

An Update on Key Federal Policy and Needed Action

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State of the Art Conference

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Let's Get Started:

- The Higher Education Opportunity Act (HEOA) passed in 2008 and allows financial aid (grants and Work Study jobs) for students with ID enrolled in Comprehensive Transition Programs (CTPs), and the creation of the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSIDs) and the National Coordinating Center (NCC).
- The legislation needs to be passed again by Congress (reauthorized)
- We have suggested changes be made to it to improve and continue the program...

Higher Education Act Reauthorization

➤ House

- College Affordability Act (HR 4674) passed out of Committee in October
- Expect House vote by year end
- Includes most of the recommendations of the Inclusive Higher Education Committee to extend and improve ID provisions. See recommendations: <https://www.ndsccenter.org/wp-content/uploads/Senate-HELP-Com-ID-letter-3.22.2018.pdf>
- Republican substitute bill did not pass. Also would extend ID provisions.

➤ Senate

- Stalled...
- Chairman Lamar Alexander (R-TN) introduced narrow bill; Ranking Member Patty Murray (D-WA) wants comprehensive bill; maybe another attempt after January 1 at negotiating a comprehensive bill?

Key recommendations from IHEC included in House bill (CAA):

- Revise the definition of a “Comprehensive Transition Program” to
 - Change “gainful employment” to “competitive integrated employment”
 - Change “curriculum” to “program of study”
 - Require both academic and career development components.
 - Clarify how a student not identified as having an intellectual disability ID, may be found eligible for financial aid, etc.
- Increase TPSID inclusive housing opportunities
- Strengthened data collection about student outcomes
- To extent practical, equal funding to two-year and four year institutions

TPSID/NCC Appropriations

- Current Continuing Resolution (CR) for FY 2020 appropriations expires November 21, 2019; probably another CR coming; TPSID appropriations **flat funded in CR at \$11.8 million** for TPSID/NCC
- If/when Congress passes appropriations bills, AUCD, NDSC, IHEC, disability community are asking for **\$12.3 million**; possible small increase will be included, but more likely flat funded at \$11.8 million
- **So long as Congress appropriates the money, the new RFP can be issued and program can continue even without Higher Ed Act reauthorization**
- **However, if HEA is reauthorized without TPSIDs/NCC then funding ends.**

Department of Education Guidance on Postsecondary Opportunities and Success for Students and Youth with Disabilities

- Follow up to address questions from [Addressing the Policy Tangle: Students with Intellectual Disability and the Path to Postsecondary Education, Employment and Community Living](#), Lee, Will and Rozell
- IDEA Part B funds and VR funds **MAY** be used to support students with disabilities in:
 - Dual enrollment programs
 - Inclusive postsecondary programs
 - State decides if VR or IDEA funds are used (not new)
- Confirms that students with disabilities who participate in CTPs **may** receive Federal student financial aid
- Guidance: <https://www2.ed.gov/policy/speced/guid/increasing-postsecondary-opportunities-and-success-09-17-2019.pdf>

New Guidance: Use of IDEA funds

- States that IDEA Part B funds may be used to support students with disabilities in CTPs if certain conditions are met.
- “Conditions” are confusing.
- Met with OSERS Assistant Secretary Mark Shultz and OSEP Director Laurie VanderPloeg to discuss.
- Will continue to pursue.

New Guidance: Use of VR Funds

➤ VR funds MAY be used:

- “A comprehensive transition program is an example of one postsecondary option for which the VR program could provide assistance to students and youth with intellectual disabilities when appropriate and agreed to on their approved IPE. “
- **“Nothing in the Rehab Act prohibits or precludes VR agencies from supporting individuals with disabilities (including those with ID) who have been determined eligible and are receiving VR services under an IPE, at comprehensive and postsecondary education programs in order to achieve their employment goal.”**
- **“In sum, individuals with disabilities may be supported by VR agencies using VR funds to support “students with intellectual disabilities” as defined in Section 760(2)(B) of the HEA and by LEAs with funds under IDEA Part B, when the students have IEPs under IDEA and are dually enrolled in secondary and postsecondary education programs, including comprehensive transition and postsecondary programs.**

New Guidance: Use of VR Funds

- Clearly says that CTPs are for students with intellectual disabilities
 - “While this Appendix discusses programs and services that are available for students and youth with disabilities in general, CTPs at IHEs are specifically for individuals with intellectual disabilities. “
- Credentials:
 - “The Department supports States in their work to increase postsecondary education options and opportunities for individuals with disabilities, including students and youth with intellectual disabilities, through participation in comprehensive transition programs at IHEs, **regardless of whether the completion credential is a degree, certificate, or other recognized credential.**”

Protecting the Least Restrictive Environment

- Disability community received word that ED was going to release guidance that would weaken LRE – a fundamental right in IDEA.
- Senior Members Congress and their staff were contacted – who in turn contacted Sec. DeVos and ED Chief of Staff.
- A bipartisan coalition of former political appointees, school and disability organizations issued a joint media statement and met with ED Chief of Staff. Told there was no guidance.
- Must remain vigilant. Status of “Rethinking Special Education” not clear.

Employment

- A variety of groups and coalitions are working on employment issues. Two coalitions to check out are: **Collaboration to Promote Self-Determination** (www.thecpsd.org) and a newly formed **Coalition to Promote Competitive Integrated Employment** (www.integratedemploymentnow.org)
- Priorities:
 - Eliminate 14(c) subminimum wage in a responsible way
 - Preserve WIOA definition of Competitive Integrated Employment
 - Support laws and policies that create new opportunities or incentives for CIE

What is 14c and why should it be eliminated?

- Created in 1938 in the Fair Labor Standards Act, allows employers with 14(c) certificates to legally pay people with disabilities less than the federal minimum wage, often times pennies on the dollar
- Section 14(c) certificates are typically used in “sheltered workshops,” where people with disabilities are segregated from the broader community.
- The vast majority of disability advocates view Section 14(c) as outdated, discriminatory, and reinforcing a life of poverty, segregation, and dependency on public support for people with disabilities.

Transformation to Competitive Employment Act (HR 873/S 260)

- Phase-out 14c subminimum wage over 6 years PLUS capacity-building/transformation funds and resources
 - Will help sheltered workshops convert to integrated settings
 - Will create more competitive integrated employment for PwD
- Bipartisan - introduced by Senators Casey (D-PA) and Van Hollen (D-MD) and Representatives Scott (D-VA) and McMorris-Rodgers (R-WA)
- AUCD plain language flier
 - https://www.aucd.org/template/news.cfm?news_id=14272&parent=16&parent_title=Home&url=/template/index.cfm?
- ASK YOUR SENATORS AND REPRESENTATIVES TO SIGN ON AS COSPONSORS!
<https://www.ndsccenter.org/political-advocacy/take-action-stay-informed/>

Achieving a Better Life Experience Act (ABLE)

- Achieving a Better Life Experience (ABLE) Act – added Section 529A to federal tax code to create a new option for some people with disabilities and their families to save for the future, while protecting eligibility for public benefits
- ABLE beneficiaries can save more than \$2,000 assets in their name without impacting eligibility for Medicaid and eligibility for Supplemental Security Income (SSI) not affected up to \$100,000 in savings, after which it is suspended (but not terminated)

ABLE Implementation and Improvements

- 43 ABLE programs have launched with more to come
- **ABLE Age Adjustment Act** (S 651/ HR 1814)
 - Would increase age of onset of disability from before age 26 to before age 46
 - Would **expand potential pool** of enrollees for ABLE programs by 6 million and increase likelihood of **sustainability** of ABLE programs
- See ABLE National Resource Center for info on ABLE (www.ablenrc.org)
- Tuesdays with Liz on from 2017 on the ABLE Act
<https://www.youtube.com/watch?v=siIBZIFUyDk>
- NDSC Action Alert on ABLE Age bill:
<https://ndsccenter.salsalabs.org/ACTIONALERTPASSTHEABLEAGEADJUSTMENTACT/index.html>

Become a Think College Policy Advocate! - YEAR 2

- **Purpose:** To train a cadre of public policy advocates knowledgeable and active in higher education policy for students with intellectual disabilities, including students themselves.
- Pilot of 5 teams from 5 different IPSE programs
 - Each team comprised of a student and an IPSE program person
 - Each team must be interested in learning more about public policy and be willing to commit to a series of activities over the next year
- Information and application information will be sent soon and applications will be available by December 2 – look at the Think College website. Teams will be announced in January.

Think College Policy Advocates, March 23-25, 2020

- *Disability Policy Seminar*; March 23-25, 2020 in Washington DC (TCPA will be asked to come in one day early for some targeted training)
- Policy workshops, trainings and Hill Day including 1 advocacy and specific issues
- Co-sponsored by multiple disability organizations
 - The Arc, AAIDD, AUCD, NACDD, UCP, SABE
 - New partners: NDSC & Autism Society of America



Advocacy Toolkit for Self-Advocates



Presented by Christopher Bennett and the NDSC Self-Advocate Council (SAC), along with the NDSC Policy & Advocacy Team

Check it out at:
<https://www.ndscenter.org/wp-content/uploads/NDSC-Advocacy-Toolkit-for-SAs.pdf>

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Sign up to stay up-to-date with NDSC Policy communications!

- Monthly NDSC Policy & Advocacy
Newslines emails
 - <http://www.ndsccenter.org/stay-up-to-date-with-ndsc-news/>
- Action Alerts
 - <https://www.ndsccenter.org/political-advocacy/take-action-stay-informed/>
- Facebook
 - <https://www.facebook.com/dsadvocates/>
- Twitter
 - *@policyupdates*



**Action
Alert**

URGENT



Sign up to stay up-to-date with AUCD Policy communications!

- Weekly Disability Policy News *InBrief* Newsletter with links to an action step
 - <https://www.aucd.org//template/page.cfm?id=164>
- Action Alerts
 - <https://advocacy.aucd.org/?0>
- Facebook
 - <https://www.facebook.com/AUCDnetwork/>
- Twitter
 - *@AUCDNews*





- www.AAPD.com/advocacy/voting
- State resources and events
- Voter resources center
- Statistics
- Tool kits
- Issues guides
- Accessibility toolkit

Questions and Discussion



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