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The Higher Education Opportunity Act of 2008: What Does it Mean to Learners of Nontraditional Age Who Experience Intellectual Disability?

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Abstract: Analysis of discourse between the Higher Education Opportunity Act of 2008 and related public commentary reveals assumptions about learners who experience intellectual disability who potentially engage with postsecondary education. What does it mean for the nontraditional age adult learner?

The Higher Education Opportunity Act (HEOA) has been celebrated as a breakthrough for people with intellectual disability to access postsecondary education. This inquiry is a critical interpretive discourse analysis of sections 766 and 767 of the HEOA and related commentary in public regional hearings, internet postings, stakeholder websites, and news blogs. How does this discourse create, and/or contribute to assumptions about this learner, and the educational environment itself?

Educational policy creates access to education for marginalized learners, with the theoretical goal of inclusion, especially its social aspects (Popkewitz & Lindblad, 2000). The HEOA can be seen as an expression of the society which created it, making inquiry a work in progress due to changing definitions of adult learners, social perceptions (Jarvis, 2000), and adult education.

Definitions of disability have changed over time, and have never been standardized (Linton, 2006). Disability is viewed as a social construct, as it is usually thought of as a physical or mental impairment resulting in perceived inability to perform in the social world as defined by the non-disabled (Peters, 1993).

Words embody power in the lives of people, as who speaks or writes them permits or denies access to education, supports, and society itself (Foucault, 1975; Freire, 1970). Discourse analysis involving educational policy can reveal the foundational impact public policy has upon everyday lives (Ball, 2006), especially from the standpoint of intellectual disability. Receiving a diagnosis, experiencing evolving and eventually derogatory labels, meeting eligibility for education and life-long support services involving telling one's personal story over and over again are some ways in which policy reaches into individual life experience (Nash & Thrasher-Livingston, 2008).

The HEOA endorses the creation of model programs emphasizing transition "to adulthood" for eligible students, young adults age 16-25. Its overt aim is inclusion. The program is an ambassador, identifying the student as outside the educational environment, as it "provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program" (HEOA, 2008). The targeted student is one who can meet markers of perceived success, as defined by those who do not experience disability. This denies access and creates the assumption of non-success for those who do not fit historical, conceptual and actual "eligibility" (Merriam, Caffarella and Baumgartner, 2007).

Preference is given for programs offering graduation with a "meaningful" certificate or credential. Many adults who experience intellectual disability and are of nontraditional age haven't experienced formal special education, due to the historic lack of educational options

(Trent, 1994). Learners seeking personal enrichment rather than employment may find a special program with a required credential irrelevant.

The banking concept of learning is reinforced by defining eligible learners and requiring completion of a specialized program with a resulting credential. Here the learner is assumed to retain all deposited knowledge, and learning is finished at completion (Freire, 1970/2006). What does this mean for life-long learners who experience intellectual disability, and for the educational environment wishing to engage with the HEOA?

Public discourse reveals paradoxical assumptions. Newly available financial aid for this learner invites both approval and questions about why this student would deserve it. Existing model programs and successful students are presented, celebrating their positive experiences (US Department of Education, 2008), and promoting the assumption that postsecondary education is appropriate only for people who need minimal supports, in specially created programs at formal institutions. The feeling that education “for all” has finally arrived is voiced, as well as concerns about participants’ ability to contribute to society as a result of their education (The Chronicle of Higher Education, 2008).

Education for all means all, yet the HEOA is targeted at “some”. It offers a diagnostic response to a framed and defined problem, potentially relieving the social and educational context from responsibility towards making a deeper commitment to full authentic inclusion and life-long learning.

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