

Detailed Summary of Proposed Changes and Additions to the Higher Education Opportunity Act of 2008 (P.L. 110-315): A draft Bill introduced by Senator Harkin

The Higher Education Affordability Act

September 9, 2014

History of the Higher Education Opportunity Act

The Higher Education Opportunity Act (P.L. 110-315), signed into law by President Bush on August 14, 2008, reauthorized the amended version of the Higher Education Act of 1965 (P.L. 89-329). On June 25, 2014, Senator Tom Harkin (D-IA), Chairman of the Senate Health, Education, Labor, and Pensions (HELP) Committee, introduced a draft bill for discussion to improve the HEOA.

The Higher Education Act of 1965 (HEA) was signed into law by President Johnson with the intent of strengthening educational resources for universities and authorizes the federal government's student aid programs. The HEA has been reauthorized a total of nine times in order to meet the needs of a changing society and assist in preparing students for the workforce. The most recent reauthorization which reflects significant changes occurred in 2008. The HEOA authorized grants to institutions of higher education for teacher preparation programs, including special education teachers, with an increase in technology integration, training in Universal Design for Learning, with a focus on teacher quality. Provisions for increasing the recruitment and retention of students with disabilities to institutions of higher education contained in the HEOA laid a foundation for Senator Harkin's current proposal that directly addresses the unique needs of these students.

The following is a detailed summary of the changes proposed by Senator Harkin to the Higher Education Opportunity Act. Title IX of the Higher Education and Affordability Act directly addresses the needs of postsecondary students with disabilities and puts forth a plan for giving students with disabilities improved access to postsecondary education.

Part A: Establishment of National Technical Assistance Centers for Higher Education Access

The Higher Education Affordability Act (HEAA) establishes two National Technical Assistance Centers as well as a National Data Center. First, the National Technical Assistance Center for College Students with Disabilities and Their Families (aka National Center for Students with Disabilities) is established to support recruitment, enrollment and retention of students with disabilities at institutions of higher education. The National Center for Students with Disabilities assists students with the transition process from high school to postsecondary education. They provide technical assistance to IEP teams at the secondary level regarding self-advocacy skills and provide information on evidence-based supports and accommodations available to students in post-secondary education. Additionally, the National Center for Students with Disabilities informs students about services provided by other agencies, including vocational rehabilitation, and how to qualify for those services. Information will be made available on student mentoring and networking opportunities. The National Center for Students with Disabilities is also directed to provide technical assistance for tuition and support in STEM education (Science, Technology,

Engineering, and Mathematics) including Medicine, Law, and Business for students with disabilities.

Second, the HEAA establishes a National Technical Assistance Center for Disability Support Services at Institutions of Higher Education (aka National Center for Institutions of Higher Education). This Center will provide assistance to faculty, staff, and administrators in order to improve service delivery, accommodations, retention rates and completion rates of students with disabilities in higher education. This includes training and support of students with self-advocacy skills. Additionally, they will provide technical assistance regarding the awareness and use of assistive technology and augmentative communication. In order to improve the quality of instruction for students with disabilities, the National Center for Institutions of Higher Education will develop and provide training modules for higher education faculty on exemplary practices for accommodating and supporting students with disabilities including Universal Design for Learning (UDL), evidence-based practices for the use of high-quality accessible instructional materials to meet the needs of students, and support for STEM training.

In order to further research in the areas of transition, postsecondary education of students with disabilities, and employment outcomes of students with disabilities, the HEAA establishes the National Data Center on Higher Education and Disability (aka National Data Center). An institution receiving funds under Title IV of the HEAA will be required to submit specific documentation to the National Data Center. This center has the mission of collecting, maintaining, and disseminating data and information on the experiences and outcomes of the postsecondary education of students with disabilities.

The National Data Center will be charged to develop a database containing information provided by institutions of higher education regarding individual student-level data, unidentified, for every student who seeks accommodations. Data collected will include their disability category, enrollment information (program of study, progress towards degree or program completion, program completion status), supports and accommodations provided to them, and student's employment and further education for the 5 years following completion of the student's program of study. Data will be aggregated by individual and by university. The annual enrollment, retention, and graduation rates of students with disabilities who receive funds under Title IV will be reported and disaggregated by disability category. The National Data Center will develop a website for the general public to access information at the institution level and links to federal and institution specific financial aid available.

The National Data Center, the National Center for Students with Disabilities, and the National Center for Institutions of Higher Education will use the following disability categories: ADHD, autism including Asperger's syndrome, blind or visually impaired, brain injury including acquired brain injury or traumatic brain injury, Deaf or hard-of-hearing, deaf-blind, intellectual disability, learning disability, long-term health condition, physical or mobility disability, psychiatric disability, speech or language disability, and other disability.

Part B: Transition Programs for Postsecondary Students with Disabilities

The HEAA reauthorizes model programs and coordinating centers for students with intellectual disabilities and establishes new model programs for students with deaf-blindness. The model programs proposed by Senator Harkin incorporate integrated, supported employment as well as academic enrichment. Additionally, the Coordinating Centers focus on technical assistance, but offer much more. They provide a tremendous opportunity for collaboration and research on a national level.

Transition Programs and Coordinating Center for Students with Intellectual Disabilities

The HEAA establishes new Transition Programs for Students with Intellectual Disabilities and a Coordinating Center for the Model Comprehensive Transition and Postsecondary Programs for Students with Intellectual Disabilities. The intent of these programs is to have a greater number of students with Intellectual Disabilities attend higher education institutions, obtain a degree or certificate, or attend a non-degree program, which is specifically designed to support them. The programs are intended to promote the transition of students with intellectual disabilities into higher education and support meaningful, integrated employment outcomes post-completion. The programs will include advising and curriculum structures with a focus on academic components. Academic components are comprised of credit-bearing courses with nondisabled students offered by the institution, auditing or participating in courses with nondisabled students, or enrollment in noncredit courses with nondisabled students.

A student with an intellectual disability is defined as a student with a cognitive impairment characterized by significant limitations in intellectual and cognitive functioning as well as limitations in adaptive behavior as expressed in conceptual, social, and practical adaptive skills. To be eligible, the student must be currently or formerly eligible for FAPE under IDEA.

Grants are awarded to institutions of higher education, or consortia, to expand or establish Model Comprehensive Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) that are high-quality and use inclusive education. Five new grants will be awarded each fiscal year and new applicants must not have previously been given a TPSID award.

The institution must match the amount of the grant and their contribution must be not less than 25 percent of the cost of the program. Applications for the grant must show plans for the institution to sustain the program past the 5 year grant cycle using another funding source. The intent is for the programs to become self-sustaining with assistance from the Coordinating Center, cover a vast geographic region, and for the programs to be equitably distributed between 4-year and 2-year institutions including community colleges. Preference is given to applicants who meet one of the following criteria:

- a. Form a partnership with any relevant State or local agency serving students with intellectual disabilities such as vocational rehabilitation
- b. Provides institutionally owned or operated housing with the integration of students with intellectual disabilities with non-disabled peers

- c. Involvement of students in the model program who are attending the institution and are studying special education, general education, vocational rehabilitation, assistive technology, or related fields

These model programs will provide individualized services and supports for academic and social aspects of attending postsecondary education. The model programs include a focus on academic enrichment, integrated socialization, independent living skills, and integrated work experiences leading to competitive, integrated employment through person-centered planning. They will partner with one or more of the Local Education Agencies (LEAs) to support students who remain eligible under IDEA, including those funds available under part B, to support the participation of the student in the model program. A meaningful credential will be created and offered to students after completion of the program. The model programs will collaborate with the Coordinating Center in the evaluation of the program by submitting data on the experiences and outcomes of individual students in the program.

Annual data collection for each student, as well as longitudinal data for each student 5 years post program completion or leaving the program, will be collected. Five years after the first grant award the Secretary will provide a report to the authorizing committee that reviews the activities of the model program, provides guidance on how successful programs can be replicated.

Funding is reauthorized for the establishment or continuation of a Coordinating Center for the Model Comprehensive Transition and Postsecondary Programs for Students with Intellectual Disabilities (Coordinating Center) to provide recommendations related to the development of standards for comprehensive programs, technical assistance, and evaluations of these programs. (The current Coordinating Center is [Think College](#) at University of Massachusetts). The new bill expands data collection and evaluation requirements and adds a requirement for longitudinal data collection to better measure program outcome.

Evaluations will include data collection on the experiences and outcomes of individuals with intellectual disabilities. The Coordinating Center will evaluate participant progress by creating and maintaining a database of student-level information and data related to the experiences and outcomes of youth who participate in each program and receive a grant. They will develop an evaluation program that includes both qualitative and quantitative methodologies to measure student outcomes, program strengths related to academic enrichment, socialization, independent living, and the achievement of competitive integrated employment. The Coordinating Center will provide technical assistance to the Model Programs by: 1) creating meaningful credentialing to students that complete the program; 2) recommendations for the components of the programs; 3) developing model memoranda of agreement between the programs and other institutions; 4) state or local agencies; 5) develop a mechanism for grant awardees to communicate with each other; 6) develop a mechanism for grant awardees to communicate with potential students and families; 7) host a yearly meeting of all grant recipients; 8) create a workgroup to develop and recommend model criteria, standards, and components of the programs; and 9) report on the recommendations of the workgroup.

Transition Programs for Students who are Deaf-Blind

Similar to the programs established for students with intellectual disabilities, the HEAA establishes Model and Comprehensive Transition Programs for Students who are Deaf-Blind and a Coordinating Center for the Model Comprehensive Transition and Postsecondary Programs for Students who are Deaf-Blind. The intent of these programs is to increase the number of students with Deaf-Blindness attending higher education institutions, obtaining a degree or certificate, or attending a non-degree program, which is specifically designed to support them. The programs are intended to promote the transition of students into higher education and support meaningful, integrated employment outcomes post-completion. The programs focus on academic enrichment, self-advocacy, and integrated work experiences

A student who is Deaf-blind is defined as having central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field is less than 20 degrees, or a progressive visual loss leading to these conditions. Additionally, the student has a chronic hearing impairment so severe that speech is unintelligible despite optimum amplification. These two conditions cause difficulty in attaining independence in daily life activities, obtaining employment, or achieving psychosocial adjustment.

A Coordinating Center for the Model Comprehensive Transition and Postsecondary Programs for Students who are Deaf-blind is established similar to the Coordinating Center for Students with intellectual disabilities. The Coordinating Center will provide recommendations related to the development of standards for comprehensive programs, technical assistance, and evaluations of these programs. The Coordinating Center will evaluate participant progress by creating and maintaining a database of student-level information and data related to the experiences and outcomes of youth who participate in each program and receive a grant. They will develop an evaluation program that includes both qualitative and quantitative methodologies to measure student outcomes, program strengths related to academic enrichment, socialization, independent living, and the achievement of competitive integrated employment.

Part C: Providing Accessible Instructional materials to students with disabilities on college campuses

The HEAA establishes the Demonstration Program for Improved Postsecondary Instructional Materials and the Architectural and Transportation Barriers Board (Access Board). The HEAA authorizes the Access Board to establish guidelines for accessible instructional materials that will be used in postsecondary educational settings. In order for students with disabilities to have a meaningful educational experience, they must have access to the curriculum. These guidelines are intended to give students with disabilities access. These guidelines address electronic instructional material, related information technologies, and performance criteria to ensure that materials are accessible to students with disabilities. Every three years, the Access Board will review and amend the guidelines to reflect the changes in technology, instructional materials, and related information technologies.

The HEAA also established a Demonstration Program for Improved Postsecondary Instructional Materials that will encourage the development of systems to improve the quality of instructional materials in specialized formats, encourage timely delivery of such materials to students with

print disabilities, improve efficiency in providing these materials, and reduce duplication efforts across multiple institutions. An eligible institution that receives a grant under this provision will support the development and implementation of the following; 1) processes to identify and verify the eligibility of postsecondary students with print disabilities in need of instructional materials in specialized formats; 2) procedures to facilitate and simplify the methods through which eligible students request materials including a single point-of-entry system; 3) procedures to coordinate among institutions of higher education; 4) facilitate requests for such materials from publishers; 5) delivery systems that will ensure the timely provision of materials; and 6) develop systems to reduce duplicative conversions and improve sharing of the same instructional materials for multiple eligible students at multiple institutions of higher education. The partnership will increase awareness, outreach, and training activities for faculty, staff, and students about the acquisition and dissemination of materials including recommendations on how effective procedures can be implemented on a national basis.

Part D: Commission on serving and supporting students with psychiatric disabilities in institutions of higher education

The HEAA establishes an Advisory Commission on Serving and Supporting Students with Psychiatric Disabilities on College Campuses (Commission). The Commission's purpose is to conduct a comprehensive study to assess barriers and systematic issues that may affect the retention and graduation rates of students with psychiatric disabilities. Based on their findings, they shall develop recommendations to inform Federal regulations and legislation regarding recruitment, retention, supports for these students, and identify best practices for serving and supporting these students while maintaining privacy protection under the Health Insurance Portability and Accountability Act of 1996 and section 444 of the General Education Provisions Act. One year after the first meeting, the Commission will submit their findings and recommendations of the study. The findings of the study will be disseminated through the National Technical Assistance Centers and other means as determined by the commission. The Commission shall terminate on the date that is 90 days after the submission of the report.