

115TH CONGRESS
1ST SESSION

H. R. 3199

To amend the Higher Education Act of 1965 to improve accessibility to, and completion of, postsecondary education for students, including students with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2017

Mr. DESAULNIER (for himself, Mr. HOYER, Mr. HUFFMAN, Mr. LANGEVIN, Mrs. DAVIS of California, Mr. PALLONE, Mr. KHANNA, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to improve accessibility to, and completion of, postsecondary education for students, including students with disabilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Improving Access to Higher Education Act of 2017”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PROGRAMS TO PROVIDE STUDENTS WITH DISABILITIES
WITH A QUALITY HIGHER EDUCATION**

Sec. 101. Supporting postsecondary faculty, staff, and administrators in providing accessible education.

Sec. 102. Office of Accessibility.

Sec. 103. Accessible instructional materials and technology.

Sec. 104. Postsecondary programs for students with intellectual disabilities.

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

Sec. 106. Definitions.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Submission of data with respect to students with disabilities.

Sec. 202. Training for realtime writers to provide closed captioning and court reporting services.

Sec. 203. Perfecting amendment.

1 TITLE I—PROGRAMS TO PRO-
2 VIDE STUDENTS WITH DIS-
3 ABILITIES WITH A QUALITY
4 HIGHER EDUCATION

5 SEC. 101. SUPPORTING POSTSECONDARY FACULTY, STAFF,
6 AND ADMINISTRATORS IN PROVIDING ACCES-
7 SIBLE EDUCATION.

8 (a) GRANTS.—Section 762 of the Higher Education
9 Act of 1965 (20 U.S.C. 1140b) is amended to read as
10 follows:

11 “SEC. 762. GRANTS AUTHORIZED.

12 “(a) COMPETITIVE GRANTS AUTHORIZED TO SUP-
13 PORT POSTSECONDARY FACULTY, STAFF, AND ADMINIS-
14 TRATORS IN PROVIDING AN ACCESSIBLE EDUCATION.—

15 “(1) IN GENERAL.—From amounts appro-
16 priated under section 765C, the Secretary shall

1 award grants, on a competitive basis, to institutions
2 of higher education to enable the institutions to
3 carry out the activities under subsection (b).

4 “(2) AWARDS FOR PROFESSIONAL DEVELOP-
5 MENT AND TECHNICAL ASSISTANCE.—Not less than
6 5 grants shall be awarded to institutions of higher
7 education that provide professional development and
8 technical assistance in order to improve access to
9 and completion of postsecondary education for stu-
10 dents, including students with disabilities.

11 “(b) DURATION; ACTIVITIES.—

12 “(1) DURATION.—A grant under this subpart
13 shall be awarded for a period of 5 years.

14 “(2) AUTHORIZED ACTIVITIES.—A grant
15 awarded under this subpart shall be used to carry
16 out one or more of the following activities:

17 “(A) TEACHING METHODS AND STRATE-
18 GIES.—The development and implementation of
19 training to provide innovative, effective, and evi-
20 dence-based teaching methods and strategies,
21 consistent with the principles of universal de-
22 sign for learning, to provide postsecondary fac-
23 ulty, staff, and administrators with the skills
24 and supports necessary to teach and meet the
25 academic and programmatic needs of students

(including students with disabilities) in order to improve the retention of such students in, and the completion by such students of, postsecondary education. Such methods and strategies may include in-service training, professional development, customized and general technical assistance, workshops, summer institutes, distance learning, and training in the use of assistive and educational technology.

“(B) IMPLEMENTING ACCOMMODATIONS.—

The development and implementation of training to provide postsecondary faculty, staff, and administrators methods and strategies of providing appropriate accommodations for students with disabilities, including descriptions of legal obligations of the university to provide such accommodations.

“(C) EFFECTIVE TRANSITION PRACTICES.—

The development and implementation of innovative, effective, and evidence-based teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the skills and supports necessary to ensure the successful and smooth transition of students with disabilities from secondary school to

1 postsecondary education. The teaching methods
2 and strategies may include supporting students
3 in the development of self-advocacy skills to im-
4 prove transition to, and completion of, postsec-
5 ondary education.

6 “(D) DISTANCE LEARNING.—The develop-
7 ment and implementation of training to provide
8 innovative, effective, and evidence-based teach-
9 ing methods and strategies to enable postsec-
10 ondary faculty, staff, and administrators to pro-
11 vide accessible distance education programs or
12 classes that would enhance the access of stu-
13 dents (including students with disabilities) to
14 postsecondary education, including the use of
15 accessible curricula and electronic communica-
16 tion for instruction and advising.

17 “(E) CAREER PATHWAY GUIDANCE.—The
18 development and implementation of effective
19 and evidence-based teaching methods and strat-
20 egies to provide postsecondary faculty, staff,
21 and administrators with the ability to advise
22 students with disabilities with respect to their
23 chosen career pathway, which shall include—

1 “(i) supporting internships, appren-
2 ticeships, or work-based learning opportu-
3 nities;

4 “(ii) counseling on coursework to meet
5 the recognized educational credential or
6 recognized postsecondary credential appro-
7 priate for the field chosen;

8 “(iii) developing self-advocacy skills to
9 advocate for appropriate accommodations
10 once in the workplace; or

11 “(iv) support with selecting a career
12 pathway that leads to competitive, inte-
13 grated employment.

14 “(3) MANDATORY EVALUATION AND DISSEMI-
15 NATION.—An institution of higher education award-
16 ed a grant under this subpart shall evaluate and dis-
17 seminate to other institutions of higher education
18 the information obtained through the activities de-
19 scribed in subparagraphs (A) through (E) of para-
20 graph (2).

21 “(c) CONSIDERATIONS IN MAKING AWARDS.—In
22 awarding grants, contracts, or cooperative agreements
23 under this subpart, the Secretary shall consider the fol-
24 lowing:

1 “(1) GEOGRAPHIC DISTRIBUTION.—Providing
2 an equitable geographic distribution of such awards.

3 “(2) RURAL AND URBAN AREAS.—Distributing
4 such awards to urban and rural areas.

5 “(3) RANGE AND TYPE OF INSTITUTION.—En-
6 suring that the activities to be assisted are developed
7 for a range of types and sizes of institutions of high-
8 er education.

9 “(d) REPORTS.—

10 “(1) INITIAL REPORT.—Not later than one year
11 after the date of enactment of the this Act, the Sec-
12 retary shall prepare and submit to the authorizing
13 committees, and make available to the public, a re-
14 port on all projects awarded grants under this part,
15 including a review of the activities and program per-
16 formance of such projects based on existing informa-
17 tion as of the date of the report.

18 “(2) SUBSEQUENT REPORT.—Not later than
19 five years after the date of the first award of a grant
20 under this subpart after the date of enactment of
21 this Act, the Secretary shall prepare and submit to
22 the authorizing committees, and make available to
23 the public, a report that—

1 “(A) reviews the activities and program
2 performance of the projects authorized under
3 this subpart; and

4 “(B) provides guidance and recommenda-
5 tions on how effective projects can be rep-
6 licated.”.

7 (b) APPLICATIONS.—Section 763 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1140c) is amended to read
9 as follows:

10 **“SEC. 763. APPLICATIONS.**

11 “Each institution of higher education desiring to re-
12 ceive a grant under this subpart shall submit an applica-
13 tion to the Secretary at such time, in such manner, and
14 accompanied by such information as the Secretary may
15 require. Each application shall include—

16 “(1) a description of the activities authorized
17 under this subpart that the institution proposes to
18 carry out, and how such institution plans to conduct
19 such activities in order to further the purpose of this
20 subpart;

21 “(2) a description of how the institution con-
22 sulted with a broad range of people, including indi-
23 viduals with expertise in disability supports or spe-
24 cial education, within the institution to develop ac-
25 tivities for which assistance is sought;

1 “(3) a description of how the institution will co-
2 ordinate and collaborate with the office of accessi-
3 bility; and

4 “(4) a description of the extent to which the in-
5 stitution will work to replicate the research-based
6 and best practices of institutions of higher education
7 with demonstrated effectiveness in serving students
8 with disabilities.”.

9 **SEC. 102. OFFICE OF ACCESSIBILITY.**

10 Subpart 1 of part D of title VII of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1440a et seq.) is amend-
12 ed—

13 (1) by redesignating section 765 as section
14 765C;

15 (2) by inserting after section 764 the following:

16 **“SEC. 765A. OFFICE OF ACCESSIBILITY.**

17 “(a) ESTABLISHMENT.—Each institution of higher
18 education shall establish an office of accessibility to de-
19 velop and implement policies to support students who
20 enter postsecondary education with disabilities and stu-
21 dents who acquire a disability while enrolled in an institu-
22 tion of higher education.

23 “(b) DUTIES.—Each office of accessibility shall—

24 “(1) inform students, during student orienta-
25 tion, about services provided at the institution of

1 higher education, and continually update such infor-
2 mation through the accessibility office’s website and
3 other communications to improve accessibility of
4 such services;

5 “(2) provide information to students regarding
6 accommodations and modifications provided by the
7 institution of higher education with respect to in-
8 ternships, practicums, work-based learning, appren-
9 ticeships, or other work-related environments that—

10 “(A) the student may engage in through
11 courses; or

12 “(B) are necessary for completion of a rec-
13 ognized educational credential or recognized
14 postsecondary credential;

15 “(3) provide information to students regarding
16 their legal rights under the Americans with Disabil-
17 ities Act (42 U.S.C. 12101 et seq.) and section 504
18 of the Rehabilitation Act (29 U.S.C. 794); and

19 “(4) in order to provide appropriate accom-
20 modations to students with disabilities, carry out the
21 following:

22 “(A) Adopt policies that, at a minimum,
23 make any of the following documentation sub-
24 mitted by a student sufficient to establish that
25 such student is an individual with a disability:

1 “(i) Documentation that the indi-
2 vidual has had an individualized education
3 program in accordance with section 614(d)
4 of the Individuals with Disabilities Edu-
5 cation Act (20 U.S.C. 1414(d)), including
6 an individualized education program that
7 may be not current or past-date on the
8 date of the determination.

9 “(ii) Documentation that the indi-
10 vidual has had a plan prepared under sec-
11 tion 504 of the Rehabilitation Act of 1973
12 (29 U.S.C. 794).

13 “(iii) A plan or record of service for
14 the individual from a private school, a local
15 educational agency, a State educational
16 agency, or an institution of higher edu-
17 cation provided in accordance with the
18 Americans with Disabilities Act of 1990
19 (42 U.S.C. 12101 et seq.).

20 “(iv) A record or evaluation from a li-
21 censed professional finding that the indi-
22 vidual has a disability.

23 “(v) A plan or record of disability
24 from another institution of higher edu-
25 cation.

1 “(vi) Documentation of a disability
 2 due to service in the uniformed services, as
 3 defined in section 484C(a).

4 “(B) Adopt policies that are transparent
 5 and explicit regarding the process by which the
 6 institution determines eligibility for accom-
 7 modations.

8 “(C) Disseminate the information de-
 9 scribed in subparagraph (B) to students, par-
 10 ents, and faculty—

11 “(i) in an accessible format;

12 “(ii) during student orientation; and

13 “(iii) by making such information
 14 readily available on a public website of the
 15 institution.

16 “(D) If applicable, provide accommoda-
 17 tions to students with mental health disabilities.

18 **“SEC. 765B. COMPETITIVE GRANT FOR INNOVATION AND**
 19 **ACCESSIBILITY.**

20 “(a) GRANTS AUTHORIZED.—

21 “(1) IN GENERAL.—From amounts appro-
 22 priated under section 765C, the Secretary may
 23 award grants on a competitive basis to institutions
 24 of higher education to enable the institutions to

1 carry out the activities described under subsection
2 (c).

3 “(2) DURATION.—A grant under this subpart
4 shall be awarded for a period of 5 years.

5 “(3) CONSIDERATION IN MAKING AWARDS.—In
6 awarding grants under this subsection, the Secretary
7 shall consider the following:

8 “(A) Providing an equitable geographic
9 distribution of such awards.

10 “(B) Ensuring that the activities to be as-
11 sisted are developed for a range of types and
12 sizes of institutions of higher education.

13 “(b) APPLICATION.—Each institution of higher edu-
14 cation desiring to receive a grant under this subsection
15 shall submit an application to the Secretary at such time,
16 in such manner, and accompanied by such information as
17 the Secretary may require. Each application shall in-
18 clude—

19 “(1) a description of how the institution will
20 carry out the activities under this section;

21 “(2) a description of the consultation the insti-
22 tution has had with a broad range of people within
23 the institution, including individuals with expertise
24 in disability supports or special education, in devel-
25 oping the information under paragraph (1);

1 “(3) a plan for the sustainability of the pro-
2 gram after the end of the grant period; and

3 “(4) a written business plan for revenue and ex-
4 penditures to be provided to the Department under
5 subsection (d).

6 “(c) ACTIVITIES.—A grant awarded under this sec-
7 tion shall be used to—

8 “(1) develop and implement across the institu-
9 tion of higher education, a universal design for
10 learning framework for course design and instruc-
11 tional materials to improve campus-wide accessibility
12 to instruction, materials, and the learning environ-
13 ment; or

14 “(2) develop or improve distance education
15 courses consistent with the principles of universal
16 design for learning to improve accessibility of in-
17 struction and materials.

18 “(d) REPORTS.—

19 “(1) GRANT RECIPIENT REPORTS.—An institu-
20 tion of higher education awarded a grant under this
21 subpart shall evaluate and disseminate to other in-
22 stitutions of higher education, the information ob-
23 tained through the activities described in subsection
24 (c).

1 “(2) INITIAL REPORT BY SECRETARY.—Not
2 later than one year after the date of the enactment
3 of this section, the Secretary shall prepare and sub-
4 mit to the authorizing committees, and make avail-
5 able to the public, a report on all projects awarded
6 grants under this part, including a review of the ac-
7 tivities and program performance of such projects
8 based on existing information as of the date of the
9 report.

10 “(3) FINAL REPORT BY SECRETARY.—Not later
11 than 6 years after the date of the first award of a
12 grant under subsection (a), the Secretary shall pre-
13 pare and submit to the authorizing committees, and
14 make available to the public, a report that—

15 “(A) reviews the activities and program
16 performance of the projects authorized under
17 this subsection; and

18 “(B) provides guidance and recommenda-
19 tions on how effective projects can be rep-
20 licated.”; and

21 (3) by amending section 765C, as so redesign-
22 nated, by striking “2009” and inserting “2018”.

1 **SEC. 103. ACCESSIBLE INSTRUCTIONAL MATERIALS AND**
2 **TECHNOLOGY.**

3 (a) ESTABLISHMENT OF COMMISSION.—The Speaker
4 of the House of Representatives, the President pro tem-
5 pore of the Senate, and the Secretary of Education shall
6 establish an independent commission, comprised of key
7 stakeholders, to develop guidelines for accessible postsec-
8 ondary electronic instructional materials and related tech-
9 nologies in order—

10 (1) to ensure students with disabilities are af-
11 farded the same educational benefits provided to stu-
12 dents without disabilities through the use of elec-
13 tronic instructional materials and related tech-
14 nologies;

15 (2) to improve the selection and use of such
16 materials and technologies at institutions of higher
17 education; and

18 (3) to encourage entities that produce such ma-
19 terials and technologies to make accessible versions
20 more readily available in the market.

21 (b) REVIEW.—In carrying out subsection (a), the
22 commission shall—

23 (1) review applicable information technology ac-
24 cessibility standards; and

25 (2) compile and annotate such accessibility
26 standards as an additional information resource for

1 institutions of higher education and companies that
2 service the higher education market.

3 (c) MEMBERSHIP.—

4 (1) STAKEHOLDER GROUPS.—The commission
5 shall be composed of representatives from the fol-
6 lowing categories:

7 (A) Communities of persons with disabil-
8 ities for whom the accessibility of postsecondary
9 electronic instructional materials and related
10 technologies is a significant factor in ensuring
11 equal participation in higher education, and
12 nonprofit organizations that provide accessible
13 electronic materials to these communities.

14 (B) Higher education leadership, including
15 university presidents, provosts, deans, vice
16 presidents or deans of libraries, chief informa-
17 tion officers, and other senior institutional ex-
18 ecutives.

19 (C) Developers of postsecondary electronic
20 instructional materials and manufacturers of
21 related technologies.

22 (2) APPOINTMENT OF MEMBERS.—The commis-
23 sion members shall be appointed as follows:

24 (A) 6 members, 2 from each category de-
25 scribed in paragraph (1), shall be appointed by

1 the Speaker of the House of Representatives, 3
2 of whom shall be appointed on the rec-
3 ommendation of the majority leader of the
4 House of Representatives and 3 of whom shall
5 be appointed on the recommendation of the mi-
6 nority leader of the House of Representatives,
7 with the Speaker ensuring that 1 developer of
8 postsecondary electronic instructional materials
9 and 1 manufacturer of related technologies are
10 appointed. The Speaker shall also appoint 2 ad-
11 ditional members, 1 student with a disability
12 and 1 faculty member from an institution of
13 higher education.

14 (B) 6 members, 2 from each category de-
15 scribed in paragraph (1), shall be appointed by
16 the President pro tempore of the Senate, 3 of
17 whom shall be appointed on the recommenda-
18 tion of the majority leader of the Senate and 3
19 of whom shall be appointed on the rec-
20 ommendation of the minority leader of the Sen-
21 ate, with the President pro tempore ensuring
22 that 1 developer of postsecondary electronic in-
23 structional materials and 1 manufacturer of re-
24 lated technologies are appointed. The President
25 pro tempore shall also appoint 2 additional

1 members, 1 student with a disability and 1 fac-
2 ulty member from an institution of higher edu-
3 cation.

4 (C) 3 members, each of whom must pos-
5 sess extensive, demonstrated technical expertise
6 in the development and implementation of ac-
7 cessible postsecondary electronic instructional
8 materials, shall be appointed by the Secretary
9 of Education. 1 of these members shall rep-
10 resent postsecondary students with disabilities,
11 1 shall represent higher education leadership,
12 and 1 shall represent developers of postsec-
13 ondary electronic instructional materials.

14 (3) ELIGIBILITY TO SERVE AS A MEMBER.—

15 Federal employees are ineligible for appointment to
16 the commission. An appointee to a volunteer or advi-
17 sory position with a Federal agency or related advi-
18 sory body may be appointed to the commission so
19 long as his or her primary employment is with a
20 non-Federal entity and he or she is not otherwise
21 engaged in financially compensated work on behalf
22 of the Federal Government, exclusive of any stand-
23 ard expense reimbursement or grant-funded activi-
24 ties.

25 (d) AUTHORITY AND ADMINISTRATION.—

1 (1) AUTHORITY.—The commission’s execution
2 of its duties shall be independent of the Secretary of
3 Education, the Attorney General, and the head of
4 any other agency or department of the Federal Gov-
5 ernment with regulatory or standard setting author-
6 ity in the areas addressed by the commission.

7 (2) ADMINISTRATION.—

8 (A) STAFFING.—There shall be no perma-
9 nent staffing for the commission.

10 (B) LEADERSHIP.—Commission members
11 shall elect a chairperson from among the ap-
12 pointees to the commission.

13 (C) ADMINISTRATIVE SUPPORT.—The
14 Commission shall be provided administrative
15 support, as needed, by the Secretary of Edu-
16 cation through the Office of Postsecondary
17 Education of the Department of Education.

18 (e) DUTIES.—

19 (1) GUIDELINES.—Not later than 18 months
20 after the date of enactment of this Act, subject to
21 a 6-month extension that it may exercise at its dis-
22 cretion, the commission shall—

23 (A) develop and issue guidelines for acces-
24 sible postsecondary electronic instructional ma-
25 terials, and related technologies; and

1 (B) in developing the guidelines, the com-
2 mission shall—

3 (i) establish a technical panel pursu-
4 ant to paragraph (4) to support the com-
5 mission in developing the guidelines;

6 (ii) develop criteria for determining
7 which materials and technologies constitute
8 postsecondary electronic instructional ma-
9 terials and related technologies;

10 (iii) identify existing national and
11 international accessibility standards that
12 are relevant to student use of postsec-
13 ondary electronic instructional materials
14 and related technologies at institutions of
15 higher education;

16 (iv) identify and address any unique
17 pedagogical and accessibility requirements
18 of postsecondary electronic instructional
19 materials and related technologies that are
20 not addressed, or not adequately ad-
21 dressed, by the identified, relevant existing
22 accessibility standards;

23 (v) identify those aspects of accessi-
24 bility, and types of postsecondary instruc-
25 tional materials and related technologies,

1 for which the commission cannot produce
2 guidelines or which cannot be addressed by
3 existing accessibility standards due to—

4 (I) inherent limitations of com-
5 mercially available technologies; or

6 (II) the challenges posed by a
7 specific category of disability that cov-
8 ers a wide spectrum of impairments
9 and capabilities which makes it dif-
10 ficult to assess the benefits from par-
11 ticular guidelines on a categorical
12 basis;

13 (vi) ensure that the guidelines are
14 consistent with the requirements of section
15 504 of the Rehabilitation Act of 1973 (29
16 U.S.C. 794) and titles II and III of the
17 Americans with Disabilities Act (42 U.S.C.
18 12131 et seq.; 42 U.S.C. 12181 et seq.);

19 (vii) ensure that the guidelines are
20 consistent, to the extent feasible and ap-
21 propriate, with the technical and functional
22 performance criteria included in the na-
23 tional and international accessibility stand-
24 ards identified by the commission as rel-
25 evant to student use of postsecondary elec-

1 tronic instructional materials and related
2 technologies;

3 (viii) allow for the use of an alter-
4 native design or technology that results in
5 substantially equivalent or greater accessi-
6 bility and usability by individuals with dis-
7 abilities than would be provided by compli-
8 ance with the guidelines; and

9 (ix) provide that where electronic in-
10 structional materials, or related tech-
11 nologies, that comply fully with the guide-
12 lines are not commercially available, or
13 where such compliance is not technically
14 feasible, the institution may select the
15 product that best meets the guidelines con-
16 sistent with the institution's business and
17 pedagogical needs.

18 (2) ANNOTATED LIST OF INFORMATION TECH-
19 NOLOGY STANDARDS.—Not later than 18 months
20 after the date of the enactment of this Act, subject
21 to a 6-month extension that it may exercise at its
22 discretion, the commission established in section 2
23 shall, with the assistance of the technical panel es-
24 tablished under paragraph (4), develop and issue an
25 annotated list of information technology standards.

1 (3) APPROVAL.—Issuance of the guidelines and
2 annotated list of information technology standards
3 shall require approval of at least 75 percent of the
4 members of the commission.

5 (4) TECHNICAL PANEL.—Not later than 1
6 month after first meeting, the Commission shall ap-
7 point and convene a panel of 12 technical experts,
8 each of whom shall have extensive, demonstrated
9 technical experience in developing, researching, or
10 implementing accessible postsecondary electronic in-
11 structional materials, or related technologies. The
12 commission has discretion to determine a process for
13 nominating, vetting, and confirming a panel of ex-
14 perts that fairly represents the stakeholder commu-
15 nities on the commission. The technical panel shall
16 include a representative from the United States Ac-
17 cess Board.

18 (f) REVIEW OF GUIDELINES.—Not later than 5 years
19 after issuance of the guidelines and annotated list of infor-
20 mation technology standards described in subsections (a)
21 and (b), and every 5 years thereafter, the Secretary of
22 Education shall publish a notice in the Federal Register
23 requesting public comment about whether there is a need
24 to reconstitute the commission to update the guidelines
25 and annotated list of information technology standards to

1 reflect technological advances, changes in postsecondary
2 electronic instructional materials and related technologies,
3 or updated national and international accessibility stand-
4 ards. The Secretary shall then submit a report and rec-
5 ommendation to Congress regarding whether the Commis-
6 sion should be reconstituted.

7 (g) RULE OF APPLICATION.—

8 (1) NONCONFORMING POSTSECONDARY ELEC-
9 TRONIC INSTRUCTIONAL MATERIALS OR RELATED
10 TECHNOLOGIES.—Nothing in this section shall be
11 construed to require an institution of higher edu-
12 cation to require, provide, or both recommend and
13 provide, postsecondary electronic instructional mate-
14 rials or related technologies that conform to the
15 guidelines. However, an institution that selects or
16 uses nonconforming postsecondary electronic instruc-
17 tional materials or related technologies must other-
18 wise comply with existing obligations under section
19 504 of the Rehabilitation Act of 1973 (29 U.S.C.
20 794) and titles II and III of the Americans with
21 Disabilities Act (42 U.S.C. 12131 et seq.; 42 U.S.C.
22 12181 et seq.) to provide access to the educational
23 benefit afforded by such materials and technologies
24 through provision of appropriate and reasonable

1 modification, accommodation, and auxiliary aids or
2 services.

3 (2) RELATIONSHIP TO EXISTING LAWS AND
4 REGULATIONS.—With respect to the Americans with
5 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
6 and the Rehabilitation Act of 1973 (29 U.S.C. 701
7 et seq.), nothing in this Act may be construed—

8 (A) to authorize or require conduct prohib-
9 ited under the Americans with Disabilities Act
10 of 1990 and the Rehabilitation Act of 1973, in-
11 cluding the regulations issued pursuant to those
12 laws;

13 (B) to expand, limit, or alter the remedies
14 or defenses under the Americans with Disabil-
15 ities Act of 1990 and the Rehabilitation Act of
16 1973;

17 (C) to supersede, restrict, or limit the ap-
18 plication of the Americans with Disabilities Act
19 of 1990 and the Rehabilitation Act of 1973; or

20 (D) to limit the authority of Federal agen-
21 cies to issue regulations pursuant to the Ameri-
22 cans with Disabilities Act of 1990 and the Re-
23 habilitation Act of 1973.

24 (h) DEFINITIONS.—In this section:

1 (1) ANNOTATED LIST OF INFORMATION TECH-
2 NOLOGY STANDARDS.—The term “annotated list of
3 information technology standards” means a list of
4 existing national and international accessibility
5 standards relevant to student use of postsecondary
6 electronic instructional materials and related tech-
7 nologies, and to other types of information tech-
8 nology common to institutions of higher education,
9 such as institutional websites or registration sys-
10 tems, annotated by the commission established pur-
11 suant to this section. The annotated list of informa-
12 tion technology standards is intended to serve solely
13 as a reference tool to inform any consideration of
14 the relevance of such standards in higher education
15 contexts.

16 (2) POSTSECONDARY ELECTRONIC INSTRUCC-
17 TIONAL MATERIALS.—The term “postsecondary elec-
18 tronic instructional materials” means digital cur-
19 ricular content that is required, provided, or both
20 recommended and provided by an institution of high-
21 er education for use in a postsecondary instructional
22 program.

23 (3) RELATED TECHNOLOGIES.—The term “re-
24 lated technologies” refers to any software, applica-
25 tions, learning management or content management

1 systems, and hardware that an institution of higher
2 education requires, provides, or both recommends
3 and provides for student access to and use of post-
4 secondary electronic instructional materials in a
5 postsecondary instructional program.

6 (4) TECHNICAL PANEL.—The term “technical
7 panel” means a group of experts with extensive,
8 demonstrated technical experience in the develop-
9 ment and implementation of accessibility features for
10 postsecondary electronic instructional materials and
11 related technologies, established by the Commission
12 pursuant to subsection (e)(4), which will assist the
13 commission in the development of the guidelines and
14 annotated list of information technology standards
15 authorized under this Act.

16 **SEC. 104. POSTSECONDARY PROGRAMS FOR STUDENTS**
17 **WITH INTELLECTUAL DISABILITIES.**

18 (a) PURPOSE.—Section 766 of the Higher Education
19 Act of 1965 (20 U.S.C. 1140f) is amended to read as fol-
20 lows:

21 **“SEC. 766. PURPOSE.**

22 “It is the purpose of this subpart to support inclusive
23 programs that promote the successful transition of stu-
24 dents with intellectual disabilities into higher education
25 and the earning of a recognized educational credential or

1 recognized postsecondary credential issued by the institu-
 2 tion of higher education.”.

3 (b) PROGRAMS FOR STUDENTS WITH INTELLECTUAL
 4 DISABILITIES.—Section 767 of the Higher Education Act
 5 of 1965 (20 U.S.C. 1140g) is amended to read as follows:

6 **“SEC. 767. INCLUSIVE HIGHER EDUCATION PROGRAMS FOR**
 7 **STUDENTS WITH INTELLECTUAL DISABIL-**
 8 **ITIES.**

9 “(a) GRANTS AUTHORIZED.—

10 “(1) IN GENERAL.—From amounts appro-
 11 priated under section 769(a), the Secretary shall an-
 12 nually award grants, on a competitive basis, to insti-
 13 tutions of higher education (or consortia of institu-
 14 tions of higher education), to enable the institutions
 15 or consortia to create or expand high quality, inclu-
 16 sive higher education programs for students with in-
 17 tellectual disabilities.

18 “(2) ADMINISTRATION.—The program under
 19 this section shall be administered by the office in the
 20 Department that administers other postsecondary
 21 education programs in consultation with the Office
 22 of Special Education and Rehabilitative Services of
 23 the Department of Education.

24 “(3) DURATION OF GRANTS.—A grant under
 25 this section shall be awarded for a period of 5 years.

1 “(b) APPLICATION.—An institution of higher edu-
2 cation or a consortium desiring a grant under this section
3 shall submit an application to the Secretary at such time,
4 in such manner, and containing such information as the
5 Secretary may require.

6 “(c) AWARD BASIS.—In awarding grants under this
7 section, the Secretary shall—

8 “(1) provide for an equitable geographic dis-
9 tribution of such grants;

10 “(2) provide grant funds for inclusive higher
11 education programs for students with intellectual
12 disabilities that will serve areas that are underserved
13 by programs of this type;

14 “(3) in the case of an institution of higher edu-
15 cation that provides institutionally owned or oper-
16 ated housing for students attending the institution,
17 award grants only to such institutions that integrate
18 students with intellectual disabilities into the hous-
19 ing offered to students without disabilities or to in-
20 stitutions that provide such integrated housing
21 through providing supports to students directly or
22 through partnerships with other organizations;

23 “(4) provide grant funds to encourage involve-
24 ment of students attending institutions of higher
25 education in the fields of special education, general

1 education, vocational rehabilitation, assistive tech-
2 nology, or related fields in the program;

3 “(5) select applications that—

4 “(A) demonstrate an existing comprehen-
5 sive transition and postsecondary education
6 program for students with intellectual disabil-
7 ities that is title IV eligible; or

8 “(B) agree to establish such a program;
9 and

10 “(6) give preference to applications submitted
11 under subsection (b) that agree to incorporate into
12 the inclusive higher education program for students
13 with intellectual disabilities carried out under the
14 grant one or more of the following elements:

15 “(A) The formation of a partnership with
16 any relevant agency serving students with intel-
17 lectual disabilities, such as a vocational rehabili-
18 tation agency.

19 “(B) Applications that represent geo-
20 graphically underserved States.

21 “(d) USE OF FUNDS; REQUIREMENTS.—An institu-
22 tion of higher education or consortium receiving a grant
23 under this section shall—

1 “(1) use the grant funds to establish an inclu-
2 sive higher education program for students with in-
3 tellectual disabilities that—

4 “(A) serves students with intellectual dis-
5 abilities;

6 “(B) provides individual supports and serv-
7 ices for the academic and social inclusion of
8 students with intellectual disabilities in aca-
9 demic courses, extracurricular activities, and
10 other aspects of the regular postsecondary pro-
11 gram;

12 “(C) with respect to the students with in-
13 tellectual disabilities participating in the pro-
14 gram, provides a focus on—

15 “(i) academic and career development;

16 “(ii) socialization and inclusion with
17 the general student population;

18 “(iii) independent living skills, includ-
19 ing self-advocacy skills; and

20 “(iv) integrated work experiences and
21 career skills that lead to competitive inte-
22 grated employment;

23 “(D) integrates person-centered planning
24 in the development of the course of study for

1 each student with an intellectual disability par-
2 ticipating in the program;

3 “(E) plans for the sustainability of the
4 program after the end of the grant period, with
5 a written business plan for revenue and expend-
6 itures to be provided to the Department by the
7 end of year 3; and

8 “(F) awards a recognized educational cre-
9 dential or recognized postsecondary credential
10 for students with intellectual disabilities upon
11 the completion of the program;

12 “(2) in the case of an institution of higher edu-
13 cation that provides institutionally owned or oper-
14 ated housing for students attending the institution
15 or integrated housing through providing supports to
16 students directly or through partnerships with other
17 organizations, provide for the integration of students
18 with intellectual disabilities into housing offered to
19 students without disabilities;

20 “(3) participate with the coordinating center es-
21 tablished under section 777(b) in the evaluation of
22 the program, including by regularly submitting data
23 on experiences and outcomes of individual students
24 participating in the program; and

1 “(4) partner with one or more local educational
2 agencies to support students with intellectual disabil-
3 ities participating in the program who are eligible
4 for special education and related services under the
5 Individuals with Disabilities Education Act (20
6 U.S.C. 1400 et seq.), including the use of funds
7 available under part B of such Act (20 U.S.C. 1411
8 et seq.) to support the participation of such students
9 in the program.

10 “(e) MATCHING REQUIREMENT.—An institution of
11 higher education (or consortium) that receives a grant
12 under this section shall provide matching funds toward the
13 cost of the inclusive higher education program for students
14 with intellectual disabilities carried out under the grant.
15 Such matching funds may be provided in cash or in-kind,
16 and shall be in an amount of not less than 25 percent
17 of the amount of such costs.

18 “(f) DATA COLLECTION AND TRANSMISSION.—

19 “(1) IN GENERAL.—An institution or consor-
20 tium receiving a grant under this section shall col-
21 lect and transmit to the coordinating center estab-
22 lished under section 777(b) on an annual basis for
23 each student who is enrolled in the program, stu-
24 dent-level information related to the experiences and
25 outcomes of students who participate in the inclusive

1 higher education program for students with intellec-
2 tual disabilities.

3 “(2) LONGITUDINAL DATA.—Each grantee shall
4 collect longitudinal outcome data from each student
5 participating in the program and transmit such data
6 to the coordinating center established under section
7 777(b). Such longitudinal data shall be collected for
8 every student each year for 5 years after the student
9 graduates from, or otherwise exits, the program.

10 “(3) DATA TO BE COLLECTED.—The program-
11 level information and data and student-level infor-
12 mation and data to be collected under this sub-
13 section shall include—

14 “(A) the number and type of postsec-
15 ondary education courses taken and completed
16 by the student;

17 “(B) credits the student earned and wheth-
18 er or not the student earned a recognized edu-
19 cational credential or recognized postsecondary
20 credential issued by the institution of higher
21 education;

22 “(C) academic outcomes;

23 “(D) competitive, integrated employment
24 outcomes;

25 “(E) independent living outcomes; and

1 “(F) social outcomes.

2 “(g) REPORT.—Not later than 5 years after the date
3 of the first grant awarded under this section, the Sec-
4 retary shall prepare and disseminate a report to the au-
5 thorizing committees and to the public that—

6 “(1) reviews the activities of the inclusive high-
7 er education programs for students with intellectual
8 disabilities funded under this section; and

9 “(2) provides guidance and recommendations
10 on how effective programs can be replicated.”.

11 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
12 769(a) of the Higher Education Act of 1965 (20 U.S.C.
13 1140i) is amended by striking “2009” and inserting
14 “2018”.

15 **SEC. 105. NATIONAL TECHNICAL ASSISTANCE CENTER AND**
16 **NATIONAL COORDINATING CENTER FOR IN-**
17 **CLUSION OF STUDENTS WITH INTELLECTUAL**
18 **DISABILITIES.**

19 (a) IN GENERAL.—Section 777 of the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1140q) is amended to read
21 as follows:

1 **“SEC. 777. NATIONAL TECHNICAL ASSISTANCE CENTER**
2 **AND COORDINATING CENTER FOR INCLU-**
3 **SION OF STUDENTS WITH INTELLECTUAL**
4 **DISABILITIES.**

5 “(a) NATIONAL TECHNICAL ASSISTANCE CENTER.—

6 “(1) IN GENERAL.—From amounts appro-
7 priated under paragraph (5), the Secretary shall
8 award a grant to, or enter into a contract or cooper-
9 ative agreement with, an eligible entity to provide
10 for the establishment and support of a National
11 Technical Assistance Center. The National Technical
12 Assistance Center shall carry out the duties set forth
13 in paragraph (4).

14 “(2) ADMINISTRATION.—The program under
15 this section shall be administered by the office in the
16 Department that administers other postsecondary
17 education programs in consultation with the Office
18 of Special Education and Rehabilitative Services.

19 “(3) ELIGIBLE ENTITY.—In this subpart, the
20 term ‘eligible entity’ means an institution of higher
21 education, a nonprofit organization, or partnership
22 of two or more such institutions or organizations,
23 with demonstrated expertise in—

24 “(A) transitioning students with disabil-
25 ities from secondary school to postsecondary
26 education;

1 “(B) supporting students with disabilities
2 in postsecondary education;

3 “(C) technical knowledge necessary for the
4 dissemination of information in accessible for-
5 mats; and

6 “(D) working with diverse types of institu-
7 tions of higher education, including community
8 colleges.

9 “(4) DUTIES.—The duties of the National
10 Technical Assistance Center shall include the fol-
11 lowing:

12 “(A) ASSISTANCE TO STUDENTS AND FAM-
13 ILIES.—The National Technical Assistance
14 Center shall provide information and technical
15 assistance to students with disabilities and the
16 families of students with disabilities to support
17 students across the broad spectrum of disabil-
18 ities, including—

19 “(i) information to assist individuals
20 with disabilities who are prospective stu-
21 dents of an institution of higher education
22 in planning for postsecondary education
23 while the students are in secondary school;

24 “(ii) information and technical assist-
25 ance provided to individualized education

1 program teams (as defined in section
2 614(d)(1) of the Individuals with Disabil-
3 ities Education Act) for secondary school
4 students with disabilities, and to early out-
5 reach and student services programs, in-
6 cluding programs authorized under sub-
7 parts 2, 4, and 5 of part A of title IV, to
8 support students across a broad spectrum
9 of disabilities with the successful transition
10 to postsecondary education;

11 “(iii) research-based supports, serv-
12 ices, and accommodations which are avail-
13 able in postsecondary settings, including
14 services provided by other agencies such as
15 vocational rehabilitation;

16 “(iv) information on student men-
17 toring and networking opportunities for
18 students with disabilities; and

19 “(v) effective recruitment and transi-
20 tion programs at postsecondary edu-
21 cational institutions.

22 “(B) ASSISTANCE TO INSTITUTIONS OF
23 HIGHER EDUCATION.—The National Technical
24 Assistance Center shall provide information and
25 technical assistance to faculty, staff, and ad-

1 ministrators of institutions of higher education
2 to improve the services provided to, the accom-
3 modations for, the retention rates of, and the
4 completion rates of, students with disabilities in
5 higher education settings, which may include—

6 “(i) collection and dissemination of
7 best and promising practices and materials
8 for accommodating and supporting stu-
9 dents with disabilities, including practices
10 and materials supported by the grants,
11 contracts, or cooperative agreements au-
12 thorized under subparts 1, 2, and 3;

13 “(ii) development and provision of
14 training modules for higher education fac-
15 ulty on exemplary practices for accommo-
16 dating and supporting postsecondary stu-
17 dents with disabilities across a range of
18 academic fields, which may include uni-
19 versal design for learning and practices
20 supported by the grants, contracts, or co-
21 operative agreements authorized under
22 subparts 1, 2, and 3; and

23 “(iii) development of technology-based
24 tutorials for higher education faculty and
25 staff, including new faculty and graduate

1 students, on best and promising practices
2 related to support and retention of stu-
3 dents with disabilities in postsecondary
4 education.

5 “(C) INFORMATION COLLECTION AND DIS-
6 SEMINATION.—The National Technical Assist-
7 ance Center shall be responsible for building,
8 maintaining, and updating a database of dis-
9 ability support services information with respect
10 to institutions of higher education, or for ex-
11 panding and updating an existing database of
12 disabilities support services information with re-
13 spect to institutions of higher education. Such
14 database shall be available to the general public
15 through a website built to high technical stand-
16 ards of accessibility practicable for the broad
17 spectrum of individuals with disabilities. Such
18 database and website shall include available in-
19 formation on—

20 “(i) disability documentation require-
21 ments;

22 “(ii) support services available;

23 “(iii) links to financial aid;

24 “(iv) accommodations policies;

25 “(v) accessible instructional materials;

1 “(vi) other topics relevant to students
2 with disabilities; and

3 “(vii) the information in the report
4 described in subparagraph (E).

5 “(D) DISABILITY SUPPORT SERVICES.—
6 The National Technical Assistance Center shall
7 work with organizations and individuals with
8 proven expertise related to disability support
9 services for postsecondary students with disabili-
10 ties to evaluate, improve, and disseminate in-
11 formation related to the delivery of high quality
12 disability support services at institutions of
13 higher education.

14 “(E) REVIEW AND REPORT.—Not later
15 than three years after the establishment of the
16 National Technical Assistance Center, and
17 every two years thereafter, the National Tech-
18 nical Assistance Center shall prepare and dis-
19 seminate a report to the Secretary and the au-
20 thorizing committees analyzing the condition of
21 postsecondary success for students with disabili-
22 ties. Such report shall include—

23 “(i) a review of the activities and the
24 effectiveness of the programs authorized
25 under this part;

1 “(ii) annual enrollment and gradua-
2 tion rates of students with disabilities in
3 institutions of higher education from pub-
4 licly reported data;

5 “(iii) recommendations for effective
6 postsecondary supports and services for
7 students with disabilities, and how such
8 supports and services may be widely imple-
9 mented at institutions of higher education;

10 “(iv) recommendations on reducing
11 barriers to full participation for students
12 with disabilities in higher education; and

13 “(v) a description of strategies with a
14 demonstrated record of effectiveness in im-
15 proving the success of such students in
16 postsecondary education.

17 “(F) STAFFING OF THE CENTER.—In hir-
18 ing employees of the National Technical Assist-
19 ance Center, the National Technical Assistance
20 Center shall consider the expertise and experi-
21 ence of prospective employees in providing
22 training and technical assistance to practi-
23 tioners.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$10,000,000.

4 “(b) THE NATIONAL COORDINATING CENTER FOR
5 INCLUSION OF STUDENTS WITH INTELLECTUAL DISABIL-
6 ITIES.—

7 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
8 this subsection, the term ‘eligible entity’ means an
9 entity, or a partnership of entities, that has dem-
10 onstrated expertise in the fields of—

11 “(A) higher education;

12 “(B) the education of students with intel-
13 lectual disabilities;

14 “(C) the development of inclusive higher
15 education programs for students with intellec-
16 tual disabilities; and

17 “(D) evaluation and technical assistance.

18 “(2) IN GENERAL.—From amounts appro-
19 priated under paragraph 7, the Secretary shall enter
20 into a cooperative agreement, on a competitive basis,
21 with an eligible entity for the purpose of establishing
22 a coordinating center for institutions of higher edu-
23 cation that offer inclusive higher education programs
24 for students with intellectual disabilities, including
25 institutions participating in grants authorized under

1 subpart 2, to provide technical assistance and eval-
2 uations for such programs, including systematic col-
3 lection of annual student and program data and fa-
4 cilitation of outcomes data of students with intellec-
5 tual disabilities.

6 “(3) ADMINISTRATION.—The program under
7 this subsection shall be administered by the office in
8 the Department that administers other postsec-
9 ondary education programs in consultation with the
10 Office of Special Education and Rehabilitative Serv-
11 ices.

12 “(4) DURATION.—The Secretary shall enter
13 into a cooperative agreement under this subsection
14 for a period of five years.

15 “(5) REQUIREMENTS OF COOPERATIVE AGREE-
16 MENT.—The eligible entity entering into a coopera-
17 tive agreement under this subsection shall establish
18 and maintain a coordinating center that shall—

19 “(A) serve as the technical assistance enti-
20 ty for all inclusive higher education programs
21 and comprehensive transition and postsec-
22 ondary programs for students with intellectual
23 disabilities;

1 “(B) provide technical assistance regarding
2 the development, evaluation, and continuous im-
3 provement of such programs;

4 “(C) evaluate such programs using quali-
5 tative and quantitative methodologies for meas-
6 uring program strengths in the areas of aca-
7 demic access, academic enrichment, socializa-
8 tion, competitive integrated employment, attain-
9 ment of a recognized educational credential or
10 recognized postsecondary credential, and inde-
11 pendent living;

12 “(D) create and maintain a database of
13 student and program level data reflecting imple-
14 mentation of the inclusive higher education pro-
15 gram that receives a grant under this subpart;

16 “(E) create and maintain a mechanism to
17 consolidate follow up data on student outcomes
18 collected by inclusive higher education programs
19 funded through previous grant cycles;

20 “(F) assist recipients of grants under sub-
21 part 2 in efforts to award a recognized edu-
22 cational credential or recognized postsecondary
23 credential to students with intellectual disabil-
24 ities upon the completion of such programs;

1 “(G) identify model memoranda of agree-
2 ment for use between or among institutions of
3 higher education and State and local agencies
4 providing funding for such programs;

5 “(H) develop recommendations for the nec-
6 essary components of such programs, such as—

7 “(i) academic, career and technical,
8 social, and independent living skills;

9 “(ii) evaluation of student progress;

10 “(iii) program administration and
11 evaluation;

12 “(iv) student eligibility;

13 “(v) issues regarding the equivalency
14 of a student’s participation in such pro-
15 grams to semester, trimester, quarter,
16 credit, or clock hours at an institution of
17 higher education, as the case may be; and

18 “(vi) access to student housing for
19 students participating in the inclusive
20 higher education programs, including ac-
21 commodations and services that support
22 independent living;

23 “(I) review and analyze—

1 “(i) policy impact of inclusive higher
2 education on Federal and State legislation;
3 and

4 “(ii) funding streams for such pro-
5 grams;

6 “(J) provide recommendations regarding
7 the funding streams described in paragraph
8 (H)(ii);

9 “(K) develop mechanisms for regular com-
10 munication, outreach and dissemination of in-
11 formation about inclusive higher education pro-
12 grams for students with intellectual disabilities
13 under subpart 2 between or among such pro-
14 grams and to families and prospective students;

15 “(L) host a meeting of all recipients of
16 grants under subpart 2 not less often than once
17 each year; and

18 “(M) convene a work group to continue the
19 development of and recommendations for model
20 criteria, standards, and components of inclusive
21 higher education programs and comprehensive
22 transition and postsecondary programs for stu-
23 dents with intellectual disabilities, that are ap-
24 propriate for the development of accreditation
25 standards—

1 “(i) which work group shall include—

2 “(I) an expert in higher edu-
3 cation;

4 “(II) an expert in special edu-
5 cation;

6 “(III) a disability organization
7 that represents students with intellec-
8 tual disabilities;

9 “(IV) a representative from the
10 National Advisory Committee on In-
11 stitutional Quality and Integrity; and

12 “(V) a representative of a re-
13 gional or national accreditation agen-
14 cy or association; and

15 “(ii) the work group will carry out the
16 following activities—

17 “(I) conduct outreach to accred-
18 iting agencies;

19 “(II) develop a technical guid-
20 ance document to support implemen-
21 tation of the model standards;

22 “(III) develop and conduct a pro-
23 tocol for field testing and imple-
24 menting the model standards; and

1 “(IV) update recommendations
2 for the model standards, criteria, and
3 components of such programs, as ap-
4 plicable.

5 “(6) REPORT.—Not later than 5 years after the
6 date of the establishment of the coordinating center
7 under this subsection, the coordinating center shall
8 report to the Secretary, the authorizing committees,
9 and the National Advisory Committee on Institu-
10 tional Quality and Integrity on the activities de-
11 scribed in paragraph (5).

12 “(7) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to carry out
14 this subpart such sums as may be necessary for fis-
15 cal year 2018 and each of the five succeeding fiscal
16 years.”.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
18 778 of the Higher Education Act of 1965 is repealed.

19 **SEC. 106. DEFINITIONS.**

20 Section 760 of the Higher Education Act of 1965 (20
21 U.S.C. 1140) is amended to read as follows:

22 **“SEC. 760. DEFINITIONS.**

23 “In this part:

24 “(1) COMPREHENSIVE TRANSITION AND POST-
25 SECONDARY PROGRAM FOR STUDENTS WITH INTEL-

1 LECTUAL DISABILITIES.—The term ‘comprehensive
2 transition and postsecondary program for students
3 with intellectual disabilities’ means a program that
4 leads to a recognized educational credential or recog-
5 nized postsecondary credential issued by an institu-
6 tion of higher education that meets each of the fol-
7 lowing requirements:

8 “(A) Is offered by an institution of higher
9 education.

10 “(B) Is designed to support students with
11 intellectual disabilities who are seeking to con-
12 tinue academic, career and technical, and inde-
13 pendent living instruction at an institution of
14 higher education in order to prepare for com-
15 petitive integrated employment.

16 “(C) Includes student advising and a pro-
17 gram of study.

18 “(D) Requires students with intellectual
19 disabilities to participate on not less than a
20 half-time basis as determined by the institution,
21 with such participation focusing on academic
22 and career development components and occur-
23 ring through one or more of the following ac-
24 tivities:

1 “(i) Regular enrollment in credit-bear-
2 ing courses with students without disabil-
3 ities that are offered by the institution.

4 “(ii) Auditing or participating in
5 courses with students without disabilities
6 that are offered by the institution and for
7 which the student does not receive regular
8 academic credit.

9 “(iii) Enrollment in noncredit-bearing,
10 nondegree courses with students without
11 disabilities.

12 “(iv) Participation in internships, ap-
13 prenticeships, or work-based experiences in
14 competitive integrated settings for a se-
15 mester, or multiple semesters.

16 “(E) Requires students with intellectual
17 disabilities to be socially and academically inte-
18 grated with students without disabilities to the
19 maximum extent practicable.

20 “(2) DISABILITY.—The term ‘disability’ has the
21 meaning given such term in section 3 of the Ameri-
22 cans with Disabilities Act of 1990 (42 U.S.C.
23 12102).

1 “(3) INSTITUTION OF HIGHER EDUCATION.—

2 The term ‘institution of higher education’ has the
3 meaning given such term in section 101.

4 “(4) OFFICE OF ACCESSIBILITY.—The term
5 ‘Office of Accessibility’ has the meaning given to the
6 office of disability services of the institution or
7 equivalent office.

8 “(5) RECOGNIZED POSTSECONDARY CREDEN-
9 TIAL.—The term ‘recognized postsecondary creden-
10 tial’ has the meaning given the term in section 101
11 of the Workforce Innovation and Opportunity Act.

12 “(6) STUDENT WITH AN INTELLECTUAL DIS-
13 ABILITY.—The term ‘student with an intellectual
14 disability’ means a student—

15 “(A) with a cognitive impairment, charac-
16 terized by significant limitations in—

17 “(i) intellectual and cognitive func-
18 tioning; and

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

22 “(B) who is currently, or was formerly, eli-
23 gible for a free appropriate public education
24 under the Individuals with Disabilities Edu-
25 cation Act (20 U.S.C. 1400 et seq.); and

1 “(C) or, in the case of a student who has
2 not currently or formerly been found eligible for
3 a free appropriate education under the Individ-
4 uals with Disabilities Education Act, or a stu-
5 dent who has not previously been found eligible
6 as a student with an intellectual disability
7 under IDEA, documentation establishing that
8 the student has an intellectual disability, such
9 as—

10 “(i) a documented comprehensive and
11 individualized psycho-educational evalua-
12 tion and diagnosis of an intellectual dis-
13 ability by a psychologist or other qualified
14 professional; or

15 “(ii) a record of the disability from a
16 local or State educational agency, or gov-
17 ernment agency, such as the Social Secu-
18 rity Administration or a vocational reha-
19 bilitation agency, that identifies the intel-
20 lectual disability.

21 “(7) UNIVERSAL DESIGN FOR LEARNING.—The
22 term ‘universal design for learning’ means a scientif-
23 ically valid framework for guiding educational prac-
24 tice 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 students, including students with disabilities and students who are limited English proficient.”.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. SUBMISSION OF DATA WITH RESPECT TO STUDENTS WITH DISABILITIES.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), is amended by adding at the end the following:

“(30) The institution will submit, for inclusion in the Integrated Postsecondary Education Data System of the Department or any other Federal postsecondary institution data collection effort, key data related to undergraduate and graduate students enrolled at the institution who are formally registered as students with disabilities with the institution’s office of accessibility, including the total

1 number of students with disabilities enrolled, the
2 number of students accessing or receiving accommo-
3 dation, the percentage of students with disabilities of
4 all undergraduate students, and the total number of
5 undergraduate certificates or degrees awarded to
6 students with disabilities. An institution shall not be
7 required to submit the information described in the
8 preceding sentence if the number of such students
9 would reveal personally identifiable information
10 about an individual student.”.

11 **SEC. 202. TRAINING FOR REALTIME WRITERS TO PROVIDE**
12 **CLOSED CAPTIONING AND COURT REPORT-**
13 **ING SERVICES.**

14 Section 872(e) of the Higher Education Act of 1965
15 (20 U.S.C. 1161s(e)) is amended by striking “2009” and
16 inserting “2018”.

17 **SEC. 203. PERFECTING AMENDMENT.**

18 Section 103(6) of the Higher Education Act of 1965
19 (20 U.S.C. 1003(6)) is amended by striking “section
20 3(2)” and inserting “section 3”.

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