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College Opportunity and Affordability Act of 2008 Public Law 110-315

On August 14, 2008, President Bush signed the College Opportunity and Affordability Act of 2008, which amends the Higher Education Act. While the amendments are comprehensive, certain items deserve immediate note.

I. Teacher Preparation Programs. The amendments create grants for programs to effectively train general educators to provide instruction to eligible individuals in general education classrooms. The programs would require partnerships among general education and special education teacher preparation programs, as well as partnerships with at least one high-need LEA. The programs would provide training for preservice general education teachers in RtI, positive behavior interventions and supports, differentiated instruction, AT and UDL, data-driven decision-making, instructional and assessment accommodations, and collaborations with families, special educators, and related services providers.

There are several implications. Even if no Iowa IHE receives a grant, Congress's listing of RtI, PBIS, differentiated instruction, AT and UDL as part of the preparation of general educators should go a long way to ending any suggestion that these are "special education only" matters. Furthermore, even if no Iowa IHE receives a grant, all IHEs that offer teacher preparation programs will receive a public report card on their effectiveness, including their effectiveness on training general and special educators to "teach students with disabilities effectively" and training all teachers on effectively using UDL and AT.

This will need to be our priority as well.

II. Programs for Students with Intellectual Disabilities. Congress created two grant programs IHEs to serve students with intellectual disabilities. Congress defined students with intellectual disabilities, in part, as students who have mental retardation or a cognitive impairment who are presently or were eligible individuals under the IDEA. One program would award grants for demonstration programs on serving students with intellectual disabilities in IHEs. The other would award grants for demonstration programs comprehensive transition and postsecondary programs for students with intellectual disabilities. This second grant program requires the applicant to partner with one or more LEA, including consideration of the use of Part B funds.

There may be a few areas of difficulty. First, there may be some pressure to "label" children; however, the text of the amendments does not require that students be labeled by an LEA or AEA. Second, there may be increased pressure to use special education funds to pay for these programs. Congress addressed this concern in a rule of construction, which provides that the amendments do not expand or contract rights or responsibilities under the IDEA. To use special education funds, placement at an IHE must be necessary to provide a FAPE, a decision which must be made by the IEP and placement teams (not by the parents unilaterally or by IHEs). Concerning funding, the amendments create additional eligibility for federal grants or work study for students with intellectual disabilities participating in postsecondary programs.