<http://www.gpo.gov/fdsys/pkg/PLAW-110publ315/pdf/PLAW-110publ315.pdf>

PUBLIC LAW 110–315—AUG. 14, 2008

HIGHER EDUCATION OPPORTUNITY ACT

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**SEC. 485. STUDENT ELIGIBILITY.**

1. AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

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(8) by adding at the end the following:

‘‘(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—

‘‘(1) DEFINITIONS.—In this subsection the terms ‘comprehensive

transition and postsecondary program for students

with intellectual disabilities’ and ‘student with an intellectual

disability’ have the meanings given the terms in section 760.

‘‘(2) REQUIREMENTS.—Notwithstanding subsections (a), (c),

and (d), in order to receive any grant or work assistance under

section 401, subpart 3 of part A, or part C, a student with

an intellectual disability shall—

‘‘(A) be enrolled or accepted for enrollment in a comprehensive

transition and postsecondary program for students

with intellectual disabilities at an institution of

higher education;

‘‘(B) be maintaining satisfactory progress in the program

as determined by the institution, in accordance with

standards established by the institution; and

‘‘(C) meet the requirements of paragraphs (3), (4), (5),

and (6) of subsection (a).

‘‘(3) AUTHORITY.—Notwithstanding any other provision of

law unless such provision is enacted with specific reference

to this section, the Secretary is authorized to waive any statutory

provision applicable to the student financial assistance

programs under section 401, subpart 3 of part A, or part C

(other than a provision of part F related to such a program),

or any institutional eligibility provisions of this title, as the

Secretary determines necessary to ensure that programs

enrolling students with intellectual disabilities otherwise determined

to be eligible under this subsection may receive such

financial assistance.

‘‘(4) REGULATIONS.—Notwithstanding regulations

applicable to grant or work assistance awards made under

section 401, subpart 3 of part A, and part C (other than a

regulation under part F related to such an award), including

with respect to eligible programs, instructional time, credit

status, and enrollment status as described in section 481, the

Secretary shall promulgate regulations allowing programs

enrolling students with intellectual disabilities otherwise determined

to be eligible under this subsection to receive such

awards.’’; and