

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

DEFINITIONS

For meaning of references to an intellectual disability and to individuals with intellectual disabilities in provisions amended by section 2 of Pub. L. 111-256, see section 2(k) of Pub. L. 111-256, set out as a note under section 1400 of this title.

SUBPART 1—DEMONSTRATION PROJECTS TO SUPPORT POSTSECONDARY FACULTY, STAFF, AND ADMINISTRATORS IN EDUCATING STUDENTS WITH DISABILITIES

§ 1140a. Purpose

It is the purpose of this subpart to support model demonstration projects to provide technical assistance or professional development for postsecondary faculty, staff, and administrators in institutions of higher education to enable such faculty, staff, and administrators to provide students with disabilities with a quality postsecondary education.

(Pub. L. 89-329, title VII, §761, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3362.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1140a, Pub. L. 89-329, title VII, §762, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1801, related to authorization of competitive grants, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 761 of Pub. L. 89-329 was classified to section 1140 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 761 of Pub. L. 89-329 was classified to section 1132g of this title, prior to repeal by Pub. L. 102-325.

Another prior section 761 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140b. Grants, contracts, and cooperative agreements authorized**(a) Competitive grants, contracts, and cooperative agreements authorized****(1) In general**

From amounts appropriated under section 1140e of this title, the Secretary may award grants, contracts, and cooperative agreements, on a competitive basis, to institutions of higher education to enable the institutions to carry out the activities under subsection (b).

(2) Awards for professional development and technical assistance

Not less than two grants, contracts, cooperative agreements, or a combination of such awards shall be awarded to institutions of higher education that provide professional development and technical assistance in order for students with learning disabilities to receive a quality postsecondary education.

(b) Duration; activities**(1) Duration**

A grant, contract, or cooperative agreement under this subpart shall be awarded for a period of three years.

(2) Authorized activities

A grant, contract, or cooperative agreement awarded under this subpart shall be used to carry out one or more of the following activities:

(A) Teaching methods and strategies

The development of innovative, effective, and efficient teaching methods and strategies, consistent with the principles of universal design for learning, to provide postsecondary faculty, staff, and administrators with the skills and supports necessary to teach and meet the academic and programmatic needs of students with disabilities, in order to improve the retention of such students in, and the completion by such students of, postsecondary education. Such methods and strategies may include in-service training, professional development, customized and general technical assistance, workshops, summer institutes, distance learning, and training in the use of assistive and educational technology.

(B) Effective transition practices

The development of innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the skill and supports necessary to ensure the successful and smooth transition of students with disabilities from secondary school to postsecondary education.

(C) Synthesizing research and information

The synthesis of research and other information related to the provision of postsecondary educational services to students with disabilities, including data on the impact of a postsecondary education on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.

(D) Distance learning

The development of innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the ability to provide accessible distance education programs or classes that would enhance the access of students with disabilities to postsecondary education, including the use of accessible curricula and electronic communication for instruction and advising.

(E) Disability career pathways**(i) In general**

The provision of information, training, and technical assistance to secondary and postsecondary faculty, staff, and administrators with respect to disability-related fields that would enable such faculty, staff, and administrators to—

(I) encourage interest and participation in such fields, among students with disabilities and other students;

(II) enhance awareness and understanding of such fields among students with disabilities and other students;

(III) provide educational opportunities in such fields for students with disabilities and other students;

(IV) teach practical skills related to such fields to students with disabilities and other students; and

(V) offer work-based opportunities in such fields to students with disabilities and other students.

(ii) Development

The training and support described in subclauses (I) through (V) of clause (i) may include offering students—

(I) credit-bearing postsecondary-level coursework; and

(II) career and educational counseling.

(F) Professional development and training sessions

The conduct of professional development and training sessions for postsecondary faculty, staff, and administrators from other institutions of higher education to enable such individuals to meet the educational needs of students with disabilities.

(G) Accessibility of education

Making postsecondary education more accessible to students with disabilities through curriculum development, consistent with the principles of universal design for learning.

(3) Mandatory evaluation and dissemination

An institution of higher education awarded a grant, contract, or cooperative agreement under this subpart shall evaluate and disseminate to other institutions of higher education, the information obtained through the activities described in subparagraphs (A) through (G) of paragraph (2).

(c) Considerations in making awards

In awarding grants, contracts, or cooperative agreements under this subpart, the Secretary shall consider the following:

(1) Geographic distribution

Providing an equitable geographic distribution of such awards.

(2) Rural and urban areas

Distributing such awards to urban and rural areas.

(3) Range and type of institution

Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

(4) Prior experience or exceptional programs

Distributing the awards to institutions of higher education with demonstrated prior experience in, or exceptional programs for, meeting the postsecondary educational needs of students with disabilities.

(d) Reports

(1) Initial report

Not later than one year after August 14, 2008, the Secretary shall prepare and submit to the

authorizing committees, and make available to the public, a report on all demonstration projects awarded grants under this part for any of fiscal years 1999 through 2008, including a review of the activities and program performance of such demonstration projects based on existing information as of the date of the report.

(2) Subsequent report

Not later than three years after the date of the first award of a grant under this subpart after August 14, 2008, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report that—

(A) reviews the activities and program performance of the demonstration projects authorized under this subpart; and

(B) provides guidance and recommendations on how effective projects can be replicated.

(Pub. L. 89-329, title VII, §762, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3362.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1140b, Pub. L. 89-329, title VII, §763, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1802, related to applications, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 762 of Pub. L. 89-329 was classified to section 1140a of this title, prior to repeal by Pub. L. 110-315.

Another prior section 762 of Pub. L. 89-329 was classified to section 1132g-1 of this title, prior to repeal by Pub. L. 102-325.

Another prior section 762 of Pub. L. 89-329 was classified to section 1132d-1 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140c. Applications

Each institution of higher education desiring to receive a grant, contract, or cooperative agreement under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

(1) a description of the activities authorized under this subpart that the institution proposes to carry out, and how such institution plans to conduct such activities in order to further the purpose of this subpart;

(2) a description of how the institution consulted with a broad range of people within the institution to develop activities for which assistance is sought;

(3) a description of how the institution will coordinate and collaborate with the office that provides services to students with disabilities within the institution; and

(4) a description of the extent to which the institution will work to replicate the research-based and best practices of institutions of higher education with demonstrated effectiveness in serving students with disabilities.

(Pub. L. 89-329, title VII, §763, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3364.)