



December 11, 2017

The Honorable Virginia Foxx
Chairwoman
Education & Workforce Committee
2262 Rayburn House Office Building
Washington, DC 20515

The Honorable Bobby Scott
Ranking Member
Education & Workforce Committee
1201 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman Foxx & Ranking Member Scott:

The National Down Syndrome Congress (NDSC) is the country's oldest and largest organization for people with Down syndrome, their families, and the professionals who work with them. NDSC provides support and information about issues related to Down syndrome throughout the lifespan and advocates for people with Down syndrome in matters of public policy.

We are writing in regard to the Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act, the bill that will reauthorize provisions in the Higher Education Act.

We appreciate the committee's work on this legislation and are encouraged that the PROSPER Act includes four provisions to support students with disabilities:

- (1) The bill maintains the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) program that provides grants for individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's (IHE) postsecondary program.
- (2) The bill includes new, improved data collection on students with disabilities and their postsecondary completion rates that will be publicly shared on the federal College Dashboard;
- (3) The bill includes new IMPACT grants to improve post-secondary access and completion for disadvantaged groups, including students with disabilities;

NATIONAL CENTER

30 Mansell Court, Suite 108
Roswell, GA 30076

phone: 770-604-9500
fax: 770-604-9898

email: info@ndsccenter.org
www.ndsccenter.org

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- (4) The bill maintains the National Technical Assistance Center that provides information to students and families on post-secondary options and supports college faculty in serving students with disabilities;

NDSC especially appreciates that the bill maintains the TPSID programs. We have worked for many years to expand postsecondary options for students with intellectual disability (ID). There are now 268 programs (see: www.thinkcollege.net) that provide education to improve academics, independent living and employment options for these students. Evaluation of the TPSIDs by the National Coordinating Center (NCC) indicates these students are achieving a much higher level of community integration and employment than individuals who do not have this opportunity.

We note four technical changes that need to be addressed in the TPSID section to reflect current practice and interpretation or to align with other statutes:

- Decouple appropriations for the National Technical Assistance Center and the TPSID/National Coordinating Center and delete the language limiting the percentage of funds reserved for the NCC. Currently \$2million is appropriated for the NCC from the \$11.8 million in TPSID funding. This NCC funding is needed for program evaluation, technical assistance and dissemination of best practice.
- Make two technical corrections to the definition of “Comprehensive transition and postsecondary program for students with intellectual disabilities” (CTPs) in 20 USC 1140; Section 760 Definitions.
 - In (B) delete “gainful employment” and insert “competitive integrated employment” - this will align with the Workforce Innovation Opportunity Act.
 - In (D), at the end of (iii), change the period to a comma and add “and” to clarify that CTPs must offer both academic and career development components.
- Under the TPSID grant section, clarify that IHEs may offer housing to students with ID through supports provided at housing not owned or operated by the IHE, such as through partnerships with other organizations. This will allow more students to learn independent living skills in a natural environment.

While we are pleased that the bill contains the programs for students with disabilities described above, it is important to state that we share the serious concerns outlined by our colleagues at the Consortium for Citizens with Disabilities Education Task Force that the bill eliminates a number of programs that are critically important to the success of all students with disabilities and the educators who instruct them in K-12 and postsecondary programs.

- **The PROSPER Act eliminates programs that support teachers.** The PROSPER Act removes all of Title II from HEOA, which included grants that improve teacher quality and incentivize teachers to serve in high-need areas like special education. In addition, it eliminates the TEACH grants, which provide financial assistance to individuals who choose to pursue careers in public service, including educators and other school professionals. There is a shortage of special education teachers, and we believe that

eliminating this financial assistance will exacerbate the problem. Also, the provisions that were eliminated include grants that would prepare K-12 educators to use universal design for learning (UDL) to improve instruction for all students, so they can pursue postsecondary education, including through TPSID programs.

- **The PROSPER Act does not include the RISE Act.** The PROSPER Act fails to include an essential component of the RISE Act that would require colleges and universities to accept a student's individualized education plan (IEP) or 504 plan as evidence of their disability. The RISE Act is a bi-partisan proposal that seeks to help more students with disabilities get in the door of their college's Disability Service Office and seek the accommodations they need to succeed.
- **The PROSPER Act eliminates grants that increase accessibility for students with disabilities on college campuses.** The PROSPER Act eliminates grant programs that support faculty who work with students with disabilities.
- **The PROSPER Act does not meaningfully include UDL in any provisions that address post-secondary instruction or accessibility for students with disabilities.** UDL is critical to ensuring that students with disabilities are provided an equal opportunity to participate in higher education. Any reauthorization of HEA should include opportunities for IHEs to develop campus-wide UDL strategies and for faculty to incorporate UDL as a strategy to improve instruction for students with disabilities.
- **The PROSPER Act includes a Pell Grant provision that may present additional barriers and diminish eligibility for students with disabilities in need of financial aid.** Students with disabilities in higher education may use accommodations that provide greater flexibility with their schedules and course loads to allow them to meet their academic goals. Federal law should ensure that students with disabilities are accommodated if they cannot meet requirements due to their disability.

We ask that you include these important provisions in the reauthorization of the Higher Education Act and we stand ready to work with you to improve this significant legislation. Please feel free to contact Stephanie Smith Lee at 703-938-4041 or stephaniesmithlee@gmail.com.

Thank you for your consideration.

Sincerely,



David Tolleson
Executive Director
National Down Syndrome Congress



Stephanie Smith Lee
Senior Policy Advisor
National Down Syndrome Congress