

1845-0099 Student Assistance General Provisions - Financial Assistance for Students with Intellectual Disabilities

Comment:

The Center for Regulatory Freedom (CRF) is opposed to the ICR because it supports regulations that it would like to see the Department change. CRF describes instances of improprieties it alleges occur with learning disability determinations, and alleges that this makes the aid process for students with intellectual disabilities to attend Comprehensive Transition and Postsecondary (CTP) programs vulnerable to fraud. It requests that the Department immediately initiate a formal rulemaking process to add additional eligibility criteria.

Department's Response:

Regulatory change is outside of the scope of this ICR. Section 484(q) of the Higher Education Act (HEA) requires the Department to promulgate regulations to allow students meeting the definition of "student with an intellectual disability" under HEA Section 760 and other non-disability Title IV requirements (such as demonstrated need, enrollment status, etc.) to receive Title IV awards. Institutions administering Title IV aid for CTP programs must continue to collect information in order to comply with the regulations and the statute.

Moreover, the commenter is incorrectly treating the broader category of learning disabilities as interchangeable with the much narrower category of intellectual disabilities as defined by the statute applicable to 484(q), in many instances describing examples and circumstances that are not applicable to students with intellectual disabilities in CTP programs. Students in CTP programs do not receive "additional monetary assistance" because of their disability status; rather, the regulatory provisions expand eligibility for non-loan Title IV aid to qualifying students in CTP programs, subject to the same need-based financial aid formulas and program amounts and limits that are in place for traditional students in traditional programs.

Changes: None