

Brief Report: New Legislation Supports Students with Intellectual Disabilities in Post-secondary Funding

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Abstract With the passage of the Higher Education Opportunities Act (HEAO) of 2008, students with intellectual disabilities who are enrolled in a federally approved Comprehensive Transition and Postsecondary Program on a college campus will be eligible for some forms of federal student financial aid. This Brief Report discusses the forms of aid available, the impact upon higher functioning students with ASDs, the impact upon colleges and the potential conflict between HEOA and Individuals with Disabilities Education Act.

Keywords Higher functioning · Asperger syndrome · PDD-NOS · Post-secondary education · Transition programs · Funding · Legislation

Many families of students with an autism spectrum disorder never hoped or dreamed their children would ever be able to receive post secondary education. However, the use of empirically based interventions over the past few decades has lead to better outcomes for students with pervasive developmental disorder NOS, Asperger Syndrome, and “high functioning autism”. Now parents and their students can envision continuing their education past high school.

The components of the reauthorization of the Higher Education Opportunities Act (HEOA) of 2008 (P.L. 110-315) supporting opportunities for students with an

intellectual disability to access postsecondary education is the latest iteration of decades of advocacy. The college advocacy resource ThinkCollege.net lists 168 programs nationally that in some way support postsecondary education for students with an intellectual or other disability. In 2006 ThinkCollege identified 110 such programs, but of those nearly three-quarters (74%) where programs supporting students dually enrolled in high school and college (Hart et al. 2006). Even though the reauthorized HEOA has created a new category for a comprehensive transition and postsecondary (CTP) program based at an institution of higher education, as of January 2012 only ten programs in the country have received approval from the United States Department of Education (Student Aid on the Web n.d.).

Traditionally, barriers to successful integration in a post secondary environment prevented students with an intellectual disability from reaching their full potential. Research has categorized these barriers as being both personal and systemic (Kardos 2011). Barriers endogenous to the individual have included items such as a lack of self-advocacy skills, difficulty in understanding appropriate legislation (Kardos 2011) difficulties in applying executive functioning skills and challenges with “nonverbal communication, socialization, and coping with the stress of over-stimulating environments” (Hart et al. 2010, p. 138). Systematic barriers have been identified as including a lack of college-based supports for students with an intellectual disability, limited funding for “non-traditional college participation (part-time, audit, continuing education)” and limits in Federal funding (Kardos 2011, p. 47).

The Free Application for Federal Student Aid is a college student’s portal to a variety of grants and loan programs (<http://www.fafsa.gov>). These include Federal Pell Grants, Stafford and Perkins (subsidized and unsubsidized) student loans, Federal Supplemental Educational Opportunity

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Grants (FSEOG), Federal Work Study programs, etc. Federal Pell Grants are need-based grants that are available to undergraduate students who have not yet earned a bachelor's degree. The Stafford and Perkins loans are education loans that have interest rates well below the market rate. FSEOG are need based federal grants to undergraduate students who are Pell eligible and have an Expected Family Contribution (EFC) of zero. Traditionally only full time students in a degree-bearing program could apply for aid. This precluded many students on the spectrum from pursuing higher education.

With the re-authorization of the HEOA in 2008 (P.L. 110-315), the regulations have been amended, and were specifically written, to encourage individuals with "intellectual disabilities" to pursue higher education. College programs for students with an intellectual disability, approved by the U.S. Department of Education as a CTP Program, will be able to offer three specific types of federal financial aid to students enrolled in the program (Bergeron et al. 2010). Students in a CTP can be eligible for Federal Pell Grants, FSEOG grants and Federal Work Study programs.

The potential impact of this legislation is profound. There are roughly 750,913 individuals under the age of 20 in the United States that have an Autism Spectrum Condition (ASC) (Cavanagh and VanBergeijk 2012). Fombonne (2005) found, in his review of epidemiological studies involving samples of individuals with autism, that 29.6% of the participants had a cognitive impairment. Therefore, potentially 70.4% of individuals with an ASC could benefit from this legislation. This translates into over 500,000 students with an ASC who might ultimately be able to take advantage of this new opportunity. Kardos (2011) reports on research indicating as many as 29,000 students with ID pursuing options to attend college and as many as 11,000 student taking entrance exams each year (p. 1). For the families of higher functioning students with an ASC, it provides access to grants that were previously unattainable.

The new provisions for financial aid for students with an intellectual disability, however, do not provide the same access to student loan programs enjoyed by neurotypical college students attending full-time. While opening access to the grant and work study programs is a step in the right direction, tuition-based college programs will continue to be inaccessible to many students without the benefit of federally backed loan programs. There are both philosophical and practical reasons to continue expand access to postsecondary education for students with an intellectual disability. Hart et al. (2010) note that there is a benefit for students with a disability to experience "valued social roles, as these roles make it more likely that individuals will have a good quality of life and less likely to be

marginalized by others ... 'College Student' is a valued social role that has a particularly strong resonance" (p. 136). Research has also supported that the economic and employment benefits of postsecondary education to extend to students with autism spectrum disorders and Intellectual disabilities (see Hart et al. 2010; Wehman 2001).

The impact upon higher education will perhaps be even more profound. Jane Thierfeld Brown, the co-director of College Autism Spectrum and a professional in disability services for over 30 years has observed that students with autism spectrum disorders have been attending college for years, but they just have not been recognized as such (Thierfeld Brown and Dunn Buron 2011). While only ten college based programs have currently been approved as CTPs we can expect that more colleges will pursue this.

Over the course of the next year, colleges will be creating new support programs and applying to the federal government for eligibility of their programs under Title IV. This means more students on the autism spectrum will be on college campuses in the next 2 years. The influx of students on the spectrum will require the training of faculty and staff in how to accommodate individuals with impairments in social skills and executive functioning. Disabled students services offices will have to adapt their model of intervention from intervening on behalf of students with mild learning disabilities and mild ADD or ADHD to providing interpreters of the social world to a new group of students with an autism spectrum diagnosis. In order to support students on the spectrum, colleges will not only need to train their disabled student service office staff, but they will need to train faculty and staff across departments, in order to be successful in supporting these students. The pervasive nature of this disability means that these students will run into difficulty in many different areas in the post secondary environment that will range from residential life to security.

Students on the autism spectrum will have the greatest difficulty during unstructured times. The initial transition from the high school environment to the post secondary environment will be a critical juncture. To ease this transition, colleges may want to consider creating a summer transition program for students with intellectual disabilities where the focus will be on intervening in the realm of executive functioning deficits, social skills, independent living skills and simply navigating the campus and new environment. A dedicated summer preparation program can provide concrete and explicit instructions on how to read a syllabus, enter due dates for assignments, rules of thumb of when to start researching term papers, and using technology to prompt a student on the spectrum to go to class, start assignments, turn in assignments etc. Explicit training may also be necessary regarding classroom comportment (e.g. a student in a college course may not

continually interrupt a lecture to ask the professor questions that are off topic). Sharing dorm space with roommates is a source of anxiety and friction for students on the spectrum. Workshops on roommate conflict resolution would be helpful. The pairing of students in the transition program as roommates during the academic year will help reduce anxiety among these students and can potentially reduce conflicts that the residential life staff will need to address. The academic load in terms of credit bearing coursework should be light. The focus is on helping the student adjust to the relatively unstructured college setting.

The creation of the summer transition programs will not only help colleges ease the transition of the new influx of students with intellectual disabilities, but it will also be a new source of revenue. During the summer, residence halls are often empty and not generating revenue for the college. The transition program will also help families decide if the student has the requisite social and independent living skills to attend a college while living away from home. This trial period allows families to “test drive” the college setting before making the commitment to paying for a year of college and securing the grants and loans associated with paying for the endeavor. The summer transition programs and the academic year programs will also be an excellent training ground for the next generation of professionals who wish to work with students on the autism spectrum. These programs would also be an excellent opportunity to conduct research to improve the service delivery and practice with this population.

We applaud Congress and the US Department of Education for taking this initial step in helping families of students with intellectual disabilities achieve the dream of attending college. By creating this opportunity for funding, the federal government also provides a mechanism for regulating the quality of college based transition programs by holding these programs to the same standards of Satisfactory Academic Progress as students enrolled in degree bearing programs. This will help prevent organizations from simply providing residential placement for students with intellectual disabilities. The programs will have to create metrics to measure the students’ progress and timely completion of the transition program. These metrics will be reported to the federal government on an annual basis. The metrics will include the number of students who transition into a degree bearing programs, the number of students who complete a degree, and the number of transition program graduates who are employed. We also believe it will foster collaborative ventures between not for profit social services agencies already working with this population to help community colleges, 4 year colleges, and universities create college based transition programs.

However, there is a potential unintended consequence of the passage of the HEOA of 2008 (P.L. 110-315), and a

potential conflict with school districts’ interpretation of the Individuals with Disabilities Education Act (IDEA) vis-à-vis HEOA. Parents of higher functioning students on the autism spectrum may find themselves at odds with special education administrators in relation to this new legislation. Many special educators erroneously believe that as long as a student can read, write, and do math calculations at or near grade level, and as long as the student passes state standardized tests, then they have met their legal obligations to the student. As a cost saving measure, school districts might be incentivized to graduate high functioning students on the autism spectrum and have them enroll in a Comprehensive Transition and Post-Secondary (CTP) Program under HEOA instead of providing services to that student and his or her family through age 21.

Under IDEA the local educational agency (LEA) (usually the school district), is responsible for educating the student until he or she has graduated high school or has reached the age of 21. By graduating high functioning students with autism spectrum disorders, the school district is absolved of the financial expense of educating the student. If the student enrolls in a US DOE approved CTP then he or she will be eligible for federal financial aid in the form of work-study monies and grants based upon the completion of the FAFSA and the EFC (Finkel et al. 2010). This funding is limited and does not begin to cover the entire cost of a college education. The remainder of the costs for educating the student will fall upon the family.

Many high functioning individuals with Asperger syndrome or PDD-NOS can read, write, and do math calculations at or even above grade level. They can pass state proficiency exams and are “otherwise qualified” to attend college. Academic demands are generally not the issue. Their disability lies within the social realm. It affects their ability to transition to the post-secondary environment. Their deficits in executive functioning and how this impacts their independent living skills must be addressed as a part of their Individualized Education Programs (IEPs). Parents must insure that their children have appropriate transition plans (beginning at age 14) with IEP goals that address social, independent living, and vocational skills as well as their impairment in executive functioning. Only once these IEP goals have been successfully addressed or the student reaches 21 years of age, is the LEA absolved of its responsibility to educate the student.

The argument will essentially be over who pays for the cost of the student’s education, what are transition services, and does it include transition programs, even those that are based in colleges or in the community. The issue has been settled by the US DOE with Congress’ reauthorization of the Individuals with Disabilities Improvement Act (IDEIA, P.L. 108-446). IDEIA clearly delineates what is meant by

the term “transition services” and it includes the variety of environments in which these services can take place (See Table 1 for the original text from the legislation).

During the public commentary period, advocates attempted to persuade the US DOE to explicitly state that IDEA funds under parts A & B of the law could be used to fund transition programs both in the community and on college campuses. The U.S. DOE did not see the need to make this explicit because IEP teams already had this ability under IDEA:

A few commenters recommended that the regulations clarify that schools can use funds provided under Part B of the Act to support children in transitional programs on college campuses and in community-based settings.

Discussion: We do not believe that the clarification requested by the commenters is necessary to add to the regulations because, as with all special education and related services, it is up to each child’s IEP Team to determine the special education and related services that are needed to meet each child’s unique needs in order for the child to receive FAPE. Therefore, if a child’s IEP Team determines that a child’s needs can best be met through participation in transitional programs on college campuses or in community-based settings, and includes such services

on the child’s IEP, funds provided under Part B of the Act may be used for this purpose.

(From 34 CFR Parts 300 and 301, Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities; Final Rule, p. 130)

The potential conflict between school district interpretation of IDEIA and parents’ wishes to continue their child’s Free and Appropriate Public Education (FAPE) (Wright and Wright 2006) is unnecessary and unwarranted. HEAO is not intended to supplant IDEIA funding. To maximize a higher functioning student’s potential, IEP teams (which include the student and the parents as members), must use IDEIA and HEOA as complimentary pieces of legislation and subsequent funding sources because higher functioning students on the autism spectrum may need a longer period of time to transition to post-secondary education. For the right student, the ability to fund a transition plan through age 21, and then subsequently use HEOA funds to support enrollment in a CTP, may be the right combination to ease his or her transition into employment and community integration. With thoughtful, step-by-step transition plans, students on the autism spectrum can transition to the ultimate goal of IEPs—successful entry into the world of work and independent living.

Table 1 Individuals with disabilities education improvement act of 2004 (P.L. P.L. 108-446) definition of transition services

The term “transition services” means:

a coordinated set of activities for a child with a disability that—

(A) is designed to be within a results- oriented process,

that is focused on improving the academic and functional achievement of the child with a disability to

facilitate the child’s movement from school to post-school activities, including

postsecondary education,

vocational education,

integrated employment (including supported employment),

continuing and adult education,

adult services,

independent living, or

community participation.

(B) is based on the individual child’s needs,

taking into account the child’s

strengths,

preferences, and

interests; and

(C) includes

instruction,

related services,

community experiences,

the development of employment and other post-school adult living objectives, and,

when appropriate, acquisition of daily living skills and functional vocational evaluation. (from IDEIA 2004, section 602, article 34)

The Federal government has enlisted private non-for-profit transition programs to help disseminate information regarding CTP Programs. Thinkcollege.net has received federal funding to create a national coordinating center on transition which can be found at: <http://www.thinkcollege.net/about-us/think-college-initiatives/national-coordinating-center>.

The US Department of Education Office of Postsecondary Education maintains the official list of federally approved CTPs. As of this writing only 10 colleges nationally have a CTP whose students would be eligible to apply for financial aid under Title IV of the HEOA. (<http://studentaid.ed.gov/PORTALSWebApp/students/english/CTPProgramList.jsp>).

Colleges that opt to create CTPs will also be able to participate in a number of Department of Education initiatives. Many of these research studies will examine the impact of offering PLUS loans to parents of students with intellectual disabilities or the impact of having high school students attend CTPs. A complete description of all the research initiatives regarding Federal Student Aid can be found at: <http://ifap.ed.gov/fregisters/FR102711ExperimentalSitesInitiative.html>.

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