

116TH CONGRESS
1ST SESSION

H. R. 4643

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

OCTOBER 11, 2019

Mr. DESAULNIER (for himself, Mr. HUFFMAN, Mr. LANGEVIN, Mr. KHANNA, Mr. HARDER of California, and Ms. PRESSLEY) introduced the following bill; which was referred to the Committee on Education and Labor

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 2019”.

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
17 award grants, on a competitive basis, to institutions

1 of higher education to enable the institutions to
2 carry out the activities under subsection (b).

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

10 “(b) DURATION; ACTIVITIES.—

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

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

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

1 improve the retention of such students in, and
2 the completion by such students of, postsec-
3 ondary education. Such methods and strategies
4 may include in-service training, professional de-
5 velopment, customized and general technical as-
6 sistance, workshops, summer institutes, dis-
7 tance learning, and training in the use of assist-
8 ive and educational technology.

9 “(B) IMPLEMENTING ACCOMMODATIONS.—

10 The development and implementation of train-
11 ing to provide postsecondary faculty, staff, and
12 administrators methods and strategies of pro-
13 viding appropriate accommodations consistent
14 with the principles of universal design (as de-
15 fined in section 103) for learning for students
16 with disabilities, including descriptions of legal
17 obligations of the institution of higher edu-
18 cation to provide such accommodations.

19 “(C) EFFECTIVE TRANSITION PRAC-

20 TICES.—The development and implementation
21 of innovative, effective, and evidence-based
22 teaching methods and strategies to provide
23 postsecondary faculty, staff, and administrators
24 with the skills and supports necessary to ensure
25 the successful and smooth transition of stu-

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

7 “(D) DISTANCE LEARNING.—The develop-
8 ment and implementation of training to provide
9 innovative, effective, and evidence-based teach-
10 ing methods and strategies to enable postsec-
11 ondary faculty, staff, and administrators to pro-
12 vide accessible distance education programs or
13 classes that would enhance the access of stu-
14 dents (including students with disabilities) to
15 postsecondary education, including the use of
16 accessible curricula and electronic communica-
17 tion for instruction and advising that meet the
18 requirements of section 508 of the Rehabilita-
19 tion Act of 1973 (29 U.S.C. 794d).

20 “(E) CAREER PATHWAY GUIDANCE.—The
21 development and implementation of effective
22 and evidence-based teaching methods and strat-
23 egies to provide postsecondary faculty, staff,
24 and administrators with the ability to advise
25 students with disabilities with respect to their

1 chosen career pathway, which shall include at
2 least one of the following:

3 “(i) Supporting internships, appren-
4 ticeships registered under the Act of Au-
5 gust 16, 1937 (commonly known as the
6 ‘National Apprenticeship Act’; 50 Stat.
7 664, chapter 663; 29 U.S.C. 50 et seq.), or
8 work-based learning opportunities.

9 “(ii) Counseling on coursework to
10 meet the degree, certificate, or recognized
11 postsecondary credential appropriate for
12 the field chosen.

13 “(iii) Developing self-advocacy skills
14 to advocate for appropriate accommoda-
15 tions once in the workplace.

16 “(iv) Support with selecting a career
17 pathway that leads to competitive, inte-
18 grated employment.

19 “(3) MANDATORY EVALUATION AND DISSEMI-
20 NATION.—An institution of higher education award-
21 ed a grant under this section shall evaluate and dis-
22 seminate to other institutions of higher education
23 the information obtained through the activities de-
24 scribed in subparagraphs (A) through (E) of para-
25 graph (2).

1 “(c) CONSIDERATIONS IN MAKING AWARDS.—In
2 awarding grants under this section, the Secretary shall
3 consider the following:

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

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

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

12 “(d) REPORTS.—

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

21 “(2) SUBSEQUENT REPORT.—Not later than
22 five years after the date of the first award of a grant
23 under this section after the date of the Improving
24 Access to Higher Education Act of 2019, the Sec-
25 retary shall prepare and submit to the authorizing

1 committees, and make available to the public, a re-
2 port that—

3 “(A) reviews the activities and program
4 performance of the projects authorized under
5 subsection (b); and

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

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

12 **“SEC. 763. APPLICATIONS.**

13 “Each institution of higher education desiring to re-
14 ceive a grant under section 762 shall submit an applica-
15 tion to the Secretary at such time, in such manner, and
16 accompanied by such information as the Secretary may
17 require. Each application shall include—

18 “(1) a description of the activities authorized
19 under section 762(b) that the institution proposes to
20 carry out, and how such institution plans to conduct
21 such activities in order to further the purposes of
22 this subpart;

23 “(2) a description of how the institution con-
24 sulted with a broad range of people, including indi-
25 viduals with expertise in disability supports or spe-

1 cial education, within the institution to develop ac-
2 tivities for which assistance is sought;

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

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

11 **SEC. 102. OFFICE OF ACCESSIBILITY.**

12 Subpart 1 of part D of title VII of the Higher Edu-
13 cation Act of 1965 (20 U.S.C. 1140a et seq.) is amend-
14 ed—

15 (1) by redesignating section 765 as section
16 765C;

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

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

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

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

1 “(1) inform students, during student orienta-
2 tion, about services provided at the institution of
3 higher education, and continually update such infor-
4 mation through the accessibility office’s website and
5 other communications to improve accessibility of
6 such services;

7 “(2) provide information to students regarding
8 accommodations and modifications provided by the
9 institution of higher education with respect to in-
10 ternships, practicums, work-based learning, appren-
11 ticeships registered under the Act of August 16,
12 1937 (commonly known as the ‘National Apprentice-
13 ship Act’; 50 Stat. 664, chapter 663; 29 U.S.C. 50
14 et seq.), or other work-related environments that—

15 “(A) the student may engage in through
16 courses; or

17 “(B) are necessary for completion of a de-
18 gree, certificate, or recognized postsecondary
19 credential;

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

1 “(4) in order to provide appropriate accom-
2 modations to students with disabilities, carry out the
3 following:

4 “(A) Adopt policies that, at a minimum,
5 make any of the following documentation sub-
6 mitted by an individual sufficient to establish
7 that such individual is an individual with a dis-
8 ability:

9 “(i) Documentation that the indi-
10 vidual has had an individualized education
11 program (IEP) in accordance with section
12 614(d) of the Individuals with Disabilities
13 Education Act (20 U.S.C. 1414(d)), in-
14 cluding an IEP that may not be current on
15 the date of the determination that the indi-
16 vidual has a disability. The office of acces-
17 sibility may ask for additional documenta-
18 tion from an individual who had an IEP
19 but who was subsequently evaluated and
20 determined to be ineligible for services
21 under the Individuals with Disabilities
22 Education Act (20 U.S.C. 1400 et seq.),
23 including an individual determined to be
24 ineligible during elementary school.

1 “(ii) Documentation describing serv-
2 ices or accommodations provided to the in-
3 dividual pursuant to section 504 of the Re-
4 habilitation Act of 1973 (29 U.S.C. 794)
5 (commonly referred to as a ‘Section 504
6 plan’).

7 “(iii) A plan or record of service for
8 the individual from a private school, a local
9 educational agency, a State educational
10 agency, or an institution of higher edu-
11 cation provided in accordance with the
12 Americans with Disabilities Act of 1990
13 (42 U.S.C. 12101 et seq.).

14 “(iv) A record or evaluation from a
15 relevant licensed professional finding that
16 the individual has a disability.

17 “(v) A plan or record of disability
18 from another institution of higher edu-
19 cation.

20 “(vi) Documentation of a disability
21 due to service in the uniformed services, as
22 defined in section 484C(a).

23 “(B) Adopt policies that are transparent
24 and explicit regarding the process by which the

1 institution determines eligibility for accom-
2 modations.

3 “(C) Disseminate the information de-
4 scribed in subparagraph (B) to students, par-
5 ents, and faculty—

6 “(i) in an accessible format;

7 “(ii) during student orientation; and

8 “(iii) by making such information
9 readily available on a public website of the
10 institution.

11 “(D) Provide accommodations to students
12 with mental health disabilities.

13 **“SEC. 765B. COMPETITIVE GRANT FOR INNOVATION AND**
14 **ACCESSIBILITY.**

15 “(a) GRANTS AUTHORIZED.—

16 “(1) IN GENERAL.—From amounts appro-
17 priated under section 765C, the Secretary may
18 award grants on a competitive basis to institutions
19 of higher education to enable the institutions to
20 carry out the activities described under subsection
21 (c).

22 “(2) DURATION.—A grant under this section
23 shall be awarded for a period of 5 years.

1 “(3) CONSIDERATION IN MAKING AWARDS.—In
2 awarding grants under this section, the Secretary
3 shall consider the following:

4 “(A) Providing an equitable geographic
5 distribution of such awards.

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

9 “(b) APPLICATION.—Each institution of higher edu-
10 cation desiring to receive a grant under this section shall
11 submit an application to the Secretary at such time, in
12 such manner, and accompanied by such information as the
13 Secretary may require. Each application shall include—

14 “(1) a description of how the institution will
15 carry out the activities under subsection (c);

16 “(2) a description of the consultation the insti-
17 tution has had with a broad range of people within
18 the institution, including individuals with expertise
19 in disability supports or special education, in devel-
20 oping the information under paragraph (1);

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

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

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

3 “(1) develop and implement across the institu-
4 tion of higher education, a universal design (as de-
5 fined in section 103) for learning framework for
6 course design and instructional materials to improve
7 campus-wide accessibility to instruction, materials,
8 and the learning environment; or

9 “(2) develop or improve distance education
10 courses consistent with the principles of universal
11 design for learning to improve accessibility of in-
12 struction and materials.

13 “(d) REPORTS.—

14 “(1) GRANT RECIPIENT REPORTS.—An institu-
15 tion of higher education awarded a grant under this
16 section shall evaluate and disseminate to other insti-
17 tutions of higher education, the information obtained
18 through the activities described in subsection (c).

19 “(2) INITIAL REPORT BY SECRETARY.—Not
20 later than one year after the date of the enactment
21 of this section, the Secretary shall prepare and sub-
22 mit to the authorizing committees, and make avail-
23 able to the public, a report on all projects awarded
24 grants under this section, including a review of the
25 activities and program performance of such projects

1 based on existing information as of the date of the
2 report.

3 “(3) FINAL REPORT BY SECRETARY.—Not later
4 than 6 years after the date of the first award of a
5 grant under this section, the Secretary shall prepare
6 and submit to the authorizing committees, and make
7 available to the public, a report that—

8 “(A) reviews the activities and program
9 performance of the projects authorized under
10 this section; and

11 “(B) provides guidance and recommenda-
12 tions on how effective projects can be rep-
13 licated.”; and

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

16 **SEC. 103. ACCESSIBLE INSTRUCTIONAL MATERIALS AND**
17 **TECHNOLOGY.**

18 (a) ESTABLISHMENT OF COMMISSION.—The Speaker
19 of the House of Representatives, the President pro tem-
20 pore of the Senate, and the Secretary of Education shall
21 establish an independent commission, comprised of key
22 stakeholders, to develop guidelines for accessible postsec-
23 ondary electronic instructional materials and related tech-
24 nologies in order—

1 (1) to ensure students with disabilities are af-
2 forded the same educational benefits provided to stu-
3 dents without disabilities through the use of elec-
4 tronic instructional materials and related tech-
5 nologies;

6 (2) to improve the selection and use of such
7 materials and technologies at institutions of higher
8 education; and

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

12 (b) REVIEW.—In carrying out subsection (a), the
13 commission shall—

14 (1) review applicable information technology ac-
15 cessibility standards; and

16 (2) compile and annotate such accessibility
17 standards as an additional information resource for
18 institutions of higher education and companies that
19 service the higher education market.

20 (c) MEMBERSHIP.—

21 (1) STAKEHOLDER GROUPS.—The commission
22 shall be composed of representatives from the fol-
23 lowing categories:

24 (A) Communities of persons with disabil-
25 ities for whom the accessibility of postsecondary

1 electronic instructional materials and related
2 technologies is a significant factor in ensuring
3 equal participation in higher education, and
4 nonprofit organizations that provide accessible
5 electronic materials to these communities.

6 (B) Higher education leadership, including
7 institution of higher education presidents, pro-
8 vosts, deans, vice presidents or deans of librar-
9 ies, chief information officers, and other senior
10 institutional executives.

11 (C) Developers of postsecondary electronic
12 instructional materials and manufacturers of
13 related technologies.

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

16 (A) 6 members, 2 from each category de-
17 scribed in paragraph (1), shall be appointed by
18 the Speaker of the House of Representatives, 3
19 of whom shall be appointed on the rec-
20 ommendation of the majority leader of the
21 House of Representatives and 3 of whom shall
22 be appointed on the recommendation of the mi-
23 nority leader of the House of Representatives,
24 with the Speaker ensuring that 1 developer of
25 postsecondary electronic instructional materials

1 and 1 manufacturer of related technologies are
2 appointed. The Speaker shall also appoint 2 ad-
3 ditional members, 1 student with a disability
4 and 1 faculty member from an institution of
5 higher education.

6 (B) 6 members, 2 from each category de-
7 scribed in paragraph (1), shall be appointed by
8 the President pro tempore of the Senate, 3 of
9 whom shall be appointed on the recommenda-
10 tion of the majority leader of the Senate and 3
11 of whom shall be appointed on the rec-
12 ommendation of the minority leader of the Sen-
13 ate, with the President pro tempore ensuring
14 that 1 developer of postsecondary electronic in-
15 structional materials and 1 manufacturer of re-
16 lated technologies are appointed. The President
17 pro tempore shall also appoint 2 additional
18 members, 1 student with a disability and 1 fac-
19 ulty member from an institution of higher edu-
20 cation.

21 (C) 3 members, each of whom must pos-
22 sess extensive, demonstrated technical expertise
23 in the development and implementation of ac-
24 cessible postsecondary electronic instructional
25 materials, shall be appointed by the Secretary

1 of Education. 1 of these members shall rep-
2 resent postsecondary students with disabilities,
3 1 shall represent higher education leadership,
4 and 1 shall represent developers of postsec-
5 ondary electronic instructional materials.

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

7 Federal employees are ineligible for appointment to
8 the commission. An appointee to a volunteer or advi-
9 sory position with a Federal agency or related advi-
10 sory body may be appointed to the commission so
11 long as his or her primary employment is with a
12 non-Federal entity and he or she is not otherwise
13 engaged in financially compensated work on behalf
14 of the Federal Government, exclusive of any stand-
15 ard expense reimbursement or grant-funded activi-
16 ties.

17 (d) AUTHORITY AND ADMINISTRATION.—

18 (1) AUTHORITY.—The commission's execution
19 of its duties shall be independent of the Secretary of
20 Education, the Attorney General, and the head of
21 any other agency or department of the Federal Gov-
22 ernment with regulatory or standard setting author-
23 ity in the areas addressed by the commission.

24 (2) ADMINISTRATION.—

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

3 (B) LEADERSHIP.—Commission members
4 shall elect a chairperson from among the ap-
5 pointees to the commission.

6 (C) ADMINISTRATIVE SUPPORT.—The
7 Commission shall be provided administrative
8 support, as needed, by the Secretary of Edu-
9 cation through the Office of Postsecondary
10 Education of the Department of Education.

11 (e) DUTIES.—

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

16 (A) develop and issue guidelines for acces-
17 sible postsecondary electronic instructional ma-
18 terials, and related technologies; and

19 (B) in developing the guidelines, the com-
20 mission shall—

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

24 (ii) develop criteria for determining
25 which materials and technologies constitute

1 postsecondary electronic instructional ma-
2 terials and related technologies;

3 (iii) identify existing national and
4 international accessibility standards that
5 are relevant to student use of postsec-
6 ondary electronic instructional materials
7 and related technologies at institutions of
8 higher education;

9 (iv) identify and address any unique
10 pedagogical and accessibility requirements
11 of postsecondary electronic instructional
12 materials and related technologies that are
13 not addressed, or not adequately ad-
14 dressed, by the identified, relevant existing
15 accessibility standards;

16 (v) identify those aspects of accessi-
17 bility, and types of postsecondary instruc-
18 tional materials and related technologies,
19 for which the commission cannot produce
20 guidelines or which cannot be addressed by
21 existing accessibility standards due to—

22 (I) inherent limitations of com-
23 mercially available technologies; or

24 (II) the challenges posed by a
25 specific category of disability that cov-

1 ers a wide spectrum of impairments
2 and capabilities which makes it dif-
3 ficult to assess the benefits from par-
4 ticular guidelines on a categorical
5 basis;

6 (vi) ensure that the guidelines are
7 consistent with the requirements of section
8 504 of the Rehabilitation Act of 1973 (29
9 U.S.C. 794) and titles II and III of the
10 Americans with Disabilities Act (42 U.S.C.
11 12131 et seq.; 42 U.S.C. 12181 et seq.);

12 (vii) ensure that the guidelines are
13 consistent, to the extent feasible and ap-
14 propriate, with the technical and functional
15 performance criteria included in the na-
16 tional and international accessibility stand-
17 ards identified by the commission as rel-
18 evant to student use of postsecondary elec-
19 tronic instructional materials and related
20 technologies;

21 (viii) allow for the use of an alter-
22 native design or technology that results in
23 substantially equivalent or greater accessi-
24 bility and usability by individuals with dis-

abilities than would be provided by compliance with the guidelines; and

(ix) provide that where electronic instructional materials, or related technologies, that comply fully with the guidelines are not commercially available, or where such compliance is not technically feasible, the institution may select the product that best meets the guidelines consistent with the institution's business and pedagogical needs.

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

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

(4) TECHNICAL PANEL.—Not later than 1 month after first meeting, the Commission shall ap-

1 point and convene a panel of 12 technical experts,
2 each of whom shall have extensive, demonstrated
3 technical experience in developing, researching, or
4 implementing accessible postsecondary electronic in-
5 structional materials, or related technologies. The
6 commission has discretion to determine a process for
7 nominating, vetting, and confirming a panel of ex-
8 perts that fairly represents the stakeholder commu-
9 nities on the commission. The technical panel shall
10 include a representative from the United States Ac-
11 cess Board.

12 (f) REVIEW OF GUIDELINES.—Not later than 5 years
13 after issuance of the guidelines and annotated list of infor-
14 mation technology standards described in subsections (a)
15 and (b), and every 5 years thereafter, the Secretary of
16 Education shall publish a notice in the Federal Register
17 requesting public comment about whether there is a need
18 to reconstitute the commission to update the guidelines
19 and annotated list of information technology standards to
20 reflect technological advances, changes in postsecondary
21 electronic instructional materials and related technologies,
22 or updated national and international accessibility stand-
23 ards. The Secretary shall then submit a report and rec-
24 ommendation to Congress regarding whether the Commis-
25 sion should be reconstituted.

1 (g) RULE OF APPLICATION.—

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

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

1 (A) to authorize or require conduct prohib-
2 ited under the Americans with Disabilities Act
3 of 1990 and the Rehabilitation Act of 1973, in-
4 cluding the regulations issued pursuant to those
5 laws;

6 (B) to expand, limit, or alter the remedies
7 or defenses under the Americans with Disabil-
8 ities Act of 1990 and the Rehabilitation Act of
9 1973;

10 (C) to supersede, restrict, or limit the ap-
11 plication of the Americans with Disabilities Act
12 of 1990 and the Rehabilitation Act of 1973; or

13 (D) to limit the authority of Federal agen-
14 cies to issue regulations pursuant to the Ameri-
15 cans with Disabilities Act of 1990 and the Re-
16 habilitation Act of 1973.

17 (h) DEFINITIONS.—In this section:

18 (1) ANNOTATED LIST OF INFORMATION TECH-
19 NOLOGY STANDARDS.—The term “annotated list of
20 information technology standards” means a list of
21 existing national and international accessibility
22 standards relevant to student use of postsecondary
23 electronic instructional materials and related tech-
24 nologies, and to other types of information tech-
25 nology common to institutions of higher education,

1 such as institutional websites or registration sys-
2 tems, annotated by the commission established pur-
3 suant to this section. The annotated list of informa-
4 tion technology standards is intended to serve solely
5 as a reference tool to inform any consideration of
6 the relevance of such standards in higher education
7 contexts.

8 (2) POSTSECONDARY ELECTRONIC INSTRUCC-
9 TIONAL MATERIALS.—The term “postsecondary elec-
10 tronic instructional materials” means digital cur-
11 ricular content that is required, provided, or both
12 recommended and provided by an institution of high-
13 er education for use in a postsecondary instructional
14 program.

15 (3) RELATED TECHNOLOGIES.—The term “re-
16 lated technologies” refers to any software, applica-
17 tions, learning management or content management
18 systems, and hardware that an institution of higher
19 education requires, provides, or both recommends
20 and provides for student access to and use of post-
21 secondary electronic instructional materials in a
22 postsecondary instructional program.

23 (4) TECHNICAL PANEL.—The term “technical
24 panel” means a group of experts with extensive,
25 demonstrated technical experience in the develop-

1 ment and implementation of accessibility features for
2 postsecondary electronic instructional materials and
3 related technologies, established by the Commission
4 pursuant to subsection (e)(4), which will assist the
5 commission in the development of the guidelines and
6 annotated list of information technology standards
7 authorized under this Act.

8 **SEC. 104. POSTSECONDARY PROGRAMS FOR STUDENTS**
9 **WITH INTELLECTUAL DISABILITIES.**

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

13 **“SEC. 766. PURPOSE.**

14 “It is the purpose of this subpart to support inclusive
15 programs that promote the successful transition of stu-
16 dents with intellectual disabilities into higher education
17 and the earning of a degree, certificate, or recognized
18 postsecondary credential issued by the institution of high-
19 er education.”.

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

1 **“SEC. 767. INCLUSIVE HIGHER EDUCATION PROGRAMS FOR**
2 **STUDENTS WITH INTELLECTUAL DISABIL-**
3 **ITIES.**

4 “(a) GRANTS AUTHORIZED.—

5 “(1) IN GENERAL.—From amounts appro-
6 priated under section 769(a), the Secretary shall an-
7 nually award grants, on a competitive basis, to insti-
8 tutions of higher education (or consortia of three or
9 more institutions of higher education), to enable
10 such institutions or consortia to create or expand a
11 comprehensive transition and postsecondary edu-
12 cation program for students with intellectual disabili-
13 ties.

14 “(2) ELIGIBILITY AND APPROPRIATIONS LIM-
15 ITS.—

16 “(A) RELATION TO OTHER GRANTS.—An
17 institution of higher education that received a
18 grant under this section before the date of the
19 enactment of the Improving Access to Higher
20 Education Act of 2019 may not receive an addi-
21 tional grant under this section unless—

22 “(i) the institution receives a grant as
23 part of a consortium of three or more in-
24 stitutions of higher education; or

25 “(ii) the grant term of such preceding
26 grant has ended.

1 “(B) LIMITATION ON AMOUNTS.—

2 “(i) INSTITUTION OF HIGHER EDU-
3 CATION.—A grant under this section made
4 to an institution of higher education may
5 not be in an amount greater than
6 \$300,000.

7 “(ii) CONSORTIUM.—A grant under
8 this section made to a consortia of institu-
9 tions of higher education may not be in an
10 amount greater than \$500,000.

11 “(3) ADMINISTRATION.—The program under
12 this section shall be administered by the office in the
13 Department that administers other postsecondary
14 education programs in consultation with the Office
15 of Postsecondary Education and the Office of Spe-
16 cial Education and Rehabilitative Services of the De-
17 partment of Education.

18 “(4) DURATION OF GRANTS.—A grant under
19 this section shall be awarded for a period of 5 years.

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

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

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

5 “(2) to the extent possible, provide for an equi-
6 table distribution of such grants between 4-year in-
7 stitutions of higher education and 2-year institutions
8 of higher education, including community colleges;

9 “(3) provide grant funds for high-quality, inclu-
10 sive higher education programs for students with in-
11 tellectual disabilities, herein after referred to as in-
12 clusive higher education programs, that will serve
13 areas that are underserved by programs of this type;

14 “(4) 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 “(5) 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 “(6) 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 “(7) 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 degree, certificate, or recog-
9 nized postsecondary credential for students with
10 intellectual disabilities upon the completion of
11 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) academic outcomes;

18 “(C) competitive, integrated employment
19 outcomes;

20 “(D) independent living outcomes; and

21 “(E) social outcomes.

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

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

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

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 7 769(a) of the Higher Education Act of 1965 (20 U.S.C.
 8 1140i) is amended by striking “2009” and inserting
 9 “2019”.

10 **SEC. 105. NATIONAL TECHNICAL ASSISTANCE CENTER AND**
 11 **NATIONAL COORDINATING CENTER FOR IN-**
 12 **CLUSION OF STUDENTS WITH INTELLECTUAL**
 13 **DISABILITIES.**

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

17 **“SEC. 777. NATIONAL TECHNICAL ASSISTANCE CENTER**
 18 **AND COORDINATING CENTER FOR INCLU-**
 19 **SION OF STUDENTS WITH INTELLECTUAL**
 20 **DISABILITIES.**

21 “(a) NATIONAL TECHNICAL ASSISTANCE CENTER.—

22 “(1) IN GENERAL.—From amounts appro-
 23 priated under paragraph (5), the Secretary shall
 24 award a grant to, or enter into a contract or cooper-
 25 ative agreement with, an eligible entity to provide

1 for the establishment and support of a National
2 Technical Assistance Center. The National Technical
3 Assistance Center shall carry out the duties set forth
4 in paragraph (4).

5 “(2) ADMINISTRATION.—The program under
6 this section shall be administered by the office in the
7 Department that administers other postsecondary
8 education programs in consultation with the Office
9 of Special Education and Rehabilitative Services.

10 “(3) ELIGIBLE ENTITY.—In this subpart, the
11 term ‘eligible entity’ means an institution of higher
12 education, a nonprofit organization, or partnership
13 of two or more such institutions or organizations,
14 with demonstrated expertise in—

15 “(A) transitioning students with disabil-
16 ities from secondary school to postsecondary
17 education;

18 “(B) supporting students with disabilities
19 in postsecondary education;

20 “(C) technical knowledge necessary for the
21 dissemination of information in accessible for-
22 mats; and

23 “(D) working with diverse types of institu-
24 tions of higher education, including community
25 colleges.

1 “(4) DUTIES.—The duties of the National
2 Technical Assistance Center shall include the fol-
3 lowing:

4 “(A) ASSISTANCE TO STUDENTS AND FAM-
5 ILIES.—The National Technical Assistance
6 Center shall provide information and technical
7 assistance to students with disabilities and the
8 families of students with disabilities to support
9 students across the broad spectrum of disabil-
10 ities, including—

11 “(i) information to assist individuals
12 with disabilities who are prospective stu-
13 dents of an institution of higher education
14 in planning for postsecondary education
15 while the students are in secondary school;

16 “(ii) information and technical assist-
17 ance provided to individualized education
18 program teams (as defined in section
19 614(d)(1) of the Individuals with Disabil-
20 ities Education Act) for secondary school
21 students with disabilities, and to early out-
22 reach and student services programs, in-
23 cluding programs authorized under sub-
24 parts 2, 4, and 5 of part A of title IV, to
25 support students across a broad spectrum

1 of disabilities with the successful transition
2 to postsecondary education;

3 “(iii) research-based supports, serv-
4 ices, and accommodations which are avail-
5 able in postsecondary settings, including
6 services provided by other agencies such as
7 vocational rehabilitation;

8 “(iv) information on student men-
9 toring and networking opportunities for
10 students with disabilities; and

11 “(v) effective recruitment and transi-
12 tion programs at postsecondary edu-
13 cational institutions.

14 “(B) ASSISTANCE TO INSTITUTIONS OF
15 HIGHER EDUCATION.—The National Technical
16 Assistance Center shall provide information and
17 technical assistance to faculty, staff, and ad-
18 ministrators of institutions of higher education
19 to improve the services provided to, the accom-
20 modations for, the retention rates of, and the
21 completion rates of, students with disabilities in
22 higher education settings, which may include—

23 “(i) collection and dissemination of
24 best and promising practices and materials
25 for accommodating and supporting stu-

1 dents with disabilities, including practices
2 and materials supported by the grants,
3 contracts, or cooperative agreements au-
4 thorized under subparts 1, 2, and 3;

5 “(ii) development and provision of
6 training modules for higher education fac-
7 ulty on exemplary practices for accommo-
8 dating and supporting postsecondary stu-
9 dents with disabilities across a range of
10 academic fields, which may include uni-
11 versal design for learning and practices
12 supported by the grants, contracts, or co-
13 operative agreements authorized under
14 subparts 1, 2, and 3; and

15 “(iii) development of technology-based
16 tutorials for higher education faculty and
17 staff, including new faculty and graduate
18 students, on best and promising practices
19 related to support and retention of stu-
20 dents with disabilities in postsecondary
21 education.

22 “(C) INFORMATION COLLECTION AND DIS-
23 SEMINATION.—The National Technical Assist-
24 ance Center shall be responsible for building,
25 maintaining, and updating a database of dis-

1 ability support services information with respect
2 to institutions of higher education, or for ex-
3 panding and updating an existing database of
4 disabilities support services information with re-
5 spect to institutions of higher education. Such
6 database shall be available to the general public
7 through a website built to high technical stand-
8 ards of accessibility practicable for the broad
9 spectrum of individuals with disabilities. Such
10 database and website shall include available in-
11 formation on—

12 “(i) disability documentation require-
13 ments;

14 “(ii) support services available;

15 “(iii) links to financial aid;

16 “(iv) accommodations policies;

17 “(v) accessible instructional materials;

18 “(vi) other topics relevant to students
19 with disabilities; and

20 “(vii) the information in the report
21 described in subparagraph (E).

22 “(D) DISABILITY SUPPORT SERVICES.—

23 The National Technical Assistance Center shall
24 work with organizations and individuals with
25 proven expertise related to disability support

1 services for postsecondary students with disabili-
2 ties to evaluate, improve, and disseminate in-
3 formation related to the delivery of high quality
4 disability support services at institutions of
5 higher education.

6 “(E) REVIEW AND REPORT.—Not later
7 than three years after the establishment of the
8 National Technical Assistance Center, and
9 every two years thereafter, the National Tech-
10 nical Assistance Center shall prepare and dis-
11 seminate a report to the Secretary and the au-
12 thorizing committees analyzing the condition of
13 postsecondary success for students with disabili-
14 ties. Such report shall include—

15 “(i) a review of the activities and the
16 effectiveness of the programs authorized
17 under this part;

18 “(ii) annual enrollment and gradua-
19 tion rates of students with disabilities in
20 institutions of higher education from pub-
21 licly reported data;

22 “(iii) recommendations for effective
23 postsecondary supports and services for
24 students with disabilities, and how such

1 supports and services may be widely imple-
 2 mented at institutions of higher education;

3 “(iv) recommendations on reducing
 4 barriers to full participation for students
 5 with disabilities in higher education; and

6 “(v) a description of strategies with a
 7 demonstrated record of effectiveness in im-
 8 proving the success of such students in
 9 postsecondary education.

10 “(F) STAFFING OF THE CENTER.—In hir-
 11 ing employees of the National Technical Assist-
 12 ance Center, the National Technical Assistance
 13 Center shall consider the expertise and experi-
 14 ence of prospective employees in providing
 15 training and technical assistance to practi-
 16 tioners.

17 “(5) AUTHORIZATION OF APPROPRIATIONS.—
 18 There is authorized to be appropriated to carry out
 19 this subsection \$10,000,000.

20 “(b) THE NATIONAL COORDINATING CENTER FOR
 21 INCLUSION OF STUDENTS WITH INTELLECTUAL DISABIL-
 22 ITIES.—

23 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
 24 this subsection, the term ‘eligible entity’ means an

1 entity, or a partnership of entities, that has dem-
2 onstrated expertise in the fields of—

3 “(A) higher education;

4 “(B) the education of students with intel-
5 lectual disabilities;

6 “(C) the development of inclusive higher
7 education programs for students with intellec-
8 tual disabilities; and

9 “(D) evaluation and technical assistance.

10 “(2) IN GENERAL.—From amounts appro-
11 priated under paragraph (7), the Secretary shall
12 enter into a cooperative agreement, on a competitive
13 basis, with an eligible entity for the purpose of es-
14 tablishing a coordinating center for institutions of
15 higher education that offer inclusive higher edu-
16 cation programs for students with intellectual dis-
17 abilities, including institutions participating in
18 grants authorized under subpart 2 to provide—

19 “(A) recommendations related to the devel-
20 opment of standards for such programs;

21 “(B) technical assistance for such pro-
22 grams; and

23 “(C) evaluations for such programs, in-
24 cluding systematic collection of data on the ex-

1 periences and outcomes of individuals with in-
2 tellectual disabilities.

3 “(3) ADMINISTRATION.—The program under
4 this subsection shall be administered by the Office of
5 Postsecondary Education, in collaboration with the
6 Office of Special Education and Rehabilitative Serv-
7 ices.

8 “(4) DURATION.—The Secretary shall enter
9 into a cooperative agreement under this subsection
10 for a period of five years.

11 “(5) REQUIREMENTS OF COOPERATIVE AGREE-
12 MENT.—The eligible entity entering into a coopera-
13 tive agreement under this subsection shall establish
14 and maintain a coordinating center that shall—

15 “(A) serve as the technical assistance enti-
16 ty for all inclusive higher education programs
17 and comprehensive transition and postsec-
18 ondary programs for students with intellectual
19 disabilities;

20 “(B) provide technical assistance regarding
21 the development, evaluation, and continuous im-
22 provement of such programs;

23 “(C) evaluate such programs using quali-
24 tative and quantitative methodologies for meas-
25 uring program strengths in the areas of aca-

1 demic access, academic enrichment, socializa-
2 tion, competitive integrated employment, attain-
3 ment of a degree, certificate, or recognized
4 postsecondary credential, and independent liv-
5 ing;

6 “(D) evaluate participant progress by cre-
7 ating and maintaining a database of student-
8 level information and data related to the experi-
9 ences and outcomes of youth who participate in
10 each inclusive higher education program that
11 receives a grant under this subpart;

12 “(E) create and maintain a mechanism for
13 continuing to collect outcome information from
14 students who participated in inclusive higher
15 education programs that were developed in pre-
16 vious grant award cycles;

17 “(F) assist recipients of a grant under this
18 subpart in efforts to award a meaningful cre-
19 dential and to seek institution of higher edu-
20 cation approval for any newly developed creden-
21 tials;

22 “(G) create and maintain a database of
23 student and program level data reflecting imple-
24 mentation of the inclusive higher education pro-
25 gram that receives a grant under this subpart;

1 “(H) create and maintain a mechanism to
2 consolidate follow up data on student outcomes
3 collected by inclusive higher education programs
4 funded through previous grant cycles;

5 “(I) assist recipients of grants under sub-
6 part 2 in efforts to award a degree, certificate,
7 or recognized postsecondary credential to stu-
8 dents with intellectual disabilities upon the
9 completion of such programs;

10 “(J) identify model memoranda of agree-
11 ment for use between or among institutions of
12 higher education and State and local agencies
13 providing funding for such programs;

14 “(K) develop recommendations for the nec-
15 essary components of such programs, such as—

16 “(i) academic, career and technical,
17 social, and independent living skills;

18 “(ii) evaluation of student progress;

19 “(iii) program administration and
20 evaluation;

21 “(iv) student eligibility;

22 “(v) issues regarding the equivalency
23 of a student’s participation in such pro-
24 grams to semester, trimester, quarter,

1 credit, or clock hours at an institution of
2 higher education, as the case may be; and

3 “(vi) access to student housing for
4 students participating in the inclusive
5 higher education programs, including ac-
6 commodations and services that support
7 independent living;

8 “(L) review and analyze—

9 “(i) the impact of Federal and State
10 legislation on inclusive higher education
11 and inclusive higher education policy; and

12 “(ii) funding streams for such pro-
13 grams;

14 “(M) provide recommendations regarding
15 the funding streams described in subparagraph
16 (H)(ii);

17 “(N) develop mechanisms for regular com-
18 munication, outreach and dissemination of in-
19 formation about inclusive higher education pro-
20 grams for students with intellectual disabilities
21 under subpart 2 between or among such pro-
22 grams and to families and prospective students;

23 “(O) host a meeting of all recipients of
24 grants under subpart 2 not less often than once
25 each year; and

1 “(P) convene a work group to continue the
2 development of and recommendations for model
3 criteria, standards, and components of inclusive
4 higher education programs and comprehensive
5 transition and postsecondary programs for stu-
6 dents with intellectual disabilities, that are ap-
7 propriate for the development of accreditation
8 standards—

9 “(i) which work group shall include—

10 “(I) an expert in community col-
11 lege education;

12 “(II) an expert in career tech-
13 nical education;

14 “(III) an expert in 4-year institu-
15 tions of higher education;

16 “(IV) an expert in special edu-
17 cation;

18 “(V) a disability organization
19 that represents students with intellec-
20 tual disabilities;

21 “(VI) a representative from the
22 National Advisory Committee on In-
23 stitutional Quality and Integrity; and

1 “(VII) a representative of a re-
2 gional or national accreditation agen-
3 cy or association; and

4 “(ii) the work group will carry out the
5 following activities:

6 “(I) Conduct outreach to accred-
7 iting agencies.

8 “(II) Develop a technical guid-
9 ance document to support implemen-
10 tation of the model standards.

11 “(III) Develop and conduct a
12 protocol for field testing and imple-
13 menting the model standards.

14 “(IV) Update recommendations
15 for the model standards, criteria, and
16 components of such programs, as ap-
17 plicable.

18 “(6) REPORT.—Not later than 5 years after the
19 date of the establishment of the coordinating center
20 under this subsection, the coordinating center shall
21 report to the Secretary, the authorizing committees,
22 and the National Advisory Committee on Institu-
23 tional Quality and Integrity on the activities de-
24 scribed in paragraph (5).

1 “(7) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated to carry out
 3 this subpart such sums as may be necessary for fis-
 4 cal year 2019 and each of the five succeeding fiscal
 5 years.”.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 7 778 of the Higher Education Act of 1965 is repealed.

8 **SEC. 106. DEFINITIONS.**

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

11 **“SEC. 760. DEFINITIONS.**

12 “In this part:

13 “(1) COMPREHENSIVE TRANSITION AND POST-
 14 SECONDARY PROGRAM FOR STUDENTS WITH INTEL-
 15 LECTUAL DISABILITIES.—The term ‘comprehensive
 16 transition and postsecondary program for students
 17 with intellectual disabilities’ means a program that
 18 leads to a degree, certificate, or recognized postsec-
 19 ondary credential issued by an institution of higher
 20 education that meets each of the following require-
 21 ments:

22 “(A) Is offered by an institution of higher
 23 education.

24 “(B) Is designed to support students with
 25 intellectual disabilities who are seeking to con-

1 tinue academic, career and technical, and inde-
2 pendent living instruction at an institution of
3 higher education in order to prepare for com-
4 petitive integrated employment.

5 “(C) Includes student advising and a pro-
6 gram of study.

7 “(D) Requires students with intellectual
8 disabilities to participate on not less than a
9 half-time basis as determined by the institution,
10 with such participation focusing on academic
11 and career development components and occur-
12 ring through one or more of the following ac-
13 tivities:

14 “(i) Regular enrollment in credit-bear-
15 ing courses with students without disabili-
16 ties that are offered by the institution.

17 “(ii) Auditing or participating in
18 courses with students without disabilities
19 that are offered by the institution and for
20 which the student does not receive regular
21 academic credit.

22 “(iii) Enrollment in noncredit-bearing,
23 nondegree courses with students without
24 disabilities.

1 “(iv) Participation in internships, ap-
2 prenticeships, or work-based experiences in
3 competitive integrated settings for a se-
4 mester, or multiple semesters.

5 “(E) Requires students with intellectual
6 disabilities to be socially and academically inte-
7 grated with students without disabilities to the
8 maximum extent practicable.

9 “(F) Does not require the work compo-
10 nents (ii) to occur each semester.

11 “(2) DISABILITY.—The term ‘disability’ has the
12 meaning given such term in section 3 of the Ameri-
13 cans with Disabilities Act of 1990 (42 U.S.C.
14 12102).

15 “(3) INSTITUTION OF HIGHER EDUCATION.—
16 The term ‘institution of higher education’ has the
17 meaning given such term in section 101.

18 “(4) OFFICE OF ACCESSIBILITY.—The term
19 ‘Office of Accessibility’ has the meaning given to the
20 office of disability services of the institution or
21 equivalent office.

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

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

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

6 “(i) intellectual and cognitive func-
7 tioning; and

8 “(ii) adaptive behavior as expressed in
9 conceptual, social, and practical adaptive
10 skills;

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

15 “(C) or, in the case of a student who has
16 not currently or formerly been found eligible for
17 a free appropriate education under the Individ-
18 uals with Disabilities Education Act (20 U.S.C.
19 1400 et seq.), or a student who has not pre-
20 viously been found eligible as a student with an
21 intellectual disability under such Act, docu-
22 mentation establishing that the student has an
23 intellectual disability, such as—

24 “(i) a documented comprehensive and
25 individualized psycho-educational evalua-

tion and diagnosis of an intellectual disability by a psychologist or other qualified professional; or

“(ii) a record of the disability from a local or State educational agency, or government agency, such as the Social Security Administration or a vocational rehabilitation agency, that identifies the intellectual disability.

“(7) UNIVERSAL DESIGN FOR LEARNING.—The term ‘universal design for learning’ means a scientifically valid framework for guiding educational practice 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 number of students with disabilities enrolled, the number of students accessing or receiving accommodation, the percentage of students with disabilities of all undergraduate students, and the total number of undergraduate certificates or degrees awarded to students with disabilities. An institution shall not be required to submit the information described in the preceding sentence if the number of such students would reveal personally identifiable information about an individual student.”.

1 **SEC. 202. TRAINING FOR REALTIME WRITERS TO PROVIDE**
2 **CLOSED CAPTIONING AND COURT REPORT-**
3 **ING SERVICES.**

4 Section 872(e) of the Higher Education Act of 1965
5 (20 U.S.C. 1161s(e)) is amended by striking “2009” and
6 inserting “2019”.

7 **SEC. 203. PERFECTING AMENDMENT.**

8 Section 103(6) of the Higher Education Act of 1965
9 (20 U.S.C. 1003(6)) is amended by striking “section
10 3(2)” and inserting “section 3”.

