



Groups ask ED to clarify use of IDEA funds for students' postsecondary programs

Disability and education advocates are asking the [U.S. Education Department](#) to clarify guidance that they said is confusing and prevents some high school students with intellectual disabilities from accessing postsecondary services that they may be entitled to under several federal education laws.

At issue is the 2013 [Office of Special Education Programs Letter to Dude](#), reported at [62 IDELR 91](#), in which OSEP said that if attending classes at a postsecondary school is considered under state law as secondary school education for students in grades 12 or below, those services can be designated as transition services for students with IEPs and paid for with IDEA, Part B funds.

A 2017 Office of Special Education and Rehabilitative Services [guide](#) about postsecondary education and employment for youth with disabilities has similar wording.

The OSEP letter and [OSERS](#) guidance imply that the use of IDEA funds on postsecondary school attendance could be limited to students in dual enrollment programs that are only established through state law or through formal memorandum of understanding agreements, advocates said.

In an Aug. 9 [letter](#) to ED Secretary Betsy DeVos, advocates said those documents contradict language in the preamble of the IDEA 2004 [regulations](#), which said IEP teams make decisions about whether a student should participate in a transitional program at a college campus.

The advocates also expressed concern that another ED [document](#) is being misinterpreted to deny vocational rehabilitation funding in contradiction to language in the [Workforce Innovation Opportunity Act](#) that encourages postsecondary opportunities for students with intellectual disabilities.

"This is real confusing for families," said Stephanie Smith Lee, senior policy advisor for the [National Down Syndrome Congress](#). "The problem is not the law or regulations, but

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lack of alignment between [the IDEA, the WIOA, and the [Higher Education Opportunity Act of 2008](#)]."

Lee knows this issue well. She was OSEP director when IDEA 2004 was written. Her daughter Laura Lee was the first student in the George Mason University [LIFE Program](#), a postsecondary program for young adults with intellectual disabilities.

The expansion of similar programs across the country has helped this population of students reach their goals of postsecondary education, employment, and independent living, Lee said. "We're seeing a real game-changer for students with intellectual disabilities," she said.

There are now 260 postsecondary programs for students with intellectual disabilities. In the last eight years, 3,350 students with intellectual disabilities have participated in [Transition and Postsecondary Programs for Students with Intellectual Disabilities](#), according to a [report](#) from the Inclusive Higher Education Committee.

A 2017 [study](#) by the [Institute for Community Inclusion](#) showed that 61 percent of individuals who completed a TPSID program in 2015-16 had a paid job one year after exiting the program. In comparison, 17 percent of adults with intellectual disabilities had a paid job in 2014-15.

Lee said the advocacy groups aren't proposing statutory changes or new regulations: They just want guidance that accurately reflects the intent from Congress.

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