

Defining and Documenting Intellectual Disability for TPSID Program Participation

The Higher Education Opportunity Act, in Section § 668.231, defines a student with an intellectual disability.

The term "student with an intellectual disability" means a student—

(A) with a cognitive impairment, characterized by significant limitations in—

(i) intellectual and cognitive functioning; and

(ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

(B) who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

Documentation of Intellectual Disability from the HEOA Regulations

The institution must obtain a record from a local educational agency that the student is or was eligible for special education and related services under the IDEA.

If that record does not identify the student as having an intellectual disability, as described in paragraph (1) of the definition of a student with an intellectual disability in § 668.231, the institution must also obtain documentation establishing that the student has an intellectual disability, such as—

(1) A documented comprehensive and individualized psycho-educational evaluation and diagnosis of an intellectual disability by a psychologist or other qualified professional; or

(2) A record of the disability from a local or State educational agency, or government agency, such as the Social Security Administration or a vocational rehabilitation agency, that identifies the intellectual disability.

(Approved by the Office of Management and Budget under control number 1845–NEW4)

(Authority: 20 U.S.C. 1091)

The TPSID FAQ page on the US Department of Education website provides the following clarification regarding students with autism in TPSID programs (see <https://www2.ed.gov/programs/tpsid/faq.html>)

7. Does the definition of intellectual disability (ID) include individuals with autism spectrum disorder?

The comprehensive transition and postsecondary program is targeted at providing access to postsecondary education to those students who traditionally have been unable to participate in higher education. If a student with autism spectrum disorder (ASD) has a significant cognitive impairment with significant limitation in cognitive functioning, and limitations in adaptive behavior, and who was formerly or currently eligible for IDEA services, that student does meet the definition of an eligible student.