



VR funds can apply to postsecondary programming for students with disabilities, Q&A says

State vocational rehabilitation agencies can contribute financially to dual enrollment and to comprehensive transition programs serving students with disabilities who still receive IDEA services, the [U.S. Education Department](#) has clarified through a [Q&A](#) released Sept. 17.

Decisions about which agency -- the vocational rehabilitation, the state education agency, or the local district -- would provide and pay for preemployment transition services or other transition services that are considered to be both a special education activity and a vocational rehabilitation service would need to be determined at the state level, the document said.

Johnny Collett, assistant secretary for the [Office of Special Education and Rehabilitative Services](#) at ED, released the Q&A at an Education Freedom Tour stop at the University of Missouri -- Kansas City. Collett was visiting the university's [Propel Program](#) -- a transition program for young adults with intellectual and developmental disabilities that allows students to explore employment and education on a major university campus.

"The Department is committed to ensuring that students and youth with disabilities are held to high expectations and have the resources and supports needed to expand their learning opportunities and prepare them for success in postsecondary education or careers," Collett said in a statement.

Dual enrollment allows a student, including those with disabilities, to take postsecondary courses at a community college or other postsecondary education institution before the student graduates high school. CTPs are a type of postsecondary education offered at institutions of higher education. Those programs provide inclusive, academic, social, and career and technical education programs for individuals with intellectual disabilities seeking a postsecondary college experience and career path.

Use of Part B funds requires certain conditions

Stephanie Smith Lee, senior policy advisor for the [National Down Syndrome Congress](#), said that after an initial read through the Q&A, she was pleased ED clarified that

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vocational rehabilitation funds can be used for dual enrollment and CTPs. "This issue is critical in determining whether there are any federal funds to pay for these programs," said Lee, a former Office of Special Education Programs director.

What seems less clear, she said, is the use of the IDEA Part B funds by local educational agencies for dual enrollment programs and for CTPs. The Q&A says permission would be allowable if certain conditions are met. Those conditions include whether the student's IEP team determines that the courses offered at the postsecondary institution are necessary to provide the student with FAPE and whether the education provided is considered secondary school education in the state.

ED addressed that technical aspect of the definition of secondary school in the Q&A by saying FAPE under the IDEA does not include postsecondary education when using IDEA funds. However, ED says that states have the flexibility to interpret how secondary school education is defined and applied. That can be done through guidance or policy and does not require changes to state law as it applies to the opportunities students with disabilities would have at postsecondary education institutions.

Lee had hoped the Q&A document would mirror the language in the IDEA 2004 [regulations](#), which clearly states that it is permissible to use IDEA funds for these students, she said.

"That's the hang up. It will need to be dealt with a on state-by-state basis," she said.

Still, Lee is pleased ED is giving attention to postsecondary educational opportunities students with intellectual disabilities may have. In 2002, Lee's daughter Laura Lee was the first student enrolled in the George Mason University [LIFE Program](#) in Fairfax, Va., a CTP program for young adults with intellectual and developmental disabilities.

Now, there are 275 postsecondary programs around the country for students with intellectual disabilities. Lee said that the social, academic, career-focused, and independent experiences gained by the participants in these programs are valuable opportunities that can be supported through local, state, and federal collaborations.

"These federal laws are all supposed to be helping students with disabilities crack through the bureaucratic obstacles, " she said.

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*Transition services are a frequent source for litigation for many districts that struggle to understand the legal requirements for postsecondary transition planning. School attorney Karen Haase will explore these requirements at [LRP's Special Education School Attorneys Conference](#), Jan, 15-17, at The Roosevelt New Orleans in the session *A Little Less Conversation, a Little More Transition, Please! Don't miss it!**

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