

## Ability-to-Benefit Regulations and Individuals with Disabilities

Ability-to-Benefit regulations, Subpart J of the Higher Education Act as Amended, apply to Title IV Federal Student Financial Aid eligibility. They do *not* apply to whether a potential student can be admitted to school, only to the source(s) from which he/she may be eligible for financial assistance. In addition, they apply *only* to individuals who have not attained a high school diploma or a GED.

Any person who has not attained a diploma or GED must take one of several tests approved by the US Department of Education and must reach a score specified by USDE on each of the subtests administered in order to be eligible for Title IV financial aid. An individual certified for this specific purpose by the test publisher must administer the test. If the requisite scores are not reached, remediation may be provided and an alternative, equivalent form of the same test administered as soon as possible after remediation is completed. If the *same* form of the test is used, a minimum of six months must elapse before it can be given again.

When the person's scores reach the necessary levels, he/she is immediately eligible for Title IV financial aid, depending of course on level of need. If the person is already enrolled in school, this eligibility is retroactive to the beginning of the current payment period, whether based on a semester, quarterly, or monthly schedule.

Schools are *not* required to provide remediation; however, some offer the following options as well as other alternatives:

- Referral to community literacy groups
- Referral to GED preparation programs operated within or in the vicinity of the school
- Access to remedial lab facilities or education enhancement resources on campus
- Admission under a deferred payment agreement if the individual demonstrates the likelihood of being able to pass the required tests in the near future.

Individuals with disabilities who do not have a diploma or GED are required to take the same tests and attain the same scores as other persons in order to qualify specifically for Title IV federal student financial aid. Accommodations are allowed, however, if the proper documentation is provided. These accommodations should be appropriate for the specific disability, and may include such modifications as removal of time limits, use of large print instruments if available, reading math application problems, taking more frequent breaks, etc.

The primary difference between Ability-to-Benefit regulations and Section 504 of the Vocational Rehabilitation Act or the Americans with Disabilities Act is the level of documentation required in order to qualify for accommodations. While self-disclosure is often adequate under Section 504 or ADA, more stringent identification guidelines must be followed under ATB. The text of the law states, "Documentation of a student's impairment may be satisfied by 1) A written determination, including a diagnosis and recommended testing accommodations, by a licensed psychologist or medical physician; or 2) A record of such a determination by an elementary or secondary school or a vocational rehabilitation agency, including a diagnosis and recommended testing accommodations."