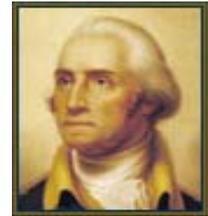


GW HEATH Resource Center

Recent Legislative Developments in Postsecondary Education and Disability

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The latter half of 1998 was an interesting time for legislation affecting postsecondary education and disability. Congress added an important provision to the reauthorized Higher Education Act, creating a grant program that will lead to improvements in education for students with disabilities. Congress also reauthorized the Vocational Rehabilitation Act, creating changes in the relationship between higher education institutions and state vocational rehabilitation agencies.

Higher Education Act

The Higher Education Amendments of 1998, which reauthorized the Higher Education Act of 1965 through the year 2003, was passed by the U.S. House of Representatives on September 28 and by the Senate on September 29, 1998. The President signed the bill into law on October 7, 1998.

As was reported in the first electronic issue of *Information from HEATH*, there were two disability-related provisions in earlier reauthorization drafts of the Higher Education Amendments. One was an amendment introduced by Representative Carrie Meek (D-FL) and co-sponsored by Representative Anne Northup (R-KY). That amendment would have established \$30 million over three years to fund five demonstration projects to conduct research to assist colleges and universities in serving students with learning disabilities. It appeared in H.R. 6, the House's Higher Education Reauthorization Bill.

The Senate's Higher Education Reauthorization

Bill (S. 1882) also contained a disability-related provision, which would have established funding for model demonstration projects to provide training and professional development for faculty and administrators to more effectively teach students with disabilities.

After both bills were passed by their respective chambers, they went to a conference committee that reconciled the two bills in order to come up with a final bill for the president's signature. The final bill contained a provision that combined the learning disabilities and faculty training measures. The language authorizes the Department of Education to award grants over the next five years to colleges and universities to develop expertise on educating students with disabilities. Two of the programs will be targeted specifically to teaching faculty members how to work with students with learning disabilities. The recipients will provide professional development and technical assistance and, in so doing, will serve as resources for other postsecondary institutions.

More specifically, the language states that the funding may be used to carry out one or more of the following activities:

- Develop innovative and effective teaching methods and strategies to provide faculty and administrators with the skills to teach students with disabilities.
- Synthesize research and related information regarding the provision of

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educational services to students with disabilities.

- Conduct training sessions for faculty and administrators from other institutions to enable them to meet the postsecondary educational needs of students with disabilities.
- Prepare and disseminate products based on the above activities.

Although the law authorized a sum of \$10 million for fiscal year 1999, Congress only appropriated \$5 million. This program is being administered by the U.S. Department of Education's Office of Postsecondary Education. The Notice of Final Priorities and Invitation for Applications for the grants appeared in the *Federal Register* on March 18, 1999.

Vocational Rehabilitation Act

On August 7, 1998, President Clinton signed into law the Rehabilitation Act Amendments of 1998 as part of the Workforce Investment Partnership Act of 1998. The amendments made changes to and reauthorized the Rehabilitation Act of 1973.

Changes to the act mandate that state agencies, including institutions of higher education, state vocational rehabilitation (VR) agencies, and other relevant agencies, work together to devise a plan that determines agency financial responsibility for services for clients of vocational rehabilitation who are enrolled in postsecondary education.

The language represents a compromise that was reached after concern was expressed about draft language that would have legislated the financial relationships between state agencies. Under the new provisions, state agencies (including VR agencies, public colleges, and other entities) will work together to determine which services will be offered to VR clients and which agencies will be responsible for payment.

Some states have already begun work on these agreements. For example, in Vermont and Massachusetts, disability organizations are holding town meetings in order to gather input

on what the state agreements should look like.

According to the Rehabilitative Services Administration (RSA) at the U.S. Department of Education, which has responsibility for administering the Vocational Rehabilitation Act, state VR agencies have been given the option of either implementing the new law without its accompanying regulations or waiting to implement the law until the regulations are released. Many have chosen to wait for the regulations, which are currently scheduled to be released in the fall, before they begin meeting to decide which agency will pay for what service.

Currently, Postsecondary Education Programs Network (PEPNet), the national collaboration of the four Regional Postsecondary Education Centers for Individuals who are Deaf and Hard of Hearing, is working on a document that will provide information and technical assistance to representatives of colleges and universities, as well as representatives of state vocational rehabilitation agencies, about the process of establishing interagency agreements. That document will be posted on PEPNet's web site at www.pepnet.org.



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