

## State Policy Actions Supporting Higher Education for Students with Intellectual and Developmental Disabilities

By Ingrid Jernudd, Siddharth Nagaraj, Sarah Mueller, and Denise Rozell

### Introduction

The [Higher Education Opportunity Act \(HEOA\) of 2008](#) created guidance and funding to expand higher education access for students with intellectual disability (ID). This legislation resulted in funding for model demonstration projects called Transition and Postsecondary Programs for Students with Intellectual Disability (TPSID). Since 2010, the TPSID program has led to the development or expansion of 103 programs at 100 colleges and universities in 31 states. Additionally, the HEOA created financial aid eligibility options for students with ID if attending an approved Comprehensive Transition Program, or CTP. Through the creation of CTPs and TPSIDs, HEOA laid an important foundation to increase postsecondary education (PSE) options for students with ID. (To learn more about CTPs, visit this [Think College Learn module](#).)

However, a finite amount of federal funding and the limited scope of influence that federal projects can have necessitate state involvement as well. Federal policy initiatives often require changes to occur at the state level to bring sustainable changes. Policies at the state level are influenced in a variety of ways, including the use of task forces, creation of legislation, and modifying budgets. This brief explores the state-level policy actions and trends that have occurred that are designed to strengthen inclusive PSE practices in those states.

### Engaging with the Governor's Office

The governor's office can play an important role. State governors make budget recommendations at the beginning of each fiscal year, which can influence the state's budget. Moreover, governors largely set the tone for state policy priorities. For example, in Quorum Analytics' *Analysis of the 2018 State of State Addresses*, 37 governors mentioned workforce development during their state of the union

address, which signaled to their constituents and their legislatures that workforce development was a policy priority. By engaging with leadership in the governor's office, advocates can emphasize the importance of inclusive PSE and encourage governors to create task forces or special committees on the issue. This engagement can also serve as a cue to the state legislature that this work is a priority for the administration. Engaging with a governor's office in this way can have a palpable effect on state policy initiatives, from increasing funding for scholarships for students with ID to the legislature independently establishing special committees with a focus on disability and education.

### Legislation

Recently, state governments have been involved in proposing and supporting legislation related to postsecondary education initiatives for students with ID. In the past 4 years, 27 pieces of legislation have been proposed, and 11 have been passed that address some aspect of higher education for these students. Current state legislative activity on this topic has taken several forms: task forces and commissions have been established, access to state scholarship programs has been addressed, state funding for program development and/or operations has been approved, and resolutions have been enacted. These state legislative approaches have been designed to increase college options for students with ID and to address affordability and quality.

### Task Forces and Commissions

One strategy used by states to further PSE for individuals with ID is the formation of committees and task forces to examine how to best enable students with ID to access higher education. Four states—Maryland, Rhode Island, California, and Texas—have created task forces and committees on this topic, either through the governor's office or through legislation. In Maryland, the [Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with](#)

**Developmental Disabilities** was created in July 2013 to advise the governor on how public postsecondary institutions can expand the availability and breadth of courses for students with with intellectual and developmental disabilities (IDD). The task force issued a report on January 1, 2016 with recommendations for future actions including funding program development efforts in the state. This report led to the development of new legislation and funding for higher education programs.

In Rhode Island, the task force expanded the mandate of the Governor's Workforce Board to include the production of a strategic statewide employment and training plan for individuals with IDD, of which postsecondary education may be a part.

These task forces increase knowledge of and research into inclusive PSE, and help ensure that citizens with IDD have similar access to higher education as do citizens without IDD.

## Scholarships

Another strategy used by states to enhance access to PSE for students with ID is reviewing and updating their state scholarship policies. One example of this is the **Ohio College Opportunity Grant** (OCOG) program. The OCOG program applies to all Ohioans who are enrolled in some form of higher education, and it specifically includes students attending approved Comprehensive Transition Programs (CTP) who are earning a certificate rather than a degree.

In some states, scholarships are funded specifically for students attending CTP. Kentucky has created support for students with ID to access scholarships through **House Bill 158**. This piece of legislation increased the amount of money Kentuckians with ID who are enrolled in CTPs can receive through the Kentucky Educational Excellence Scholarships (KEES). Through KEES, students with ID enrolled in an approved CTP can receive a \$500 KEES if they are enrolled in at least six credit hours in a term, or \$250 if they are enrolled in less than six credit hours for up to eight academic terms. In Minnesota, a provision included in **SF 943: Omnibus Higher Education Appropriations Act 2018-2019** set aside \$200,000 each year for scholarships specifically for students with intellectual disability. The grants can be applied to enrollment in CTPs and can cover any tuition and fee costs that are not covered by other financial aid. Similarly, as part of its comprehensive legislative action, Florida funded scholarships for students with ID attending approved CTPs in the sum of \$71.2 million, with up to \$7,000 for each student who meets eligibility requirements.

Delaware and Tennessee have also enacted legislation to ensure access to scholarship programs for students attending approved CTPs. Texas has proposed such action, but it has not been enacted (as of September 2019). These initiatives make higher education more accessible by reducing financial barriers and help ensure that citizens with ID have access to state-funded college scholarship programs.

## Budgets and Appropriations

Direct funding has been used in 7 states to support the development of new programs or provide ongoing support of existing college programs for students with ID. One example is **New York's Senate Bill 2003D**, which included a line item appropriation of \$97,000 for the State University of New York (SUNY) Orange's BRIDGES Program, a PSE program for students with intellectual disability and autism in the Hudson Valley. Massachusetts has included a line item in its state budget since 2007 that funds the **Massachusetts Inclusive Concurrent Enrollment Initiative** (MAICEI). The MAICEI initiative provides grants to college-school partnerships to support eligible public high school students with IDD, ages 18–22, to increase their academic and career success by being included in a college or university community of learners.

Colorado passed **Senate Bill 196: Inclusive Higher Education Act** on June 6, 2016, which authorized funding for a pilot inclusive higher education program for students with IDD. As a result, two four-year universities (the University of Colorado at Colorado Springs and the University of Northern Colorado) and one community college (Arapahoe Community College) created programs. The legislation gives the participating higher education institutions the freedom to develop their own scholarship implementation plans.

**Senate Bill 672: Florida Postsecondary Comprehensive Transition Program (FPCTP) Act established the Florida Center for Students with Unique Abilities** and provided funding at \$8 million to establish college programs for students with ID throughout the state of Florida. This comprehensive act established the FPCTP Scholarship at individual public higher education institutions in Florida, required that higher education institutions establishing CTPs submit formal plans detailing how they will create a fully inclusive environment and engage businesses in providing training and employment opportunities for students with disabilities, and established clear evaluation and accountability standards for comprehensive transition programs in Florida.

**Maryland's SB 872: James W. Hubbard Inclusive Higher Education Grant Program** was signed into law in May 2017. Through \$250,000 funding provided by the state budget, the bill established a competitive grant process that institutions of higher education could apply for in order to create and implement inclusive PSE pilot programs for students with IDD.

Kentucky and Ohio also have passed state line items that support student scholarships, (as outlined earlier), and Minnesota has proposed a state line item for program development. These initiatives make higher education more available and accessible by providing budgetary allocations and appropriations to postsecondary education.

## Resolutions

Resolutions are official expressions of opinion by a state legislative body. They can be used to message approval or disapproval on an issue that cannot otherwise be voted on or is handled by another jurisdiction. For example, Oklahoma passed **House Resolution (HR) 1065: A Resolution Supporting the Development of Comprehensive Transition and Postsecondary Programs for Students with Intellectual and Developmental Disabilities** in April 2016. HR 1065 directed Oklahoma institutions of higher education to work with all government agencies that provide services to individuals with IDD to develop comprehensive transition programs. The resolution also mandated that programs involve private sector businesses that have the capacity to create practical learning opportunities for students with IDD, and that IHE transition programs work with national disability groups to collect student outcome data. Resolutions can help draw attention to inclusive higher education as well as pave the way for other sources of funding.

## Recommendations

Since the passage of the HEOA and subsequent federal investment in inclusive PSE, states have also taken action to support this important initiative. Policy advocates can use the strategies outlined here to address access and funding needs related to higher education for student with ID in their own state. Some recommendations include:

- Work with your governor's office to establish PSE options for students with intellectual disability as a priority.
- Engage with legislators to inform them about the impact of postsecondary education on student outcomes.
- Work with state legislators to draft legislation supporting program development, evaluation, and/or task forces.

- Work with state government on resolutions to draw attention to PSE for students with ID, paving the way for future legislation or funding.

As this brief summarizes, 16 states have considered and 10 have passed legislation related to the provision of postsecondary education options to students with ID in their states. These state policy actions have resulted in more college programs being available both through direct funding and program development efforts. It has opened the doors to state funded college scholarship programs to students attending these programs who may not be earning a degree. And it has raised the profile and understanding of PSE for students with ID through resolutions and task forces.

If you want to increase postsecondary education options for students with intellectual disability in your state, work with your own state legislature to enact similar legislation or to otherwise address the specific barriers that exist. No single action will create the desired change, and it may take engagement across a variety of policy areas to support long-term and sustainable change for students with ID.

## Additional Resources

### **What's Happening in Your State**

A section of the Think College website that includes links to all passed and proposed legislation related to PSE for students with ID, searchable by state.

### **Think College Policy Affinity Group**

This affinity group meets online at least quarterly to discuss policy issues and initiatives related to PSE for students with ID.

### **Think College Emerging Advocates Group**

This affinity group for self-advocates meets online at least quarterly to share strategies and ideas to effectively advocate for increased PSE options.

### **Tools for Taking Action**

A collection of resources that have been developed by policy advocates to assist others in their advocacy efforts.

### **Chart of all legislation**

This chart includes brief descriptions to all passed legislation referred to in this brief, as well as information about a few pieces of legislation that have been proposed but as of this publication have not passed.

**[For a more comprehensive listing of current legislation, reports, task forces, and/or program funding related to postsecondary education for students with ID, view this listing.](#)**

## Chart of all legislation

This chart includes brief descriptions to all passed legislation referred to in this brief, as well as information about a few pieces of legislation that have been proposed but as of this publication have not passed.

STATE	LEGISLATION	DATE	DESCRIPTION
<b>TASK FORCES AND COMMISSIONS</b>			
Maryland	HB 813: Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with IDD	Signed into law May 2, 2013	<p>Created a Task Force which published the following recommendations:</p> <p>Maryland develop an RFP to create two inclusive PSEs for students with IDD, with a \$1 million investment in planning and initial implementation.</p> <p>Maryland create a state-level scholarship program for students with disabilities, establish universal design principles for accessible courses, and announce CTP guidelines that require at least 50% of courses in PSE programs for students with IDD be fully inclusive.</p> <p>Higher education institutions create scholarships of their own for students with IDD.</p>
Rhode Island	SB 2476: An Act Relating to State Affairs and Government – Governor’s Workforce Board	Signed into law June 28, 2016	<p>Mandates that the Governor’s Workforce Board create and expand job and career opportunities for individuals with intellectual, developmental, or other significant disabilities while producing a strategic statewide employment and training plan for the state. The Board will structure the plan over a period of two fiscal years and must also produce a comprehensive analysis of all workforce development activities in Rhode Island in order to identify strategies to improve statewide employment, including for individuals with IDD. Once complete, the analysis will be submitted to the Governor and will inform future policies and guidelines for employment and training programs in the state.</p> <p>As it prepares its strategic plan, the Board will convene an advisory committee to consult on efforts to broaden employment opportunities through the State Career Pathways System. Committee members will represent a diverse set of stakeholders, including community-based organizations, the public-workforce system, and different state departments. To ensure that the interests of individuals with IDD are represented, the committee must include an official from the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals. The Governor’s Workforce Board will also uphold career opportunities by providing oversight of local workforce-investment boards that deliver employment, training and education services.</p>
California	Report of California’s Statewide Task Force on Special Education.	Issued in March 2015	<p>Calls for the creation of a data collection system that will track students with intellectual/developmental disabilities in California so that information therein can be used to monitor and evaluate existing postsecondary education options. Calls for more state collaboration and urges inclusive postsecondary education curriculum developers to place greater emphasis upon preparing students with intellectual/developmental disabilities for adult independent living.</p>
Texas	SB 37: An Act Relating to requiring the Texas Higher Education Coordinating Board to collect and study data on the participation of persons with intellectual and developmental disabilities at public institutions of higher education.	Signed into law June 19, 2015	<p>This instructs the Texas Higher Education Coordinating Board to conduct a survey of public higher education institutions regarding recruitment of students with IDD and develop a report on its findings. The report was issued in October 2016. It concluded that institutions do not have enough resources or staff focused on identifying and recruiting students with IDD and that students with IDD who do enroll in state higher education institutions face major problems with transition, preparation and accessibility.</p>

STATE	LEGISLATION	DATE	DESCRIPTION
Texas	SB 1017: An Act Relating to the Creation of the Advisory Council on Postsecondary Education for Persons with Intellectual and Developmental Disabilities	Signed into law June 10, 2019	This directs the Texas Higher Education Coordinating Board to create an advisory council on postsecondary education for persons with intellectual and developmental disabilities. The advisory council will be tasked with developing educational outreach materials to raise awareness in Texas of PSE opportunities for individuals with IDD, and the Board will be responsible for distributing them. The advisory council will also study the accessibility of higher education for individuals with IDD and create recommendations on how to remove existing barriers, which will be published in annual public reports. In addition to showcasing existing data, reports should also highlight information gaps that need to be addressed. The Board shall appoint advisory council members, who will represent the Texas Education Agency, the Texas Workforce Commission, and one of Texas's University Centers for Excellence in Developmental Disabilities (UCEDD). Also included will be a disability advocacy group representative, parents and guardians, students with disabilities at higher education institutions, a high school counselor and an employment transition specialist.
<b>SCHOLARSHIPS</b>			
Ohio	HB 49: FY 2018-2019 Operating Budget	Signed into law August 22, 2017	Authorized the Ohio state budget for 2018-2019. It extends eligibility for the Ohio College Opportunity Grant (OCOG) to certain individuals with intellectual disabilities. These individuals must be enrolled in a comprehensive transition and postsecondary program (CTP) to qualify.
Kentucky	HB 158: An Act relating to postsecondary financial aid for students with disabilities	Signed into law April 27, 2016	Authorizes an increase in the amount of Kentucky Educational Excellence Scholarships (KEES) for students with IDD who enroll in a CTP in Kentucky. These students will be eligible for a \$500 KEES if they are enrolled in at least six credit hours in a term, or \$250 if they are enrolled in less than six credit hours.  For students to be eligible for the Kentucky Educational Excellence Scholarship, he or she must have been enrolled at a public high school in Kentucky at some point after June 2008 and must also have received an alternative high school diploma. The KEES can be used to support a student's education at a CTP in Kentucky for a maximum of eight academic terms.
Minnesota	SF 943: Omnibus Higher Education Appropriations Act 2018-2019	Signed into law May 30, 2017	This appropriations act set aside \$200,000 per year for scholarships for students with intellectual disabilities in 2018 and 2019. The grants are applicable to students who enroll in CTPs and can be used to pay for all tuition and fee costs that financial aid does not cover.
Delaware	HB 326: An Act to amend title 14 of the Delaware Code relating to the Delaware Advanced Scholarship Program	Signed into law July 11, 2018	Authorizes the Delaware Advance Scholarship Program, which provides scholarship opportunities for Delaware students with intellectual disabilities who are seeking a comprehensive certificate or degree at a public higher education institution. Scholarship recipients receive grants to cover the cost of tuition at a Comprehensive Transition Program (CTP) at a state-funded higher education institution in Delaware. Recipients must be under the age of 25 and should have been eligible for special education services under IDEA before beginning their postsecondary education. They do not necessarily need to have actually been enrolled in IDEA-authorized special education in order to be eligible (home-schooled students with intellectual disabilities may apply depending on standards set by individual higher education institution).

STATE	LEGISLATION	DATE	DESCRIPTION
Florida	SB 672: Florida Postsecondary Comprehensive Transition Act	Signed into law January 21, 2016	<p>Established the Florida Center for Students with Unique Abilities (FCSUA) at the University of Central Florida and charged the Center with managing the Florida Postsecondary Comprehensive Transition Program (FPCTP) application and approval process. The Act also established criteria for FPCTP approval, scholarship awards for eligible students to attend approved programs, grant awards to promote new program development and existing program enhancements, and accountability requirements associated with these opportunities.</p> <p>The purpose of the Act is to “increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities through degree, certificate, or non-degree programs and to establish statewide coordination of the dissemination of information regarding programs and services for students with disabilities. It is the intent of the Legislature that students with intellectual disabilities and students with disabilities have access to meaningful postsecondary education credentials and be afforded the opportunity to have a meaningful campus experience.” (FS §1004.6495(2))</p>
Tennessee	HB 1983: TN Scholarships and Financial Aid	Comp became Pub. Ch. 930 May 2, 2016	Enables recipients of the STEP UP state scholarship to apply its funds to enrollment in two and four-year postsecondary programs for students with intellectual disability. This expands eligibility for the Tennessee STEP UP scholarship, for students with IDD who complete high school and pursue PSE at any college in the state with an approved Comprehensive Transition Program (CTP). As of September 2017, this includes Lipscomb University, Union University, Vanderbilt University, the University of Memphis, and the University of Tennessee.

## BUDGET AND APPROPRIATIONS

New York	S 2003: Aid to Localities Budget	Signed into law April 20, 2017	\$97,000 for services and expenses for the SUNY Orange, Orange County Community College BRIDGES program. (p 859)
Massachusetts	S. 2235; An Act making appropriations for the fiscal year 2020 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements	State Budget for fiscal year 2020, passed July 21, 2019; signed into law July 31, 2019	\$2,002,977 for discretionary grant program to provide inclusive opportunities and access to postsecondary education for students with disabilities. Massachusetts Inclusive Concurrent Enrollment Initiative (MAICEI) This initiative has been funded by the state of Massachusetts since the 2008 fiscal year in increasing amounts to provide funds to school districts and public institutions of higher education to offer inclusive concurrent enrollment programs. Including funds to retain employment specialists; assisting students in meeting integrated competitive employment and other transition-related goals; adopting procedures and funding mechanisms to ensure that new partnerships utilize the models and expertise developed in existing partnerships; and conducting evaluations and research to further identify student outcomes and best practices.
Colorado	SB 196: Inclusive Higher Education Act	Signed into law June 6, 2016	Creates a pilot program at University of Northern Colorado, University of Colorado at Colorado Springs, and Arapahoe Community College. The program is supported through a collaboration between the Department of Higher Education, JFK Partners, and the Colorado Initiative for Inclusive Higher Education. Program site institutions must collaborate with Colorado Department of Labor and Employment to identify VR supports and opportunities.

STATE	LEGISLATION	DATE	DESCRIPTION
Florida	SB 672: Florida Postsecondary Comprehensive Transition Act	Signed into law January 21, 2016	<p>Established the Florida Center for Students with Unique Abilities (FCSUA) at the University of Central Florida and charged the Center with managing the Florida Postsecondary Comprehensive Transition Program (FPCTP) application and approval process. The Act also established criteria for FPCTP approval, scholarship awards for eligible students to attend approved programs, grant awards to promote new program development and existing program enhancements, and accountability requirements associated with these opportunities.</p> <p>The purpose of the Act is to “increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities through degree, certificate, or non-degree programs and to establish statewide coordination of the dissemination of information regarding programs and services for students with disabilities. It is the intent of the Legislature that students with intellectual disabilities and students with disabilities have access to meaningful postsecondary education credentials and be afforded the opportunity to have a meaningful campus experience.” (FS §1004.6495(2))</p>
Maryland	Senate Bill 872: James W. Hubbard Inclusive Higher Education Grant Program	Signed into law May 25, 2017	<p>Established a new program to award competitive grants to institutions that create and implement inclusive pilot programs for students with IDD. Recipient institutions need to develop a program that promotes inclusion within all aspects of student life, and ensure that students have inclusive academic access, instruction, career development, campus engagement, self-determination, paid work experience, campus living, and social activities.</p>
<b>RESOLUTIONS</b>			
Oklahoma	HR 1065: A Resolution Supporting the Development of Comprehensive Transition and Postsecondary Programs for Students with Intellectual and Developmental Disabilities	Signed into law April 21, 2016	<p>Directs Oklahoma institutes of higher education to work with all government agencies that provide services to individuals with intellectual and developmental disabilities to consider the development of comprehensive transition and postsecondary education (CTP) programs. Programs created from such partnerships must also include private sector businesses that can create practical learning opportunities for students. It also states that IHE transition programs must work with national disability groups to collect and analyze student outcome data.</p>

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The Association of University Centers on Disabilities (AUCD) is a membership organization that supports and promotes a national network of university-based interdisciplinary programs which serve as a bridge between the university and the community. AUCD is a valued partner of Think College, serving as an advisor about policy and legislation that impacts people with intellectual and developmental disabilities.



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