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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4210

03/10/2022 Authored by Klevorn, Christensen, Sandell and Masin
The bill was read for the first time and referred to the Committee on Higher Education Finance and Policy

1.1 A bill for an act
1.2 relating to higher education; establishing the Inclusive Higher Education Technical
1.3 Assistance Center and inclusive higher education grant; requiring reports;
1.4 appropriating money; proposing coding for new law in Minnesota Statutes, chapter
1.5 135A.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. 135A.161] INCLUSIVE HIGHER EDUCATION TECHNICAL
1.8 ASSISTANCE CENTER.

1.9 Subdivision 1. Definitions. (a) For purposes of this section and section 135A.162, the
1.10 following terms have the meanings given.

1.11 (b) "Center" means the Inclusive Higher Education Technical Assistance Center.

1.12 (c) "Commissioner" means the commissioner of the Office of Higher Education.

1.13 (d) "Comprehensive transition and postsecondary program for students with intellectual
1.14 disabilities" means a degree, certificate, or nondegree program that is offered by an institute
1.15 of higher education for students with intellectual disabilities and approved by the United
1.16 States Department of Education.

1.17 (e) "Director" means the director of the Inclusive Higher Education Technical Assistance
1.18 Center.

1.19 (f) "Inclusive higher education" means institution-approved access to higher education
1.20 for students with an intellectual disability that allows for the same rights, privileges,
1.21 experiences, benefits, and outcomes that result from a college experience the same as a

2.1 matriculating student, resulting in a meaningful credential conferred by the institution of
 2.2 higher education. Inclusive higher education includes:

2.3 (1) academic access and inclusive instruction;

2.4 (2) person-centered planning;

2.5 (3) career development;

2.6 (4) campus engagement;

2.7 (5) self-determination;

2.8 (6) paid internships and employment;

2.9 (7) on- or off-campus living, when available to other students;

2.10 (8) campus community clubs, events, and activity participation;

2.11 (9) peer mentors and support; and

2.12 (10) a degree, certificate, or nondegree credential.

2.13 (g) "National Coordinating Center" means the federally funded National Coordinating
 2.14 Center providing support, coordination, training, and evaluation services for Transition and
 2.15 Postsecondary Education Programs for Students with Intellectual Disabilities and other
 2.16 inclusive higher education initiatives for students with intellectual disability nationwide.

2.17 (h) "Office" means the Office of Higher Education.

2.18 (i) "Student with an intellectual disability" means a student with an intellectual disability
 2.19 as defined in Code of Federal Regulations, title 34, section 668.231.

2.20 Subd. 2. **Establishment.** The commissioner must contract with the Institute on
 2.21 Community Integration at the University of Minnesota to establish the Inclusive Higher
 2.22 Education Technical Assistance Center. The purpose of the center is to increase access to
 2.23 self-sustaining postsecondary education options across Minnesota for students with an
 2.24 intellectual disability to earn meaningful credentials through degree, certificate, and
 2.25 nondegree initiatives leading to competitive integrated employment, genuine community
 2.26 membership, and more independent living. The center must:

2.27 (1) coordinate and facilitate the statewide initiative to expand and enhance inclusive
 2.28 higher education opportunities;

2.29 (2) provide expertise in inclusive higher education for students with an intellectual
 2.30 disability;

3.1 (3) provide technical assistance:

3.2 (i) to Minnesota institutions of higher education;

3.3 (ii) to local education agencies; and

3.4 (iii) as requested by the commissioner; and

3.5 (4) provide information to students with intellectual disabilities and their families.

3.6 Subd. 3. **Director; advisory committee.** (a) The center must name a director.

3.7 (b) The director must appoint an advisory committee and seek the committee's review
 3.8 and recommendations on broad programmatic direction. The advisory committee must be
 3.9 composed of 50 percent students with an intellectual disability. The remaining positions
 3.10 must be filled by family members, key stakeholders, and allies. The director must convene
 3.11 the advisory committee at least quarterly. The advisory committee shall:

3.12 (1) review and recommend inclusive higher education offerings;

3.13 (2) review and recommend updates to state policy and practice;

3.14 (3) document existing and potential funding sources; and

3.15 (4) identify obstacles and barriers to students with an intellectual disability to access
 3.16 inclusive higher education opportunities.

3.17 Subd. 4. **Responsibilities.** (a) The center must monitor that all Minnesota institutions
 3.18 of higher education with an inclusive higher education initiative are following and
 3.19 maintaining the accreditation standards and guiding principles for inclusive higher education
 3.20 as established by the National Coordinating Center, as identified in the United States Code,
 3.21 title 20, section 1140q. When monitoring Minnesota inclusive higher education initiatives,
 3.22 the center must advise institutions of higher education to remain in or achieve alignment
 3.23 with federal requirements and with the standards, quality indicators, and benchmarks
 3.24 identified by the National Coordinating Center.

3.25 (b) The center must monitor federal and state law related to inclusive higher education
 3.26 and notify the governor, the legislature, and the Office of Higher Education of any change
 3.27 in law which may impact inclusive higher education.

3.28 (c) The center must provide technical assistance to institutions of higher education,
 3.29 administrators, faculty, and staff by:

3.30 (1) offering institution faculty and staff training and professional development to start,
 3.31 operate, or enhance their inclusive higher education initiative;

4.1 (2) providing faculty and staff with information, training and consultation on the
 4.2 comprehensive transition and postsecondary program requirements, accreditation standards,
 4.3 and guiding principles;

4.4 (3) organizing and offering learning community events, an annual inclusive higher
 4.5 education conference and community of practice events to share best practices, provide
 4.6 access to national experts, and address challenges and concerns;

4.7 (4) assisting institutions of higher education with identifying existing or potential funding
 4.8 sources for the institution of higher education, student financial aid, and funding for students
 4.9 with an intellectual disability; and

4.10 (5) advising faculty and staff with an inclusive higher education option of specific grant
 4.11 applications and funding opportunities.

4.12 (d) The center must disseminate information to students with an intellectual disability,
 4.13 their parents, and local education agencies, including but not limited to information about:

4.14 (1) postsecondary education options, services, and resources that are available at inclusive
 4.15 institutions of higher education;

4.16 (2) technical assistance and training provided by the center, the National Coordinating
 4.17 Center, and key stakeholder organizations and agencies; and

4.18 (3) mentoring, networking, and employment opportunities.

4.19 **Sec. 2. [135A.162] INCLUSIVE HIGHER EDUCATION GRANTS.**

4.20 Subdivision 1. **Establishment.** (a) The commissioner of the Office of Higher Education
 4.21 in collaboration with the director of the Inclusive Higher Education Technical Assistance
 4.22 Center must establish a competitive grant program for Minnesota institutions of higher
 4.23 education to develop new or enhance existing inclusive higher education initiatives to enroll
 4.24 or increase enrollment of students with an intellectual disability. The commissioner and
 4.25 director must collaborate to establish the grant program framework, including:

4.26 (1) minimum grant requirements;

4.27 (2) application format;

4.28 (3) criteria for evaluating applications;

4.29 (4) grant selection process;

4.30 (5) milestones and accountability; and

4.31 (6) reporting.

5.1 (b) The commissioner must send a description of the competitive grants, including
5.2 materials describing the grant purpose and goals, an application, compliance requirements,
5.3 and available funding to each institution of higher education that meets the requirements
5.4 of subdivision 2, clauses (1) and (2).

5.5 Subd. 2. **Eligible grantees.** A public postsecondary two-year or four-year institution is
5.6 eligible to apply for a grant under this section if the institution:

5.7 (1) is accredited by the Higher Learning Commission; and

5.8 (2) meets the eligibility requirements under section 136A.103.

5.9 Subd. 3. **Application.** (a) Applications must be made to the commissioner on a form
5.10 developed and provided by the commissioner. The commissioner must, to the greatest extent
5.11 possible, make the application form as short and simple to complete as is reasonably possible.
5.12 The commissioner must establish a schedule for applications and grants. The application
5.13 must include without limitation a written plan to develop or enhance a sustainable inclusive
5.14 higher education initiative that:

5.15 (1) offers the necessary supports to students with an intellectual disability to access the
5.16 same rights, privileges, experiences, benefits, and outcomes of a typically matriculating
5.17 student;

5.18 (2) includes the development of a meaningful credential for students with an intellectual
5.19 disability to attain upon successful completion of the student's postsecondary education;

5.20 (3) adopts admission standards that do not require a student with an intellectual disability
5.21 to complete a curriculum-based, achievement college entrance exam that is administered
5.22 nationwide;

5.23 (4) ensures that students with an intellectual disability:

5.24 (i) have access and choice in a wide array of academic courses to enroll in for credit or
5.25 audit that align with the student's interest areas and are attended by students without
5.26 disabilities;

5.27 (ii) have the option to live on or off campus in housing that is available to typically
5.28 matriculating students;

5.29 (iii) have access and support for genuine membership in campus life, including events,
5.30 social activities and organizations, institution facilities, and technology; and

5.31 (iv) are able to access and utilize campus resources available to typical matriculating
5.32 students;

6.1 (5) provides students with an intellectual disability with the supports and experiences
 6.2 necessary to seek and sustain competitive integrated employment;

6.3 (6) develops and promotes the self-determination skills of students with an intellectual
 6.4 disability;

6.5 (7) utilizes peer mentors who support enrolled students with an intellectual disability in
 6.6 academic, campus engagement, residence life, employment, and campus clubs and
 6.7 organizations;

6.8 (8) provides professional development and resources for university professors and
 6.9 instructors to utilize universal design for learning and differentiated instruction that supports
 6.10 and benefits all students; and

6.11 (9) presents a ten-year plan including student enrollment projections for sustainability
 6.12 of an initiative that is financially accessible and equitable for all interested students with an
 6.13 intellectual disability.

6.14 (b) Eligible institutions of higher education may apply for funding in subsequent years
 6.15 for up to a total of ten years of funding.

6.16 Subd. 4. **Grant account.** A inclusive higher education grant account is created in the
 6.17 special revenue fund for depositing money appropriated to or received by the commissioner
 6.18 for the program. Money deposited in the account is appropriated to the commissioner, does
 6.19 not cancel, and is continuously available for grants under this section. The commissioner
 6.20 may use up to five percent of the amount deposited into the account for the administration
 6.21 of this section.

6.22 Subd. 5. **Grant awards.** (a) The commissioner must award grants to eligible institutions
 6.23 of higher education on a competitive basis using criteria established in collaboration with
 6.24 the center. The commissioner must consider whether the applicant has submitted for or
 6.25 received a comprehensive transition and postsecondary program designation and, if not, the
 6.26 institution's progress toward submitting for federal approval. An eligible institution of higher
 6.27 education may apply for and receive up to \$200,000 per year for four years and \$100,000
 6.28 in subsequent years pending performance and the funding limitation in subdivision 3,
 6.29 paragraph (b).

6.30 (b) A grant recipient must:

6.31 (1) adopt the inclusive higher education national accreditation standards and guiding
 6.32 principles as established by the National Coordinating Center;

6.33 (2) provide a 25 percent match for the grant funds, either monetary or in-kind; and

7.1 (3) collaborate with the Office of Higher Education, the center, and key stakeholders in
 7.2 the development of the inclusive higher education initiative.

7.3 Subd. 6. **Grantee reporting.** By August 1 and January 1 following a fiscal year in which
 7.4 a grant was received and for five years thereafter, the grantee must submit a report to the
 7.5 director that includes the status and outcomes of the initiative funded. The report must
 7.6 include performance indicators and information deemed relevant by the director and
 7.7 commissioner. The report must include the following performance indicators:

7.8 (1) student recruitment and number of students enrolled;

7.9 (2) student retainment effort and retention rate;

7.10 (3) initiative goals and outcomes;

7.11 (4) student attainment rate;

7.12 (5) graduated student employment rates and salary levels at year one and year five after
 7.13 completion; and

7.14 (6) additional performance indicators or information established under subdivision 1,
 7.15 paragraph (a), clauses (5) and (6).

7.16 Subd. 7. **Reporting.** The director must evaluate the development and implementation
 7.17 of the Minnesota inclusive higher education initiatives receiving a grant under this section.
 7.18 The director must submit an annual report by October 1 on the progress to expand Minnesota
 7.19 inclusive higher education options for students with intellectual disabilities to the
 7.20 commissioner and chairs and ranking minority members of the legislative committees with
 7.21 jurisdiction over higher education policy and finance. The report must include statutory and
 7.22 budget recommendations.

7.23 **EFFECTIVE DATE.** This section is effective July 1, 2022, except that the reporting
 7.24 requirements under subdivision 7 are effective July 1, 2023.

7.25 Sec. 3. **SHORT TITLE.**

7.26 This act may be cited as the "Minnesota Inclusive Higher Education Act."

7.27 Sec. 4. **APPROPRIATIONS.**

7.28 Subdivision 1. **Inclusive Higher Education Technical Assistance Center.** \$250,000
 7.29 in fiscal year 2023 is appropriated from the general fund to the commissioner of the Office
 7.30 of Higher Education to enter into a contract establishing the Inclusive Higher Education

8.1 Technical Assistance Center under Minnesota Statutes, section 135A.161. The base for this
8.2 appropriation in fiscal year 2024 and later is \$250,000.

8.3 Subd. 2. **Inclusive higher education grants.** \$750,000 in fiscal year 2023 is transferred
8.4 from the general fund to the inclusive higher education grant account under Minnesota
8.5 Statutes, section 135A.162, subdivision 4. The base for this appropriation in fiscal year
8.6 2024 and later is \$750,000.