

## **Inclusive Higher Education Committee**

March 8, 2018

The Honorable Lamar Alexander  
Chairman

The Honorable Patty Murray  
Ranking Member

US Senate Committee on Health, Education, Labor and Pensions

RE: Higher Education Act Reauthorization: *Submitted via email*

Dear Chairman Alexander and Ranking Member Murray:

The undersigned organizations support the recommendations for reauthorization of the intellectual disability (ID) provisions in the Higher Education Act developed by the Inclusive Higher Education Committee (IHEC). This committee consists of eighteen experts in the fields of intellectual disability, higher education, special education, disability rights and student and family engagement. (See committee membership list at <http://bit.ly/2sPbPkj>). The group was formed in 2006 to encourage Congress to address higher education for students with ID and to provide technical assistance in drafting the provisions related to students with ID. The IHEC has continued to collaborate with Congress, the Administration and organizations regarding implementation, appropriations, and reauthorization of these provisions as this innovative education option has increased to over 260 programs around the country. (See [www.thinkcollege.net](http://www.thinkcollege.net).)

### **Background**

Congress included important new provisions in the Higher Education Opportunity Act of 2008 (HEOA) that allow students with ID to access certain forms of federal financial aid (grants and work study jobs) if the student meets the definition of “intellectual disability” and is enrolled in a Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities (CTP). The law also authorized Transition and Postsecondary Programs for Students with Intellectual Disability (TPSIDs) to create or expand high-quality model programs and a National Coordinating Center (NCC) to provide technical assistance, evaluate the TPSIDS, and recommend program standards.

The NCC evaluation of the TPSID projects indicate significant gains in employment outcomes and trends over the 2010 through 2016 TPSID years as these employment findings mark a significant departure from the bleak employment outcomes of the past for students with ID. In just 6 years, the TPSID initiative has supported the creation or expansion of programs at 88 colleges and universities serving 2,700 students with I/DD across 31 states. These students have been supported to take inclusive college classes, obtain career experiences through internships, and in many cases have enhanced access to competitive, integrated paid employment. The following employment data points illustrate very impressive outcomes:

- The percentage of students with a paid job while participating in the TPSID from 2010-2016 began at 27% (2010-11) and increased to 43% (2015-16). The percentage of employment while in college is the same as the percentage of full-time undergraduate students without disabilities.
- Data from 2015-16 indicate that 43% of students had a paid job and 56% of these students had NEVER held a paid job prior to enrolling in the TPSID.

- Nearly two thirds of individuals who completed a TPSID initiative (61%) had a paid job 1 year after exit. In comparison, 17% of adults with I/DD in the general population had a paid job in the community in 2014–2015, the most recent year for which data are available (National Core Indicators, 2017).

## **Recommendations for Reauthorization**

*As Congress considers the reauthorization of the Higher Education Act (HEA), the undersigned organizations strongly encourage the continued inclusion of these important provisions in HEA.* Based on what has been learned in implementing HEOA and alignment with the Workforce Innovation and Opportunity Act (WIOA), we also suggest minor revisions to improve these provisions.

We recommend addressing two barriers to student participation in higher education programs that are the result of a lack of alignment between the Higher Education Act (HEA), the Individuals with Disabilities Education Act (IDEA) and the Workforce Innovation Opportunity Act (WIOA). HEA directs the US Department of Education to give preference in awarding TPSID grants to applicants that demonstrate partnerships with agencies “such as Vocational Rehabilitation Agencies”. It also requires applicants to partner with local educational agencies, including using IDEA funds. First, while the Preamble to the IDEA 2004 regulations clearly states that IDEA Part B funds may be used to support transition-age students with ID in postsecondary settings, more recent guidance severely limits the ability to do so in some states.<sup>1</sup> If a clear statement is not made by the U.S. Department of Education that IDEA funds may be used to support students in these programs, then the issue should be addressed in HEA.

The second issue presenting a barrier relates to recent technical guidance issued by the Rehabilitation Services Administration (RSA)<sup>2</sup> that has been interpreted by some states to disallow the use of WIOA Pre-Employment Services (Pre-ETS) funding for students in higher education programs for students with ID. The RSA guidance is being interpreted to define “students with disabilities” entitled to Pre-ETS services as only those working toward a “recognized postsecondary credential”, as defined in WIOA. In fact, the HEOA created a new path to higher education for students with ID that *specifically and intentionally* omitted the requirement for these students to attain degrees or industry-recognized credentials. Under the HEOA, CTPs are required to meet a series of specific requirements related to their program of study that includes academics, independent living and career preparation leading to employment. Students in CTPs approved by the U.S. Department of Education may receive certain federal financial aid.

Vocational rehabilitation (VR) Pre-ETS services are supposed to be targeted to transition-age youth. It is important to note that 25% of students in the TPSID programs *are* transition-age youth with ID who are dually-enrolled and working towards a secondary (high school) credential. Additionally, 75% are postsecondary students with ID who no longer receive IDEA services but may qualify for VR services, including Pre-ETS services, through other avenues. In some states, these students are being denied

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<sup>1</sup> OSERS’ May 2017 *Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities* addresses the use of IDEA Part B funds to pay costs associated with providing FAPE to students with disabilities enrolled in postsecondary programs on page 3.

<sup>2</sup> RSA TECHNICAL ASSISTANCE CIRCULAR RSA-TAC-17-01 DATE: August 17, 2017)

services due to this interpretation of the RSA technical assistance guidance. If the RSA guidance is not clarified to indicate that it is permissible for students in these programs to receive VR services, then the issue needs to be addressed in HEA.

The undersigned organizations support the specific recommendations included in the chart (see <http://bit.ly/2CG4Auy>) that shows current law, recommended changes, and the rationale for the changes. Key recommendations include the following:

- Retain provisions allowing eligibility for certain financial aid when a student with ID is enrolled in a CTP.
- Definition of “Comprehensive transition and postsecondary programs for students with intellectual disabilities” (CTPs):
  - Change “gainful employment” to “competitive integrated employment” to align with WIOA.
  - Change “curriculum” to “program of study” to use a term that is more understandable in a higher education realm.
  - Clarify that CTPs must offer both academic and career development components.
- Definition of a “student with an intellectual disability”
  - Clarify how a student identified with a different disability, such as autism, who also has an intellectual disability, may be found eligible.
  - Allow students who have been home-schooled or in private school and have therefore not been found eligible for IDEA to document an intellectual disability.
- Under the TPSID/NCC programs sections:
  - Currently TPSID grant applicants who propose to include students with ID in IHE owned or operated housing are given a preference in the grant award process. We recommend extending the preference to IHEs who propose housing options through other creative means. This will allow more students to learn independent living skills in a natural environment and allow residential options for institutions (such as most community colleges) that do not offer housing.
  - Administration of the TPSID/NCC program by the Office of Postsecondary Education in collaboration with the Office of Special Education and Rehabilitation Services.
  - Require meaningful credentials to be developed and approved by the institution of higher education.
  - Strengthen data collection language and require the collection and reporting of longitudinal data on student outcomes.
  - Currently \$2 million is appropriated for the NCC from the \$11.8 million in TPSID funding. The President’s 2019 budget includes this level of funding, which we support. This NCC funding is needed for program evaluation, technical assistance, dissemination of best practices and the development of model accreditation standards. The amount

currently appropriated is higher than the formula in the appropriations authorization level and we recommend deleting the formula.

Thank you for considering our views on these important issues. Should you have any questions, please contact the committee co-chairs: Stephanie Smith Lee at [Stephanie@ndscenter.org](mailto:Stephanie@ndscenter.org), Kim Musheno at [kmusheno@autism-society.org](mailto:kmusheno@autism-society.org) or Denise Rozell at [drozell@aucd.org](mailto:drozell@aucd.org).

Sincerely,

ACCSES

African Caribbean American Parents of Children with Disabilities, Inc., Connecticut

American Association of People with Disabilities

Appalachian State University SDAP, North Carolina

Association for Special Children and Families, New Jersey

Association of People Supporting Employment First

Association of University Centers on Disabilities

Augustana FRIENDSLink, South Dakota

Augustana University - Augie Access Program, South Dakota

Autism Empowerment

Autism Society

Autism Speaks

Bee Inclusive, California

Boling Center for Developmental Disabilities, University of Tennessee Health Science Center

Bucks County Down Syndrome Interest Group, Pennsylvania

California Down Syndrome Advocacy Coalition, California

Center for Public Representation

Circle47, Ohio

Club 21 Learning and Resource Center, California

Club 21 South Bay Community Group, California

Community Inclusion & Development Alliance (CIDA), New York

Designer Genes of North Dakota, Inc.

Disability Rights Education and Defense Fund

Disability Rights, Tennessee

Down Syndrome Alliance of the Midlands, Nebraska

Down Syndrome Association of Connecticut  
Down Syndrome Association of Greater Richmond, Virginia  
Down Syndrome Association of Middle, Tennessee  
Down Syndrome Association of Minnesota  
Down Syndrome Association of NE Florida  
Down Syndrome Association of Santa Barbara County, California  
Down Syndrome Association of Tulsa, Oklahoma  
Down Syndrome Awareness Group of East Tennessee  
Down Syndrome Connection of the Bay Area, California  
Down Syndrome Connection, Maryland  
Down Syndrome Group of the Ozarks, Missouri  
Down Syndrome Indiana  
Down Syndrome Network of Greater Greensboro, North Carolina  
Down Syndrome Network of Montgomery County, Maryland  
Eastern Idaho Down Syndrome Family Connect  
Excel at Georgia Tech  
Family Voices Indiana  
FRIENDS Life Community, Tennessee  
George Mason University MasonLIFE Program, Virginia  
Georgia Inclusive Post Secondary Education Consortium  
GiGi's Playhouse Milwaukee, Wisconsin  
Growing Up Special, California  
Higher Education Consortium for Special Education  
International Down Syndrome Coalition (IDSC)  
Joseph P. Kennedy, Jr. Foundation  
Judge David L. Bazelon Center for Mental Health Law  
Kern Down Syndrome Network, California  
Lead Learn Live, Oklahoma  
Louisiana Parent Training and Information Center  
Maine Down Syndrome Network

Maine Parent Federation

Maryland Down Syndrome Advocacy Coalition

Massachusetts Down Syndrome Congress

Matrix Parent Network and Resource Center, California

Montgomery County Down Syndrome Interest Group. Pennsylvania

Murray State University, Supported Higher Education Program - College to Career Experience, Kentucky

National Association for Down Syndrome

National Association of Councils on Developmental Disabilities

National Association of State Directors of Special Education, Inc.

National Center for Learning Disabilities

National Down Syndrome Association

National Down Syndrome Congress

Northwest Disability Support, Oregon

Northwest Iowa Down Syndrome Society

Northwest Kansas Down Syndrome Society

Ohio Coalition for the Education of Children with Disabilities

PACER Center, Minnesota

Parent Educational Advocacy Training Center, Virginia

Parent to Parent of Miami, Florida

Parents Reaching Out to Help, New Mexico

Pennsylvania Down Syndrome Advocacy Coalition

Pennsylvania Disability Rights

Pointer Parent Advocates, Wisconsin

Rocky Mountain Down Syndrome Association, Colorado

Saddle Up Therapeutic Stables, California

Silicon Valley Down Syndrome Network, California

SPAN Parent Advocacy Network

Spokane Community College - PACE Services, Washington

Tarjan Center, University of California Los Angeles

TASH

Tennessee Disability Coalition

The Advocacy Institute

The Arc of Beaufort County, North Carolina

The Arc of Indiana

The Arc of Tennessee

The Arc of the United States

The Carter Dodd Family Foundation for Autism

The de Moya Foundation, Florida

The Institute for Community Inclusion, University of Massachusetts Boston

The National Catholic Board on Full Inclusion

The Wylie Center, California

Think College Inclusion Oregon Coalition

Utah Down Syndrome Foundation

Vanderbilt Kennedy Center for Excellence Community Advisory Council

Wisconsin Upside Down

Cc: Senate HELP Committee Members