

Aim Higher

Access | Affordability | Completion

Improving Access to Higher Education Act of 2017

Section 1. Short Title; Table of Contents

The act may be referred to as the Improving Access to Higher Education Act. The bill includes two titles. The first is focused on programs to improve higher education for students with disabilities. The second title includes three miscellaneous provisions related to students with disabilities in higher education.

Title I: Programs to Provide Students with Disabilities a Quality Higher Education

Section 101. Supporting Postsecondary Faculty, Staff, and Administrators in providing Accessible Education.

Amends Section 762 and 763 of the Higher Education Act (HEA). Competitive grants are authorized to provide professional development and technical assistance to faculty, staff, and administrators in institutions of higher education (IHEs). Activities eligible for funds include (a) teaching methods and strategies, (b) implementing accommodations, (c) developing effective transition practices, (d) developing distance learning improvements, and (e) developing career and pathway guidance. An institution receiving an award must evaluate the practices and disseminate findings to other institutions.

Section 102. Office of Accessibility

Section 765A

Amends Subpart 1 of Part D of title VII of the HEA by inserting a new section: 765A. This section establishes that each IHE must establish an office of accessibility to develop and implement policies to support students with disabilities. Most institutions currently have an office of disability supports. The definition of office of accessibility renames the program, and this section outlines increased responsibilities to ensure higher education is accessible to students with disabilities. Offices of accessibility are required to adopt policies that make the following documentation sufficient to establish an individual has a disability: (a) an individualized education plan, (b) a 504 plan from the Rehabilitation Act, (c) a plan or record of service under the Americans with Disabilities Act (ADA), (d) a record or evaluation from a licensed professional, (e) a plan or record from another IHE, or (f) documentation of a disability due to uniformed services.

Section 765B

This section amends Subpart 1 of Part D of title VII of the HEA by inserting a new section: 765B. This section establishes a new competitive grant to IHEs for up to a period of 5 years. IHEs may select one of two activities: (1) use funds to develop and implement Universal Design for Learning (UDL) across the entire institution including course design and instructional materials to improve campus-wide accessibility or (2) use funds to develop or improve distance education courses consistent with UDL to improve accessibility of instruction and materials.

Section 103. Accessible Instructional Materials and Technology

Section 103 establishes a commission comprised of key stakeholders to develop guidelines for accessible postsecondary electronic instructional materials and technologies. The commission will carry out two primary

activities: review applicable information technology accessibility standards and compile and annotate such standards as an additional information resource for IHEs. Members of the commission will represent communities of people with disabilities, higher education leadership, and developers of postsecondary electronic instructional materials. The guidelines and annotated list will be reviewed every 5 years and open to public comment.

Section 104. Postsecondary Programs for Students with Intellectual Disabilities

Section 104 amends Section 766 and Section 767 of the HEA regarding programs for students with intellectual disabilities in higher education. The purpose of the grant program is to support inclusive programs that promote the successful transition of students with intellectual disabilities in higher education and the earning of a recognized educational credential or recognized postsecondary credential issued by the IHE. Funds may be used to serve students with intellectual disabilities, provide individual supports and services, integrate person-centered planning in the development of the course of study, integrate students into institutionally owned housing (if applicable), participate with the coordinating center, partner with one or more local educational agencies, plan for the sustainability of the program, and must award a recognized educational credential or a recognized postsecondary credential. Data collection and transmission was increased from the previous authorized grant language. The bill outlines longitudinal data that must be collected on each student participating in the program for every year of the program and five years after exiting the program.

Section 105. National Technical Assistance Center and National Coordinating Center for Inclusion of Students with Intellectual Disabilities

Section 105 amends Section 777 of the HEA related to the National Technical Assistance Center and the National Coordinating Center for Inclusion of Students with Intellectual Disabilities (previously titled the Coordinating Center). Previously both centers had been funded through the same authorization of appropriations. This bill provides specific funding to each center.

(a) National Technical Assistance Center

Through a competitive grant application, the Department of Education will award an eligible entity a grant to carry out the activities described in this subsection. The National Technical Assistance Center will provide assistance to students and families, provide assistance to IHEs, collect and disseminate information related to the activities, evaluate and improve disability support information, and prepare and submit a report every two years on the activities carried out by the center. The authorization amount was increased to \$10,000,000 to carry out the activities in the subsection.

(b) National Coordinating Center for Inclusion of Students with Intellectual Disabilities

Through a competitive grant application, an eligible entity can apply for a grant to carry out the following activities: (a) serve as the technical assistance center for entities; (b) provide technical assistance on development, evaluation, and improvement of programs; (c) evaluate programs using quantitative and qualitative methodologies; (d) create and maintain a database of student and program level data; (e) create and maintain a mechanism to consolidate follow up data on student outcomes, (f) assist grantees in efforts to award a recognized educational credential or a recognized postsecondary credential; (g) identify model memoranda of agreement for use between or among IHEs and state and local agencies providing funding for the programs; (h) develop recommendations for the necessary components of each program; (i) review and analyze the policy impact of the programs and funding streams of the programs; (j) provide recommendations of the funding streams; (k) develop mechanisms for regular communication and dissemination of information about the programs; (l) host at least 1 annual meeting of all grantees; (m) convene a work group to continue the

development of and recommendations for model criteria that are needed for the development of accreditation standards.

Section 106. Definitions

- *Comprehensive transition and postsecondary program for students with intellectual disabilities* means a program that leads to a recognized educational credential or a recognized postsecondary credential issued by an IHE that: (a) is offered by an IHE, (b) is designed to support students with intellectual disabilities, (c) includes student advising, (d) requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, and (e) requires students with intellectual disabilities to be socially and academically integrated with students without disabilities.
- *Disability* has the meaning given to the term in section 3 of the ADA.
- *Institution of Higher Education* has the meaning given to the term in section 101 of the HEA.
- *Office of Accessibility* is a newly defined term. It has the meaning given to the office of disability services of the IHE or such equivalent office.
- *Recognized Postsecondary Credential* has the meaning given to the term in section 101 of the Workforce Innovation and Opportunity Act.
- *Secretary* means the Secretary of Education.
- *Student with Intellectual Disability* means a student with a cognitive impairment, who is currently or was formerly eligible for a free appropriate public education under the Individuals with Disabilities Education Act (IDEA). If the student was not eligible under IDEA, the student must provide a documented comprehensive and individualized psycho-educational evaluation and diagnosis or a record of the disability from a local or state educational agency or a governmental agency to establish the student is a student with an intellectual disability.
- *Universal Design for Learning* means a scientifically valid framework for guiding educational practice that provides flexibility in the ways information is presented, students respond or demonstrate knowledge and skills, and in the ways in which students are engaged. It also reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students.

Title II: Miscellaneous Provisions

Section 201. Submission of Data with Respect to Students with Disabilities

Section 201 amends Section 487(a) of the HEA by adding a paragraph that includes data regarding students with disabilities in the Integrated Postsecondary Education Data System (IPEDS). New information includes: total number of students with disabilities enrolled, number of students accessing or receiving accommodations, percentage of students with disabilities of all undergraduate students, and the total number of undergraduate certificates or degrees awarded to students with disabilities.

Section 202. Training for Realtime Writers to Provide Closed Captioning and Court Reporting Services

Section 202 reauthorizes Section 872(e) of the HEA related to Realtime Writers services by updating the authorization year.

Section 203. Perfecting Amendment.

Also included in the RISE Act, Section 203 amends Section 106(6) of the HEA. HEA currently contains an incorrect statutory citation for the definition of disability in the ADA. The perfecting amendment updates the statutory citation.