doe.mass.edu/sped/iep/688/brochure.pdf>.