

Editorial Notes**PRIOR PROVISIONS**

A prior section 1140c, Pub. L. 89-329, title VII, §764, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1803, established a rule of construction, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 763 of Pub. L. 89-329 was classified to section 1140b of this title, prior to repeal by Pub. L. 110-315.

Another prior section 763 of Pub. L. 89-329 was classified to section 1132g-2 of this title, prior to repeal by Pub. L. 102-325.

Another prior section 763 of Pub. L. 89-329 was classified to section 1132d-2 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140d. Rule of construction

Nothing in this subpart shall be construed to impose any additional duty, obligation, or responsibility on an institution of higher education or on the institution's faculty, administrators, or staff than is required under section 794 of title 29 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(Pub. L. 89-329, title VII, §764, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3365.)

Editorial Notes**REFERENCES IN TEXT**

The Americans with Disabilities Act of 1990, referred to in text, is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 1140d, Pub. L. 89-329, title VII, §765, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1803, authorized appropriations, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 764 of Pub. L. 89-329 was classified to section 1140c of this title, prior to repeal by Pub. L. 110-315.

Another prior section 764 of Pub. L. 89-329 was classified to section 1132g-3 of this title, prior to repeal by Pub. L. 102-325.

Another prior section 764 of Pub. L. 89-329 was classified to section 1132d-3 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140e. Authorization of appropriations

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, §765, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3365.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 765 of Pub. L. 89-329 was classified to section 1140d of this title, prior to repeal by Pub. L. 110-315.

Another prior section 765 of Pub. L. 89-329 was classified to section 1132d-4 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

SUBPART 2—TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION**§ 1140f. Purpose**

It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

(Pub. L. 89-329, title VII, §766, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3365.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 766 of Pub. L. 89-329 was classified to section 1132d-5 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140g. Model comprehensive transition and postsecondary programs for students with intellectual disabilities**(a) Grants authorized****(1) In general**

From amounts appropriated under section 1140i(a) of this title, the Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to enable the institutions or consortia to create or expand high quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

(2) Administration

The program under this section shall be administered by the office in the Department that administers other postsecondary education programs.

(3) Duration of grants

A grant under this section shall be awarded for a period of 5 years.

(b) Application

An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) Award basis

In awarding grants under this section, the Secretary shall—

(1) provide for an equitable geographic distribution of such grants;

(2) provide grant funds for model comprehensive transition and postsecondary programs for students with intellectual disabilities that will serve areas that are underserved by programs of this type; and

(3) give preference to applications submitted under subsection (b) that agree to incorporate into the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant one or more of the following elements:

(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

(B) In the case of an institution of higher education that provides institutionally owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into the housing offered to nondisabled students.

(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.

(d) Use of funds

An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

(1) serves students with intellectual disabilities;

(2) provides 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 regular postsecondary program;

(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

(A) academic enrichment;

(B) socialization;

(C) independent living skills, including self-advocacy skills; and

(D) integrated work experiences and career skills that lead to gainful employment;

(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

(5) participates with the coordinating center established under section 1140q(b) of this title in the evaluation of the model program;

(6) partners with one or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], including the use of funds available under part B of such Act [20 U.S.C. 1411 et seq.] to support the participation of such students in the model program;

(7) plans for the sustainability of the model program after the end of the grant period; and

(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

(e) Matching requirement

An institution of higher education (or consortium) that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant. Such matching funds may be provided in cash or in-kind, and shall be in an amount of not less than 25 percent of the amount of such costs.

(f) Report

Not later than five years after the date of the first grant awarded under this section, the Sec-

retary shall prepare and disseminate a report to the authorizing committees and to the public that—

(1) reviews the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities funded under this section; and

(2) provides guidance and recommendations on how effective model programs can be replicated.

(Pub. L. 89-329, title VII, §767, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3365.)

Editorial Notes

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (d)(6), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

§ 1140h. Rule of construction

Nothing in this subpart shall be construed to reduce or expand—

(1) the obligation of a State or local educational agency to provide a free appropriate public education, as defined in section 1401 of this title; or

(2) eligibility requirements under any Federal, State, or local disability law, including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), or the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

(Pub. L. 89-329, title VII, §768, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3367.)

Editorial Notes

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in par. (2), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Rehabilitation Act of 1973, referred to in par. (2), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in par. (2), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677, which is classified principally to chapter 144 (§15001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

§ 1140i. Authorization of appropriations and reservation

(a) Authorization of appropriations

There are authorized to be appropriated to carry out this subpart such sums as may be nec-