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**MEMORANDUM**

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**TO:** Shelly Wilkie Martinez, OMB  
**THROUGH:** Kashka Kubzdela, NCES  
**FROM:** Peter Tice, NCES  
**SUBJECT:** Responses to OMB Comments Received September 29 – October 28, 2009  
PEQIS 17 clearance, OMB# 1850-0733 V.21  
**DATE:** October 30, 2009

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**1. Have you shared this survey with the Office of Civil Rights? They used to collect this kind of information and might have comments.**

The Office of Civil Rights (OCR) does not have any postsecondary data collections regarding students with disabilities. Even though there was no initial plan to contact OCR, OSERS has regular contact with them and during development of the 2009 survey Howard Kallem, Chief Regional Attorney at OCR's Metro Office, provided OSERS feedback on the 1999 survey on Students with Disabilities at Postsecondary Education Institutions. Mr. Kallem also forwarded the 1999 survey to Shelley Jackson, in OCR's Program Legal Group.

NCES incorporated several of OCR's suggestions into the current survey. Specifically, NCES made the following changes:

- a. Added Traumatic Brain Injury, Autism Spectrum Disorders, and Intellectual Disabilities to question 4 on the specific disabilities of students enrolled during the 2008-09 academic year.
- b. Substituted Audio textbooks/digitally recorded texts for textbooks on tape in question 7 on the types of support services and accommodations designed for students with disabilities.
- c. Added IEP from a secondary school and 504 Plan from a secondary school to question 8 on the types of documentation institutions accept as stand alone verification of a disability.
- d. Added a question on website accessibility (question 12).
- e. Added the collection of resources available on your institution's website to question 11 on the kinds of education materials or activities provided to faculty and staff to assist them in working with students with disabilities.

**2. Please provide a citation for as well as any specific requirements related to definitions and terminology from the original source (e.g., statute) from which the list of "specific disability categories" in item 4 was derived.**

**3. Please clarify what previous work informs NCES regarding how closely this list conforms to the record keeping categories of postsecondary institutions.**

The response below is for both question 2 and question 3.

The development of the specific disability categories began with the IDEA categories, which are used to report data about students with disabilities in elementary/secondary education. This was done because there are no disability categories specified for postsecondary reporting. NCES also reviewed the disability

categories used in the National Postsecondary Student Aid Study (NPSAS) and the previous PEQIS survey on students with disabilities. Input about the disability categories was also received from numerous reviewers within NCES and OSERS, as well as reviewers from the Office of Civil Rights (OCR), the National Center for Special Education Research (NCSE) within IES, and the project director (at SRI) for the federally-funded National Longitudinal Transition Study (NLTS-2). Finally, the disability categories were refined with input from respondents in the disability support services offices at postsecondary institutions during several rounds of feasibility calls and two pretests. Further details about this process are provided below.

IDEA 2004 (Title I, Part A, Section 602) identifies the disability categories as: mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, and specific learning disabilities. In Section 300.8, IDEA provides definitions of these disability categories, and also provides definitions for the categories of deaf-blindness and multiple disabilities (such as mental retardation-blindness or mental retardation-orthopedic impairment). The disability categories identified in Section 602 of IDEA 2004 were the starting point for the categories on the PEQIS survey.

NPSAS included the following disability categories: hearing impairment (i.e., deaf or hard of hearing); blindness or visual impairment that cannot be corrected by wearing glasses; speech or language impairment; orthopedic or mobility impairment; specific learning disability/dyslexia; attention deficit disorder (ADD); health impairment/problem; mental, emotional, or psychiatric condition; depression; developmental disability; brain injury; other (specify).

In developing the initial disability categories for the PEQIS survey, some of the IDEA categories were modified slightly and additional categories added to reflect the postsecondary population. For example, attention deficit disorder (ADD) was added as a separate category, while ADD is often included under other health impairment for IDEA. The initial list of disabilities was reviewed and refined with input from David Malouf and Jacquelyn Buckley at NCSE, IES; David Kerr at NIDR, OSERS; Hugh Berry at OSERS; and Lynn Newman, the project director (at SRI) for the NLTS-2. Howard Kallem at OCR also provided input. The NCES Questionnaire Review Board also provided extensive review and input about the disability categories. In particular, Marilyn Seastrom, NCES Chief Statistician, provided information about the categories used in person-level surveys such as the American Communities Survey and surveys conducted by the National Center for Health Statistics. During several rounds of feasibility calls and two pretests, respondents in the disability support services offices at postsecondary institutions provided input about the wording of the categories, including conditions frequently encountered with postsecondary populations that they would like to see explicitly addressed. For example, postsecondary respondents indicated that the category should be Autism Spectrum Disorders (not Autism), and asked that Asperger Syndrome be explicitly cited. In addition, they asked that the categories explicitly identify where to put Post Traumatic Stress Disorder; OCR also indicated this as an area of interest. Other suggestions from postsecondary respondents included making it clear where chronic health disabilities should be reported, and expanding the label for the psychiatric category to make it explicit that this included depression and anxiety.

While there are no disability categories specified for postsecondary reporting (as there are with the IDEA categories for elementary/secondary education), respondents at postsecondary institutions consistently found that the categories on the PEQIS survey either closely matched the categories they used, or allowed them to easily regroup their numbers into the categories requested on the PEQIS survey. Respondents indicated that they found the categories clear and easy to use, and understood what should be reported in each category.

**4. Related to question 4i, Can we define 'intellectual disability (i.d.)?' We're interested in how many students fall into this category since the Higher Education Opportunity Act allows students with i.d. to get Pell grants even if they enroll in a non-degree granting program. At a minimum, the Office of Postsecondary Education (David Bergeron) would be interested in this data. Has OPE contributed to this survey?**

The initial draft of the survey used the category developmental disability/mental retardation. After receiving feedback from OCR, respondents participating in feasibility calls, and the NCES Questionnaire Review Board, the language was modified to intellectual disability or mental retardation.

According to the American Association on Intellectual and Developmental Disabilities (AAIDD), “mental retardation means significantly subaverage general intellectual functioning, existing concurrently [at the same time] with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.”

The AAIDD notes that “*Mental Retardation* is the term found in the law since passage of the original legislation in 1975. In 2008, the [American Association on Intellectual and Developmental Disabilities \(AAIDD\)](#) (formerly the American Association on Mental Retardation, AAMR) and members of the community recommended use of the term *Intellectual Disability*. For changes in language to be made in the regulations, Congress must first change it in the legislation. Until such action occurs, we provide the existing language from IDEA.”

In essence, the terms mental retardation and intellectual disability are synonymous.

While OPE did not initially contribute to this survey, the postsecondary studies division with NCES was involved from the beginning, including reviewing the 1999 PEQIS survey and participating in the NCES Questionnaire Review Board for the 2009 survey.

**5. Related to question 9, this is a good question. Did NCES consider including one about the relationship with the education system (SEA/LEA)?**

NCES did not explore asking about the extent to which institutions work with SEAs or LEAs. Because OSERS has statutory responsibility for providing support to state vocational rehabilitation (VR) services through the Rehabilitation Act of 1973, and state vocational rehabilitation agencies fund some of the accommodations postsecondary students receive (e.g. interpreters), there is a particular policy relevance to learning about the extent to which institutions work with their local VR agency.

**6. Please clarify exactly how many contacts were made during the "several rounds of feasibility calls" and pretesting. We remain concerned that these "calls" should be coming to OMB under NCES's generic clearance for pretesting, as they certainly sound like they involve a total of more than 9 individuals.**

**7. Please provide any written reports developed based on those calls, especially reactions to various formulations of the "disability" categories.**

The response below is for both questions 6 and 7.

Feasibility calls were conducted to improve the instruments. During feasibility calls, respondents were not asked to complete the questionnaire, but only to review the questionnaire and provide feedback during brief telephone calls. Feasibility calls were conducted over a period of five months and the questionnaire was substantially different in each round. During the later rounds, respondents were only asked to provide

feedback on a limited set of questions that had proven problematic during earlier rounds. We contacted nine or fewer respondents in each round, as shown below.

- Round 1 of feasibility calls occurred in February and March 2009. Nine respondents provided feedback on the entire questionnaire, including questions on Universal Design and accessibility, which were new topics for the 2009 survey. Respondents were asked to provide general feedback, such as whether they would have access to the information necessary for answering the questions, whether the institution would be able to provide unduplicated counts of students by their only or primary disability, whether the definition of Universal Design was clear, and whether they thought there were any other important topics or questions that should be included in the questionnaire.
- Round 2 occurred in May 2009. Nine respondents provided feedback on the revised questionnaire, with particular emphasis on the revised sections. Major revisions included a question asking institutions to distinguish the types of documentation that were accepted as “stand-alone” verification versus accepted but not as “stand-alone” verification (subsequently dropped from the survey), questions about the numbers of full- and part-time staff who provided accommodations and services (also subsequently dropped from the survey), and a revised section on Universal Design.
- Round 3 occurred in June 2009. Nine respondents provided feedback only on revised questions 2 and 3, which asked about enrollments of students with disabilities. These questions were drastically revised from the earlier drafts because some respondents had indicated that they could not provide unduplicated counts of students by their only or primary disability. This draft examined one approach to having respondents provide counts of students with disabilities. Respondents were first asked how they could provide their counts (i.e., duplicated or unduplicated), and then given directions about how to provide counts based on their response.
- Round 4 occurred in late June, early July 2009. We spoke with three respondents about a substantially revised question 2, with a different format for instructions about the unduplicated and duplicated counts.

The feasibility calls did not focus on the disability categories; rather, they covered the range of topics on the questionnaire (or partial questionnaire) used in a particular round of calls. Although respondents provided some suggestions for the disability categories (e.g., add Post Traumatic Stress Disorder to the item on psychological conditions), they provided much more feedback on the formatting and instructions to the questions on enrollment, which led to significant revisions of the questions, and the section on Universal Design, an entirely new section to the questionnaire.

We conducted two rounds of pretests after it became clear during the first pretest that the confusion over how to interpret the enrollment questions—specifically, what constituted a duplicated or unduplicated count—was so great that the data were unreliable. As with the feasibility calls, we contacted nine or fewer respondents in each round, as shown below.

- Pretest 1 occurred in July 2009. Eight respondents completed the entire questionnaire.
- Pretest 2 occurred in late July, early August. Nine respondents completed only the first page on enrollment questions, which was significantly revised from the first pretest.

**8. On the "disability" question, after consulting with Jennifer Madans and Julie Weeks, we have some suggested wording that begins to move toward "functional limitations" in modest ways, somewhat along the lines of a draft that NCES shared during the interagency disability meeting. There are two stem options, and a few revisions to the response categories. Also, we would like to know what**

definition NCES is using of "language impairment." Would "difficultly using language" be an adequate substitute?

**A. Please provide the number of students enrolled at your institution in 2008-09 (12-month academic year) who identified themselves to your institution as having a functional limitation, disability or condition causing functional limitation. Please report the number of students by the limitation, disability and condition categories listed below. Enter "0" if there were no students in a particular limitation, disability or condition category.**

**B. Please provide the number of students enrolled at your institution in 2008-09 (12-month academic year) who identified themselves to your institution as having a functional limitation, disability or condition causing functional limitation. Please report the number of students using the categories listed below. Enter "0" if there were no students in a particular limitation, disability or condition category.**

- a. **Difficulty Hearing (i.e., deaf or hard of hearing)**
- b. **Difficulty seeing (i.e., blind or visual impairment that cannot be corrected by wearing glasses or contact lenses)**
- c. **Difficulty speaking or a language impairment (what is a language impairment anyway?? maybe difficulty using language)**
- d. **Mobility limitation/orthopedic impairment**
- e. **Traumatic Brain Injury**
- f. **Specific learning disabilities**
- g. **Attention Deficit Disorder or Attention Deficit Hyperactivity Disorder (ADD or ADHD)**
- h. **Autism Spectrum Disorders, including Asperger Syndrome**
- i. **Cognitive difficulties, Intellectual disability or mental retardation**
- j. **Health impairment/condition, including chronic conditions**
- k. **Depression, anxiety, or other mental illness/psychological/psychiatiric condition, including Post Traumatic Stress Disorder (PTSD)**
- l. **Other (specify)**

We selected to use option B in the stem to question 4. We also made the suggested edits to the disability response categories a, b, c, d, and i. As a result of changing the stem in question 4, we made a minor edit in the stem to question 5. Question 5 now reads, "Which *one* of the following best describes the counts of the number of students in the **specific categories** that you provided in **question 4**?"

On the front cover of the survey, we provide respondents with a definition of disability. The definition is:

Disability: a physical or mental condition that causes functional limitations which substantially limit one or more major life activities, including mobility, communication (seeing, hearing, speaking), and learning.

(Note: In addition to the definition of a disability, the cover also includes these instructions: “The survey is designed to be completed by the person or office at your institution most knowledgeable about students with disabilities, and the services provided to these students by your institution. In most cases, this will be the disability support services office or coordinator. Please feel free to collaborate with colleagues at your institution who may be able to assist you in completing the survey.” This instruction is already in the cover letter.)

On top of the first page of questions, the following statement is included: “Before you answer the questions, please carefully read the instructions and definition on the cover.”

**9. Related to our initial question 4, please clarify if you provided Dave Bergeron with an opportunity for input and if not, if there is any reason that you cannot do that now.**

We did not contact OPE during survey development, but at the suggestion of OMB we recently spoke to OPE’s David Bergeron and Jessica Finkel. Ms. Finkel worked with David Bergeron on the definition of intellectual disabilities for the HEOA. They expressed interest in learning whether institutions have programs specifically designed to assist students with intellectual disabilities and the number of students enrolled in those programs. We added the following two questions to the top of the last page of the questionnaire (only the last page of the questionnaire can accommodate the new items).

In light of the suggested revised wording of the intellectual disabilities or mental retardation category, we added cognitive difficulties into the stem on both questions.

12. During the current academic year (2009-10), does your institution have any programs designed specifically for postsecondary students with cognitive difficulties, intellectual disabilities or mental retardation?

Yes..... 1 (*Continue with question 13.*)      No..... 2 (*Skip to question 14.*)

13. As of October 1, 2009, how many students were enrolled in your institution’s programs designed specifically for postsecondary students with cognitive difficulties, intellectual disabilities or mental retardation? \_\_\_\_\_