



ASSOCIATION OF UNIVERSITY CENTERS ON DISABILITIES
RESEARCH, EDUCATION, SERVICE

Disability Provisions in the Higher Education Opportunity Act

September 11, 2008

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Webinar Overview

Speakers



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House Education and Labor
Committee



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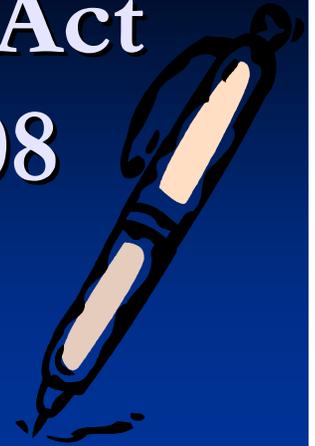
Jane West
American Association of
Colleges for Teacher
Education

Higher Education Opportunity Act -- addressing the needs of students with disabilities

Sharon Lewis
Sr. Disability Policy Advisor
House Committee on Education and Labor
Chairman George Miller



Higher Education Opportunity Act Signed into law August 14, 2008



Major provisions:

- Encourage IHEs to keep tuition costs down and provide more consumer information
- Improvements to student loan programs
- Making textbooks and materials more affordable and accessible
- Expand college access for underserved students
- Boost campus safety and readiness plans
- **Improve teacher training and development programs**
- **Ensure equal college opportunities for students with disabilities**

Improvements especially of interest to the disability community:

- Student Assistance
- Loan forgiveness provisions
- College Navigator information
- Enhancing teacher quality
- Universal design for learning
- Demonstration projects to provide students with disabilities with a quality postsecondary education
- Comprehensive transition and postsecondary programs for students with intellectual disabilities
- Improving access to instructional materials
- National Technical Assistance Center



Student Assistance

- Improvements in Free Application for Financial Student Aid (FAFSA) process
- TRIO and GEAR UP programs
- Access to Pell, Work-study, Supplemental Educational Opportunity Grants for students with intellectual disabilities

Loan Forgiveness provisions include:

- Early Childhood Educators
- Highly Qualified Teachers in low-income schools
- Administrators in low-income school districts
- School Counselors in low-income schools
- Speech-language Pathologists, Audiologists
- Physical Therapists and Occupational Therapists
- Public Health Employees
- Nurses
- Medical Specialists
- Mental Health Professionals
- Civil Legal Assistance Attorneys



College Navigator – enhanced information for consumers

- Student demographics – including number of students with disabilities
- Retention rates and number of degrees awarded
- Costs and financial aid data
- Links to specific information, including services offered by the institution for individuals with disabilities

Enhancing Teacher Quality

- Consolidates three current programs into one Teacher Quality Partnership programs
- Increased focus on preparing all teachers to work with students with disabilities, including differentiated instruction, response to intervention, universal design for learning, positive behavior interventions and supports and data driven instruction
- Accountability - report cards on teacher preparation programs
- Graduate fellowships to prepare faculty in high-need areas

Universal design for learning

- Creates statutory definition:

UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ means a scientifically valid framework for guiding educational practice that—

(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and

maintains high achievement expectations for all student including students with disabilities and students who are limited English proficient.

- Includes UDL in several provisions related to teacher training
- Development of postsecondary teaching strategies and methods, and curriculum development consistent with UDL

Demonstration projects to provide a quality postsecondary education – new activities

- Effective transition practices
- Distance learning
- Disability career pathways
- Additional reporting requirements



Comprehensive transition and postsecondary programs for students with intellectual disabilities defined

A degree, certificate, or nondegree program that is—

“(A) offered by an institution of higher education;

“(B) designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment;

“(C) includes an advising and curriculum structure;

Required Activities

“(D) requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components and occurring through one or more of the following activities:

“(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

“(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

“(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

(iv) Participation in internships or work-based training in settings with nondisabled individuals.

Student with an intellectual disability defined

A student—

“(A) with mental retardation or a cognitive impairment, characterized by significant limitations in—

“(i) intellectual and cognitive functioning; and

“(ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

“(B) who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act.

Comprehensive transition and postsecondary programs for students with intellectual disabilities:

- Inclusive model demonstration programs
 - Academic enrichment
 - Socialization
 - Independent living skills
 - Integrated work experience
- Coordinating Center
 - Technical assistance
 - Evaluation protocols
 - Program network and outreach
 - Development of accreditation standards



Improving access to instructional materials

- Definition of student with a print disability:
 - *'student with a print disability' means a student with a disability who experiences barriers to accessing instructional material in nonspecialized formats, including an individual described in section 121(d)(2) of title 17, United States Code.*
- Commission on accessible materials
 - assess the barriers to timely delivery and quality of accessible instructional materials for postsecondary students with print disabilities, as well as the effective use of such materials by faculty and staff
 - make recommendations related to the development of a comprehensive approach to improve the opportunities for access to instructional materials in specialized formats in a comparable timeframe
- Model demonstration programs – IHE partnerships
 - Development of systems to improve the quality and timely delivery of materials in specialized formats, including improved efficiency and reduced duplicative efforts across multiple institutions of higher education

National Technical Assistance Center

- Assistance for students and families
 - Information and technical assistance
- Assistance to IHEs
 - Sharing of best and promising practices
 - Development of training modules and tutorials
- Information collection and dissemination – database and website
 - Documentation requirements
 - Support services
 - Links to financial aid
 - Accommodations policies
 - Accessible instructional materials
- Evaluate, improve, and inform regarding delivery of disability support services
- Review and report on condition of postsecondary success for students with disabilities

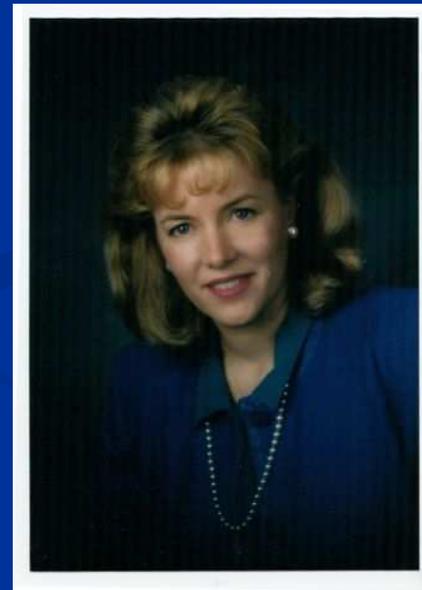
Chairman Miller's GAO Study Request:

- Examine the extent and manner in which students with disabilities are applying to, being accepted to, enrolling in, and graduating from different types of institutions of higher education.
- Determine the factors that influence the physical, academic, social, and economic access for students with intellectual, emotional, and physical disabilities in higher education.
- Collect and identify the rates of requests for, and access to, accommodations on college and graduate admissions tests.
- Examine the effectiveness and capacity of disability support service offices in institutions of higher education.
- Determine the extent to which institutions of higher education partner and coordinate services with other programs to assist students with disabilities.
- Examine the program characteristics of institutions of higher education that have been effective in recruiting and graduating students with all types of disabilities.

Higher Education Opportunity Act – new opportunities for students with intellectual disabilities

Stephanie Smith Lee

Senior Policy Advisor
National Policy Center
National Down Syndrome Society



Factors leading students and families to ask for postsecondary opportunities

- Result of success of IDEA, technology, health care, living with families, K-12 inclusion
- Desire to learn and socialize with age-appropriate peers, make friends, have a life!
- Desire to continue education, improve employment and independent living outcomes
- Few other positive options

What do we Know?

- Positive outcomes and results for students with intellectual disabilities
- Programs “popping up” independently in states across the country – over 130 on www.thinkcollege.net
- NDSS systems change efforts in NJ, SC and other states (partnering with UCEDDs and DD Councils)
- Structure and composition vary and include individualized services and support
- Some operated by school districts, others by IHEs
- “Located” in various places within colleges & universities

Barriers Addressed by HEOA

- Funding is a big issue—for students, parents and IHEs (no 529's for students with ID)
- Previously, in order to receive financial aid or qualify for work study, students needed to have a regular high school diploma, GED, or pass an ability to benefit test and be enrolled in classes leading to accredited certificate or degree
- Need for model demonstration programs to identify and replicate best practice: how to start a high-quality inclusive program and provide services
- Need for technical assistance and dissemination
- Lack of model accreditation standards

Summary of HEOA ID Provisions

- Allows students with ID enrolled in programs for such students to access work-study jobs, Pell grants and Supplemental Educational Opportunity Grants.
- Authorizes inclusive model comprehensive transition and post-secondary programs
- Authorizes new coordinating center

Definition of a Student with an Intellectual Disability

A student—

“(A) with mental retardation or a cognitive impairment, characterized by significant limitations in—

“(i) intellectual and cognitive functioning; and

“(ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

“(B) who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act.

(Conference Report: includes a student eligible for FAPE not enrolled in public school who can otherwise demonstrate they meet the eligibility criteria)

Comprehensive Transition and Postsecondary Programs for Students with Intellectual Disabilities definition

A degree, certificate, or nondegree program that is—

(A) offered by an institution of higher education;

(B) designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment;

(C) includes an advising and curriculum structure;

Comprehensive program definition continued: program requirements

(D) requires students with intellectual disabilities to participate on not less than a half-time basis, as determined by the institution, with such participation focusing on academic components and occurring through one or more of the following activities:

(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

(iv) Participation in internships or work-based training in settings with nondisabled individuals.

Eligibility for Work-Study Jobs, Pell and SEOP Grants (SEC. 485)

- Must meet definition of student with intellectual disability
- Be enrolled or accepted for enrollment in a comprehensive...program
- Be maintaining satisfactory progress in the program as determined by the IHE, in accordance with standards set by IHE

(Secretary shall promulgate regulations)

Model Comprehensive Transition and Postsecondary Programs for Students with Intellectual Disabilities (SEC 767)

- Competitive grants to IHEs or consortiums of IHEs to create or expand high-quality, inclusive programs
- Administered by DOE office that administers other postsecondary programs
- Grants awarded for 5 years

Model demo award basis

The Secretary shall—

“(1) provide for an equitable geographic distribution of such grants;

“(2) provide grant funds for model comprehensive transition and postsecondary programs for students with intellectual disabilities that will serve areas that are underserved by programs of this type; and

“(3) give preference to applications submitted under subsection (b) that agree to incorporate into the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant one or more of the following elements:

Model demo awards: preference given for:

- (A) *The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.*
- (B) *In the case of an institution of higher education that provides institutionally owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into the housing offered to nondisabled students.*
- (C) *The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.*

Model Demo Grants: Use of Funds

(1) serves students with intellectual disabilities;

(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

(A) academic enrichment;

(B) socialization;

(C) independent living skills, including self-advocacy skills; and

(D) integrated work experiences and career skills that lead to gainful employment;

Model Demo Grants: Use of Funds (Cont.)

- (4) *integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;*
- (5) *participates with the coordinating center established under section 777(b) in the evaluation of the model program;*
- (6) *partners with one or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act, including the use of funds available under part B of such Act to support the participation of such students in the model program;*

Model Demo Grants: Use of Funds (Cont.)

(7) plans for the sustainability of the model program after the end of the grant period; and

(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

(e) **MATCHING REQUIREMENT.**—*An institution of higher education (or consortium) that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant. Such matching funds may be provided in cash or in-kind, and shall be in an amount of not less than 25 percent of the amount of such costs.*

Model Demo Grants: Misc

- Secretary report within 5 years on activities of model demos and programs and guidance and recommendations for replication
- Construction rule: no reduction or expansion of IDEA or other laws
- “Such Sums” authorization

(Conference report: “The Conferees recognize that under the Individuals with Disabilities Education Act, nothing prohibits the use of Part B funds to support students with disabilities in transition programs at institutions of higher education, if the Individualized Education Program Team determines that such a program is the appropriate placement for the student.”)

Coordinating Center for Model Programs for Students with Intellectual Disabilities (Part D, Subpart 4)

- Competitive award for 5 year cooperative agreement: OPE administers
- TA regarding development, evaluation, and continuous improvement
- Develop evaluation protocol with quantitative and qualitative methodologies to measure student outcomes and program strengths in: academic enrichment, socialization, independent living, and competitive or supported employment

(Conference report: center to work with existing programs and model demos)

Coordinating Center Responsibilities:

- Assist model demos in awarding a meaningful credential (taking into account unique state factors)
- Develop recommendations for necessary program components (such as: academic, vocational, social, and independent living skills: student progress evaluation, program administration and evaluation; student eligibility and participation equivalency)
- Analyze possible funding streams

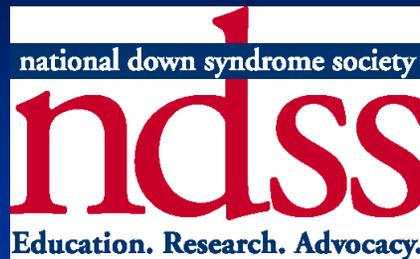
Coordinating Center Responsibilities (cont)

- Develop model MOUs for IHEs and State and local agencies
- Regular communication, outreach and dissemination among programs and to families and prospective students
- Host an annual meeting of model demo projects

Coordinating Center Responsibilities: Model Accreditation Standards

- Convene workgroup to develop and recommend model criteria, standards, and components of programs for model accreditation standards
- Workgroup shall include: higher education and special education experts; disability organization representing students with ID; representatives from National Advisory Committee on Institutional Quality and Integrity and a regional or national accreditation agency
- Report within 5 years of establishing coordinating center

(Note: such sums authorization for Center)



About NDSS

The National Down Syndrome Society is a nonprofit organization representing the more than 400,000 Americans who have this genetic condition. NDSS is committed to being the national leader in supporting and enhancing the quality of life, and realizing the potential of all people with Down syndrome. We demonstrate this commitment through our education, research and advocacy initiatives that benefit people with Down syndrome and their families.

To learn more about NDSS, and our transition and postsecondary education initiative, visit <http://www.ndss.org>.



Serving Learners

Higher Education Opportunity Act: Teacher Education Provisions and Early Implementation

Jane E. West, Ph.D.

Vice President

American Association of Colleges of Teacher Education





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Themes in teacher education provisions

- Integrate HEA with NCLB and IDEA
- Emphasis on clinical preparation
- Increased accountability and planning
- Invest in capacity building
- Focus on shortages



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Teacher Quality Partnership Grants

- Three programs merged into one
- Required partners: school of ed, school of arts and sciences, high-need LEA
- Focus on clinical preparation (including induction for 2 years, mentoring and coaching) at BA level; residency programs at MA level and leaders in rural areas



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Teacher Quality Partnership Grants cont.

- Grantees must produce highly qualified teachers
- Preparation must include universal design for learning, positive behavioral interventions, differentiating instruction for students with disabilities, participating in IEP process
- Candidates should be prepared in integrating technology into curricula and instruction consistent with universal design



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Accountability for Teacher Preparation

- Annual report cards from institutions of higher education
 - o Progress on meeting teacher development goals (see below)
 - o Pass rates and scaled scores
 - o Program information
 - o Use of technology, including universal design for learning
 - o Activities that prepare general and special education teachers to effectively teach students with disabilities, participate in IEPs



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Accountability for Teacher Preparation cont.

- State Report Cards
 - o Includes alternate route programs not at IHEs
 - o Pass rates on teacher licensing exams by institution and alt. route programs
 - o How the state is addressing shortages, including special education
 - o How general and special education teachers are prepared to teach students with disabilities and participate in IEPs
 - o How technology is integrated, including UDL



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Accountability for Teacher Preparation cont.

- Federal Report on Teacher Quality
 - Comparison of states' efforts to improve teaching workforce
 - Comparison of partnerships' efforts to improve teaching workforce
 - National mean and median scaled scores and pass rates



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Accountability for Teacher Preparation cont.

- Teacher Development Provisions
 - IHE's must set annual quantifiable goals to increase number of special education teachers
 - IHE's must provide assurances that
 - Preparation is tied to needs of state and LEAs where they will likely teach
 - Special education teachers receive preparation in core academic subjects
 - General education teachers receive preparation in instructing students with disabilities



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New Programs Related to Teacher Preparation

- **Teach to Reach Grants**
 - To improve preparation of general education teachers so that they can effectively instruct students with disabilities
 - Partnerships between a program in higher education that prepares elementary or secondary general education teachers, a department or program of special education, a department that provides degrees in core academic subjects and a high need local education agency
 - Must develop or strengthen the teacher prep program by integrating special education strategies into the general education curriculum and academic content
 - Must prepare teachers in response to intervention, positive behavioral supports, differentiated instruction, data driven instruction, universal design for learning, determining and utilizing accommodations for instruction and assessment, collaborating with other professionals, participating in IEP development and implementation, utilizing technology and assistive technology for students with disabilities
 - Must provide extensive clinical experience including induction during the first two years of full time teaching



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New Programs Related to Teacher Preparation cont.

- Graduate Fellowships to Prepare Faculty in High-Need Areas at Colleges of Education
 - Graduate student fellowships for people preparing to become teacher educators in higher education
 - Grants awarded to institutions of higher education to support graduate study leading to a doctoral degree
 - Fellowships awarded in areas of math, science, special education and instruction for English Language Learners
 - Amount of stipend is the same level of support as what is provided for National Science Foundation graduate fellowships
 - Graduate students must teach in higher education one year for every year of fellowship support that was provided



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Universal Design and Universal Design for Learning

- UD same definition as in Assistive Technology Act of 1998
- UDL:

....a scientifically valid framework for guiding educational practice that –

- A) provides flexibility in the ways information is presented, in the ways students are engaged; and
- B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient



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Implementation

- Role of the Department of Education, Office of Postsecondary Education
- Negotiated Rule Making and development of Regulations

<http://www.ed.gov/policy/highered/leg/hea08/index.html#neg-reg>



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Implementation cont.

- Negotiated Rule Making Hearings:
 - o September 19, 2008, at Texas Christian University, Fort Worth, Texas
 - o September 29, 2008, at the University of Rhode Island, Providence Campus, Paff Auditorium, Providence, Rhode Island
 - o October 2, 2008, at Pepperdine University, Malibu, California
 - o October 6, 2008 at Johnson C. Smith University, Charlotte, North Carolina
 - o October 8, 2008, at the U.S. Department of Education, 8th Floor Conference Center, 1990 K Street, N.W., Washington, DC
 - o October 15, 2008 at Cuyahoga Community College, Cleveland, Ohio



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Funding for Teacher Quality Partnerships Grants

- Authorized at \$300 million
- Last year funded at \$34 million
- Administration attempts to eliminate every year
- Senate included increase to \$45 million
- **ADVOCACY NEEDED**



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In Summary:

- Significant new opportunities for students with disabilities, the preparation of teachers and changing the culture of higher education
- Leadership needed
- Funding needed



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Appropriations



- Funds will be needed to implement new provisions
- Efforts focused on next year's budget cycle
- CCD Recommendations as starting point

Appropriations

	CCD Recommendation
Demonstration Projects on Disability *	\$10.0 million
Intellectual Disabilities Model Programs	\$10.0 million
Coordinating Center Intellectual Disabilities	\$1.5 million
National Postsecondary Center on Disabilities	\$3.0 million
Accessible Instructional Materials Model Programs	\$5.0 million
Teach to Reach Grants	\$10.0 million

* Funded at \$6.8 million FY08. President's FY09 budget provided no money.

Pending House and Senate Labor-HHS-Education bills provide \$6.8 million for FY09.

Thank You

For more information about AUCD visit:

www.aucd.org



Thank you to the Administration on Developmental Disabilities (ADD) for the support of today's webinar