

AMENDMENTS

2008—Pub. L. 110-315 substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

PART C—URBAN COMMUNITY SERVICE

§§ 1139 to 1139h. Repealed. Pub. L. 110-315, title VII, § 708, Aug. 14, 2008, 122 Stat. 3361

Section 1139, Pub. L. 89-329, title VII, § 751, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1798, set out Congressional findings.

A prior section 1139, Pub. L. 89-329, title XI, § 1151, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 792, authorized appropriations for the innovative projects for community service program, student literacy corps program, and student mentoring corps program, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1139, Pub. L. 89-329, title XI, § 1131, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1572, stated purpose of providing assistance to establish Robert F. Wagner, Sr., Institute of Urban Public Policy, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1139a, Pub. L. 89-329, title VII, § 752, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1798, related to the purpose of this part and program authorization.

A prior section 1139a, Pub. L. 89-329, title XI, § 1132, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1572, related to application for and use of funds, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1139b, Pub. L. 89-329, title VII, § 753, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1799, related to application for urban community service grants.

A prior section 1139b, Pub. L. 89-329, title XI, § 1133, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1573, authorized appropriations, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1139c, Pub. L. 89-329, title VII, § 754, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1799, set out allowable activities.

Section 1139d, Pub. L. 89-329, title VII, § 755, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1800, related to peer review.

Section 1139e, Pub. L. 89-329, title VII, § 756, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1800, related to disbursement of funds.

Section 1139f, Pub. L. 89-329, title VII, § 757, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1800, related to designation of “Urban Grant Institutions”.

Section 1139g, Pub. L. 89-329, title VII, § 758, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1801, set out definitions.

Section 1139h, Pub. L. 89-329, title VII, § 759, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1801, authorized appropriations for fiscal year 1999 and each of the 4 succeeding fiscal years to carry out this part.

PART D—PROGRAMS TO PROVIDE STUDENTS WITH DISABILITIES WITH A QUALITY HIGHER EDUCATION

PRIOR PROVISIONS

A prior part D consisted of sections 1140 to 1140d and related to demonstration projects to ensure that students with disabilities receive a quality higher education, prior to repeal by Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3361.

§ 1140. Definitions

In this part:

(1) Comprehensive transition and postsecondary program for students with intellectual disabilities

The term “comprehensive transition and postsecondary program for students with intellectual disabilities” means a degree, certificate, or nondegree program that meets each of the following:

(A) Is offered by an institution of higher education.

(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

(C) Includes an advising and curriculum structure.

(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

(iv) Participation in internships or work-based training in settings with nondisabled individuals.

(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.

(2) Student with an intellectual disability

The term “student with an intellectual disability” means a student—

(A) with a cognitive impairment, characterized by significant limitations in—

(i) intellectual and cognitive functioning; and

(ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

(B) who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

(Pub. L. 89-329, title VII, § 760, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3361; amended Pub. L. 111-39, title VII, § 701(4), July 1, 2009, 123 Stat. 1954; Pub. L. 111-256, § 2(a), Oct. 5, 2010, 124 Stat. 2643.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in par. (2)(B), 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. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 1140, Pub. L. 89-329, title VII, §761, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1801, stated the purpose of former part D, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

AMENDMENTS

2010—Par. (2)(A). Pub. L. 111-256 struck out “mental retardation or” before “a cognitive impairment”.

2009—Par. (1). Pub. L. 111-39 added par. (1) and struck out former par. (1) which contained provisions substantially similar to new subpars. (A) to (D), defining “comprehensive transition and postsecondary program for students with intellectual disabilities”.

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.)

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 acces-