

(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-

essary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Reservation of funds

For any fiscal year for which appropriations are made for this subpart, the Secretary shall reserve funds to enter into a cooperative agreement to establish the coordinating center under section 1140q(b) of this title, in an amount that is—

- (1) not less than \$240,000 for any year in which the amount appropriated to carry out this subpart is \$8,000,000 or less; or
- (2) equal to 3 percent of the amount appropriated to carry out this subpart for any year in which such amount appropriated is greater than \$8,000,000.

(Pub. L. 89-329, title VII, §769, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3367.)

SUBPART 3—COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS

§ 1140k. Definition of student with a print disability

In this subpart, the term “student with a print disability” means a student with a disability who experiences barriers to accessing instructional material in nonspecialized formats, including an individual described in section 121(d)(2) of title 17.

(Pub. L. 89-329, title VII, §771, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3367.)

Editorial Notes

REFERENCES IN TEXT

Section 121(d) of title 17, referred to in text, was amended by Pub. L. 115-261, §2(a)(1)(D), Oct. 9, 2018, 132 Stat. 3667, and no longer defines blind or other persons with disabilities. However, section 121(d) of title 17, as amended, does define “eligible person” to include blind persons, persons with visual impairment or perceptual or reading disability, and persons with other physical disabilities that inhibit reading skills.

PRIOR PROVISIONS

A prior section 771 of Pub. L. 89-329 was renumbered section 781, and is classified to section 1141 of this title.

Another prior section 771 of Pub. L. 89-329 was classified to section 1132h of this title, prior to repeal by Pub. L. 102-325.

Another prior section 771 of Pub. L. 89-329 was classified to section 1132d-11 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140l. Establishment of Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities

(a) Establishment

(1) In general

The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (in this section referred to as the “Commission”).

(2) Membership

(A) Total number of members

The Commission shall include not more than 19 members, who shall be appointed by the Secretary in accordance with subparagraphs (B) and (C).

(B) Members of the Commission

The Commission members shall include one representative from each of the following categories:

- (i) The Office of Postsecondary Education of the Department.
- (ii) The Office of Special Education and Rehabilitative Services of the Department.
- (iii) The Office for Civil Rights of the Department.
- (iv) The Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.
- (v) The Association on Higher Education and Disability.
- (vi) The Association of American Publishers.
- (vii) The Association of American University Presses.
- (viii) The National Council on Disability.
- (ix) Recording for the Blind and Dyslexic.
- (x) National organizations representing individuals with visual impairments.
- (xi) National organizations representing individuals with learning disabilities.

(C) Additional members of the Commission

The Commission members shall include two representatives from each of the following categories:

- (i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, including representatives from both two-year and four-year institutions of higher education of different sizes.
- (ii) Producers of accessible materials, publishing software, and supporting technologies in specialized formats, such as Braille, audio or synthesized speech, and digital media.
- (iii) Individuals with visual impairments, including not less than one currently enrolled postsecondary student.
- (iv) Individuals with dyslexia or other learning disabilities related to reading, including not less than one currently enrolled postsecondary student.

(D) Timing

The Secretary shall appoint the members of the Commission not later than 60 days after the Commission is established under paragraph (1).

(3) Chairperson and vice chairperson

The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

(4) Meetings

(A) In general

The Commission shall meet at the call of the Chairperson.