

Inclusive Higher Education Committee

February 17, 2018

The Honorable Lamar Alexander
Chairman

The Honorable Patty Murray
Ranking Member

US Senate Committee on Health, Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

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. 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 educational option has increased to over 260 programs around the country. (See 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.¹ 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)² 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*

¹ 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.

² RSA TECHNICAL ASSISTANCE CIRCULAR RSA-TAC-17-01 DATE: August 17, 2017)

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 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 attached chart 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 stephaniesmithlee@gmail.com, Kim Musheno at kmusheno@autism-society.org or Denise Rozell at drozell@aucd.org.

Sincerely,