



## DISABILITIES LAW PROGRAM

COMMUNITY LEGAL AID SOCIETY, INC.

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The Honorable Virginia Foxx  
Chairwoman  
Education & Workforce Committee  
2262 Rayburn House Office Building  
Washington, DC 20515

The Honorable Bobby Scott  
Ranking Member  
Education & Workforce Committee  
1201 Longworth House Office Building  
Washington, DC 20515

December 11, 2017

Dear Chairwoman Foxx & Ranking Member Scott:

The Disabilities Law Program of Community Legal Aid Society writes in opposition to H.R. 4508, the "Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act".

The Disabilities Law Program is a program of Community Legal Aid Society of Delaware. We are the Governor-appointed protection and advocacy system for Delaware, and advocate on behalf of individuals with disabilities, including people with developmental disabilities, physical disabilities and mental health issues.

The Disabilities Law Program is alarmed that H.R. 4508 walks back access to and necessary supports for higher education for students with disabilities in a number of crucial ways. Specifically, the bill eliminates several programs that are critical to the success of students with disabilities and the educators who instruct them in K-12 and postsecondary programs.

- **H.R. 4508 eliminates programs that support teachers.** H.R. 4508 removes all of Title II that was part of the Higher Education Opportunity Act (HEOA), which included grants that improve teacher quality and incentivize teachers to serve in high-need areas like special education. In addition, it eliminates the Teacher Education Assistance for College and Higher Education (TEACH) grants, which provided financial assistance to individuals who choose to pursue careers in public service, including educators and other school professionals. Eliminating these programs will only exacerbate the special education teacher shortage crisis that 98% of school districts are already facing and limit the services and supports available to students with disabilities.

- **H.R. 4508 does not include the Respond, Innovative, Succeed and Empower (RISE) Act.** H.R. 4508 fails to include an essential component of the RISE Act that would require colleges and universities to accept a student's individualized education plan (IEP) or 504 plan as evidence of their disability. The RISE Act is a bi-partisan proposal that seeks to help more students with disabilities get in the door of their college's Disability Service Office and seek the accommodations they need to succeed.
- **H.R. 4508 eliminates grants that increase accessibility for students with disabilities on college campuses.** The PROSPER Act eliminates grant programs that support faculty who work with students with disabilities and provide accessible materials in college. This will make it more difficult for students with disabilities to secure technology and accessible materials in postsecondary education. Furthermore, it will leave college faculty with fewer resources and less training to support and instruct students with disabilities.
- **H.R. 4508 does not meaningfully include universal design for learning (UDL) in any provisions that address post-secondary instruction or accessibility for students with disabilities.** UDL is critical to ensuring that students with disabilities are provided an equal opportunity to participate in higher education. Any reauthorization of HEA should include opportunities for IHEs to develop campus-wide UDL strategies and for faculty to incorporate UDL as a strategy to improve instruction for students with disabilities.
- **The PROSPER Act includes a Pell Grant provision that may present additional barriers and diminish eligibility for students with disabilities in need of financial aid.** Students with disabilities in higher education may use accommodations that provide greater flexibility with their schedules and course loads to allow them to meet their academic goals. They should not be denied financial aid based on this. Students with disabilities must be eligible for the same types of financial aid, such as Pell Grants, as all other students. Federal law should ensure that students with disabilities are accommodated if they cannot meet requirements due to their disability.

The Disabilities Law Program does appreciate and acknowledge the below four provisions to support students with disabilities contained within H.R. 4508, specifically:

- (1) The bill includes new, improved data collection on students with disabilities and their postsecondary completion rates that will be publicly shared on the federal College Dashboard;
- (2) The bill includes new IMPACT grants to improve post-secondary access and completion for disadvantaged groups, including students with disabilities;
- (3) The bill maintains the National Technical Assistance Center that provides information to students and families on post-secondary options and supports college faculty in serving students with disabilities;
- (4) The bill maintains the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) program which provides grants for 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.

However, despite inclusion of the above mentioned provision, the Disabilities Law Program feels that H.R. 4508 does not come close to providing students with disabilities meaningful access to higher education. We know that the unemployment rate for people with disabilities remains twice that of workers without a disability, despite the fact that there are 6.1 million available jobs in the United States and we know that the poverty rate for people with disabilities is 26.8%. It is unacceptable that H.R. 4508 diminishes rather than increases the chances of an individual with disabilities attending an institution of higher education with meaningful supports in place with the goal of obtaining competitive, integrated employment. We can and must do better than this.

We urge you to reconsider your approach to reauthorizing the Higher Education Act. Congress must draft a legislative proposal that meets the needs of underserved students – including students with disabilities – and the faculty that serve them. Please feel free to contact Laura Waterland, the Project Director of the Disabilities Law Program at 302-476-8509, or [lwaterland@declasi.org](mailto:lwaterland@declasi.org) with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Atkins / djw".

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