



Senate Education

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Higher Education Reimbursements for Disabled Student Assistance

Presented by:

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Testimony of:

Peg Spencer, Acting Director for Rehabilitation Services
Kansas Department for Children and Families

Testimony on:

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Chairman Baumgardner, Vice Chair Alley, and Members of the Committee:

My name is Peg Spencer and I am the Acting Director for Rehabilitation Services at the Department for Children and Families. Thank you for the opportunity to inform the committee on DCF's role in higher education reimbursement for Disabled Student Assistance.

Rehabilitation Services (RS), a program in the Department for Children and Families, oversees a variety of services to meet the diverse needs of Kansans with disabilities. With a focus on employment, vocational rehabilitation (VR) services are the cornerstone of our efforts to empower people with disabilities to achieve competitive integrated employment — real jobs integrated in the community and part of the competitive labor market.

Depending on the individual consumer's disability, rehabilitation needs and employment goal, VR offers a wide range of services, such as:

- Vocational assessment to help identify skills, abilities, interests and job goals.
- Vocational counseling and guidance.
- Physical and mental restoration services, including artificial limbs, psychotherapy, and physical therapy.
- Training and education to learn new vocational skills.
- Rehabilitation technology, telecommunication aids and other adaptive devices.
- Job placement services.
- Services to help students with disabilities get a job after finishing high school.
- Supported employment.

Post-secondary education

Since post-secondary education often provides an avenue to achieving career track employment and greater lifetime self-sufficiency, many VR clients receive job-related training from Institutions of Higher Education (IHEs). Provision of this level of service is consistent with the Rehabilitation Act of 1973, as amended, which authorizes VR. The Act defines the purpose of VR as: "to empower individuals with disabilities to *maximize* employment, economic self-sufficiency, independence, and inclusion and integration into society. Substantial services to support students while in post-secondary education include but are not limited to tuition, maintenance (financial assistance with increased

costs of basic subsistence), transportation, books, supplies, individual tutoring, computers, assistive technology, and cost-sharing with IHEs for auxiliary aids and services.

Requirements for reasonable accommodations and auxiliary aids/services

Students with disabilities may require reasonable accommodations and/or auxiliary aids and services to participate in post-secondary education. According to the Americans with Disabilities Act (ADA) National Information Network, both public and private colleges and universities must provide equal access to postsecondary education for students with disabilities. Title II of the ADA covers publicly-funded universities, community colleges and vocational schools. Title III of the ADA covers privately-funded schools. All public or private schools that receive federal funding are required under Section 504 of the Rehabilitation Act to make their programs accessible to students with disabilities. Examples of such federal funding that are often available through private schools are PELL grants and work-study programs.

All the programs of postsecondary institutions, including extracurricular activities, must be accessible to students with disabilities. The schools can do this in several ways: by providing architectural access to buildings, including residential facilities; by providing aids and services necessary for effective communication, like sign language interpreters, Braille or electronic formats and assistive listening devices; and by modifying policies, practices and procedures, such as testing accommodations and access to school facilities for service animals. Accommodations and program modifications should be individually designed to meet the needs of the student with a disability.

If entities believe that provision of a reasonable accommodation would present an undue hardship they may request an exemption through the State's ADA Coordinator, Anthony.Fadale@ks.gov. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of a number of factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the organization's operation. Undue hardship is determined on a case-by-case basis. Where the organization making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship to the larger organization.

Cost-sharing Interagency Agreements with public universities, colleges and technical schools

In December 2007, RS entered into cost-sharing Interagency Agreements with all public universities, community colleges and technical schools in Kansas, collectively known as Institutions of Higher Education (IHEs). These agreements were the result of negotiations with the Kansas Board of Regents, its Council of Presidents, and legal counsel representing the Board and DCF (then SRS).

The Interagency Agreements specify that the VR share of the costs of auxiliary aids and services will be the lesser of 25% of the actual cost; or for those aids and services that have an RS published fee schedule rate, 40% of the maximum RS published fee schedule rate. The Institution's share of the cost of these auxiliary aids and services will be the remainder.

The term "auxiliary aids and services" may include:

- Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and
- Other similar services and actions.

The Interagency Agreements also specify that services that are personal in nature are not the responsibility of the Institution. These services include, but are not limited to, personal care, individually prescribed devices, readers or tutors for personal use or study (as distinguished from readers used in the academic setting), or other devices or services of a personal nature. Such services may be provided by RS if needed by the individual student, if part of an Individual Plan for Employment, and if consistent with RS policies.

When a VR consumer who requires an auxiliary aid or service enrolls in an IHE, a VR counselor will work with the student and school to complete a worksheet specifying the needed service, the number of hours, and the cost. The worksheet calculates the VR and IHE share in accordance with the Interagency Agreement. The counselor then completes Service Authorizations, similar to purchase orders, committing RS to pay its share of the cost. IHEs may choose to bill and be reimbursed monthly or by semester.

When serving VR consumers who are participating in post-secondary education, our goals are to assure that consumers get the services they need to be successfully employed and to promote a collaborative service delivery process between VR and the IHE.

Upon learning of the concerns expressed by the University of St. Mary and Cleveland University, I will plan to meet with our staff and the Kansas Independent Colleges Association to follow-up.

I appreciate the opportunity to address this committee and I am ready to answer any questions, should you have them.