

graph (1) may be disseminated and implemented on a national basis.

**(g) Authorized approaches**

An eligible partnership that receives a grant or contract under this section may use the grant or contract funds to support the development and implementation of the following:

(1) Approaches for the provision of instructional materials in specialized formats limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

(2) Approaches supporting a unified search for instructional materials in specialized formats across multiple databases or lists of available materials.

(3) Market-based approaches for making instructional materials in specialized formats directly available to eligible students at prices comparable to standard instructional materials.

**(h) Report**

Not later than three years after the date of the first grant or contract awarded under this section, the Secretary shall submit to the authorizing committees a report that includes—

(1) the number of grants and contracts and the amount of funds distributed under this section;

(2) a summary of the purposes for which the grants and contracts were provided and an evaluation of the progress made under such grants and contracts;

(3) a summary of the activities implemented under subsection (f) and, as applicable, subsection (g), including data on the number of postsecondary students with print disabilities served and the number of instructional material requests executed and delivered in specialized formats; and

(4) an evaluation of the effectiveness of programs funded under this section.

**(i) Model expansion**

The Secretary may, on the basis of the reports under subsection (h) and section 1140l(b)(2) of this title and any evaluations of the projects funded under this section, expand the program under this section to additional grant or contract recipients that use other programmatic approaches and serve different geographic regions, if the Secretary finds that the models used under this section—

(1) are effective in improving the timely delivery and quality of materials in specialized formats; and

(2) provide adequate protections against copyright infringement.

(Pub. L. 89-329, title VII, § 773, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3371.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 773 of Pub. L. 89-329 was classified to section 1132h-2 of this title, prior to repeal by Pub. L. 102-325.

**§ 1140n. Rule of construction**

Nothing in this subpart shall be construed to limit or preempt any State law requiring the

production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.

(Pub. L. 89-329, title VII, § 774, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 774 of Pub. L. 89-329 was classified to section 1132h-3 of this title, prior to repeal by Pub. L. 102-325.

**§ 1140o. Authorization of appropriations**

**(a) In general**

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.

**(b) Priority**

For the first fiscal year for which funds are made available under this section, the Secretary shall give priority to allocating funding for the purposes of section 1140l of this title.

(Pub. L. 89-329, title VII, § 775, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 775 of Pub. L. 89-329 was classified to section 1132h-4 of this title, prior to repeal by Pub. L. 102-325.

**SUBPART 4—NATIONAL TECHNICAL ASSISTANCE CENTER; COORDINATING CENTER**

**§ 1140p. Purpose**

It is the purpose of this subpart to provide technical assistance and information on best and promising practices to students with disabilities, the families of students with disabilities, and entities awarded grants, contracts, or cooperative agreements under subpart 1, 2, or 3 to improve the postsecondary recruitment, transition, retention, and completion rates of students with disabilities.

(Pub. L. 89-329, title VII, § 776, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 776 of Pub. L. 89-329 was classified to section 1132h-5 of this title, prior to repeal by Pub. L. 102-325.

**§ 1140q. National technical assistance center; coordinating center**

**(a) National Center**

**(1) In general**

From amounts appropriated under section 1140r of this title, the Secretary shall award a grant to, or enter into a contract or cooperative agreement with, an eligible entity to pro-

vide for the establishment and support of a National Center for Information and Technical Support for Postsecondary Students with Disabilities (in this subsection referred to as the “National Center”). The National Center shall carry out the duties set forth in paragraph (4).

**(2) Administration**

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

**(3) Eligible entity**

In this subpart, the term “eligible entity” means an institution of higher education, a nonprofit organization, or partnership of two or more such institutions or organizations, with demonstrated expertise in—

(A) supporting students with disabilities in postsecondary education;

(B) technical knowledge necessary for the dissemination of information in accessible formats;

(C) working with diverse types of institutions of higher education, including community colleges; and

(D) the subjects supported by the grants, contracts, or cooperative agreements authorized in subparts 1, 2, and 3.

**(4) Duties**

The duties of the National Center shall include the following:

**(A) Assistance to students and families**

The National Center shall provide information and technical assistance to students with disabilities and the families of students with disabilities to support students across the broad spectrum of disabilities, including—

(i) information to assist individuals with disabilities who are prospective students of an institution of higher education in planning for postsecondary education while the students are in secondary school;

(ii) information and technical assistance provided to individualized education program teams (as defined in section 1414(d)(1) of this title) for secondary school students with disabilities, and to early outreach and student services programs, including programs authorized under subparts 2, 4, and 5 of part A of subchapter IV, to support students across a broad spectrum of disabilities with the successful transition to postsecondary education;

(iii) research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;

(iv) information on student mentoring and networking opportunities for students with disabilities; and

(v) effective recruitment and transition programs at postsecondary educational institutions.

**(B) Assistance to institutions of higher education**

The National Center shall provide information and technical assistance to faculty,

staff, and administrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—

(i) collection and dissemination of best and promising practices and materials for accommodating and supporting students with disabilities, including practices and materials supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3;

(ii) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting postsecondary students with disabilities across a range of academic fields, which may include universal design for learning and practices supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3; and

(iii) development of technology-based tutorials for higher education faculty and staff, including new faculty and graduate students, on best and promising practices related to support and retention of students with disabilities in postsecondary education

**(C) Information collection and dissemination**

The National Center shall be responsible for building, maintaining, and updating a database of disability support services information with respect to institutions of higher education, or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education. Such database shall be available to the general public through a website built to high technical standards of accessibility practicable for the broad spectrum of individuals with disabilities. Such database and website shall include available information on—

(i) disability documentation requirements;

(ii) support services available;

(iii) links to financial aid;

(iv) accommodations policies;

(v) accessible instructional materials;

(vi) other topics relevant to students with disabilities; and

(vii) the information in the report described in subparagraph (E).

**(D) Disability support services**

The National Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.

**(E) Review and report**

Not later than three years after the establishment of the National Center, and every two years thereafter, the National Center shall prepare and disseminate a report to the

Secretary and the authorizing committees analyzing the condition of postsecondary success for students with disabilities. Such report shall include—

- (i) a review of the activities and the effectiveness of the programs authorized under this part;
- (ii) annual enrollment and graduation rates of students with disabilities in institutions of higher education from publicly reported data;
- (iii) recommendations for effective postsecondary supports and services for students with disabilities, and how such supports and services may be widely implemented at institutions of higher education;
- (iv) recommendations on reducing barriers to full participation for students with disabilities in higher education; and
- (v) a description of strategies with a demonstrated record of effectiveness in improving the success of such students in postsecondary education.

**(F) Staffing of the Center**

In hiring employees of the National Center, the National Center shall consider the expertise and experience of prospective employees in providing training and technical assistance to practitioners.

**(b) Coordinating center**

**(1) Definition of eligible entity**

In this subsection, the term “eligible entity” means an entity, or a partnership of entities, that has demonstrated expertise in the fields of—

- (A) higher education;
- (B) the education of students with intellectual disabilities;
- (C) the development of comprehensive transition and postsecondary programs for students with intellectual disabilities; and
- (D) evaluation and technical assistance.

**(2) In general**

From amounts appropriated under section 1140r of this title, the Secretary shall enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of establishing a coordinating center for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities, including institutions participating in grants authorized under subpart 2, to provide—

- (A) recommendations related to the development of standards for such programs;
- (B) technical assistance for such programs; and
- (C) evaluations for such programs.

**(3) Administration**

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

**(4) Duration**

The Secretary shall enter into a cooperative agreement under this subsection for a period of five years.

**(5) Requirements of cooperative agreement**

The eligible entity entering into a cooperative agreement under this subsection shall establish and maintain a coordinating center that shall—

(A) serve as the technical assistance entity for all comprehensive transition and postsecondary programs for students with intellectual disabilities;

(B) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

(C) develop an evaluation protocol for such programs that includes qualitative and quantitative methodologies for measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

(D) assist recipients of grants under subpart 2 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential shall take into consideration unique State factors;

(E) develop recommendations for the necessary components of such programs, such as—

- (i) academic, vocational, social, and independent living skills;
- (ii) evaluation of student progress;
- (iii) program administration and evaluation;
- (iv) student eligibility; and
- (v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

(F) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

(G) develop model memoranda of agreement for use between or among institutions of higher education and State and local agencies providing funding for such programs;

(H) develop mechanisms for regular communication, outreach and dissemination of information about comprehensive transition and postsecondary programs for students with intellectual disabilities under subpart 2 between or among such programs and to families and prospective students;

(I) host a meeting of all recipients of grants under subpart 2 not less often than once each year; and

(J) convene a workgroup to develop and recommend model criteria, standards, and components of such programs as described in subparagraph (E), that are appropriate for the development of accreditation standards, which workgroup shall include—

- (i) an expert in higher education;
- (ii) an expert in special education;
- (iii) a disability organization that represents students with intellectual disabilities;
- (iv) a representative from the National Advisory Committee on Institutional Quality and Integrity; and

(v) a representative of a regional or national accreditation agency or association.

**(6) Report**

Not later than five years after the date of the establishment of the coordinating center under this subsection, the coordinating center shall report to the Secretary, the authorizing committees, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in paragraph (5)(J).

(Pub. L. 89-329, title VII, § 777, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 777 of Pub. L. 89-329 was classified to section 1132h-6 of this title, prior to repeal by Pub. L. 102-325.

**§ 1140r. 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, § 778, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3377.)

**PART E—COLLEGE ACCESS CHALLENGE GRANT PROGRAM**

**§ 1141. College access challenge grant program**

**(a) Authorization and appropriation**

There are authorized to be appropriated, and there are appropriated, to carry out this section \$150,000,000 for each of the fiscal years 2010 through 2014. The authority to award grants under this section shall expire at the end of fiscal year 2014. In addition to the amount authorized and appropriated under the preceding sentence, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

**(b) Program authorized**

**(1) Grants authorized**

From amounts appropriated under subsection (a), the Secretary shall, subject to the availability of appropriations, award grants, from allotments under subsection (c), to States (and to philanthropic organization,<sup>1</sup> as appropriate under paragraph (3)) having applications approved under subsection (d), to enable the State (or philanthropic organization) to pay the Federal share of the costs of carrying out the activities and services described in subsection (f).

**(2) Federal share; non-Federal share**

**(A) Federal share**

The amount of the Federal share under this section for a fiscal year shall be equal to  $\frac{2}{3}$  of the costs of the activities and serv-

ices described in subsection (f) that are carried out under the grant.

**(B) Non-Federal share**

The amount of the non-Federal share under this section shall be equal to  $\frac{1}{3}$  of the costs of the activities and services described in subsection (f). The non-Federal share may be in cash or in-kind, and may be provided from State resources, contributions from private organizations, or both.

**(3) Reduction for failure to pay non-Federal share**

If a State fails to provide the full non-Federal share required under this subsection, the Secretary shall reduce the amount of the grant payment under this section proportionately, and may award the proportionate reduction amount of the grant directly to a philanthropic organization, as defined in subsection (i), to carry out this section.

**(4) Temporary ineligibility for subsequent payments**

**(A) In general**

The Secretary shall determine a grantee to be temporarily ineligible to receive a grant payment under this section for a fiscal year if—

(i) the grantee fails to submit an annual report pursuant to subsection (h) for the preceding fiscal year; or

(ii) the Secretary determines, based on information in such annual report, that the grantee is not effectively meeting the conditions described under subsection (g) and the goals of the application under subsection (d).

**(B) Reinstatement**

If the Secretary determines that a grantee is ineligible under subparagraph (A), the Secretary may enter into an agreement with the grantee setting forth the terms and conditions under which the grantee may regain eligibility to receive payments under this section.

**(c) Determination of allotment**

**(1) Amount of allotment**

Subject to paragraph (2), in making grant payments to grantees under this section, the allotment to each grantee for a fiscal year shall be equal to the sum of—

(A) the amount that bears the same relation to 50 percent of the amount appropriated under subsection (a) for such fiscal year as the number of residents in the State aged 5 through 17 who are living below the poverty line applicable to the resident's family size (as determined under section 9902(2) of title 42) bears to the total number of such residents in all States; and

(B) the amount that bears the same relation to 50 percent of the amount appropriated under subsection (a) for such fiscal year as the number of residents in the State aged 15 through 44 who are living below the poverty line applicable to the individual's family size (as determined under section 9902(2) of title 42) bears to the total number of such residents in all States.

<sup>1</sup> So in original. Probably should be "organizations,".