



Education

FACT SHEET

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Background

On December 10, 2015 President Obama signed the Every Student Succeeds Act (ESSA) into law to reauthorize the Elementary and Secondary Education Act. The new law replaces the No Child Left Behind Act. ESSA continues to include students with disabilities in state accountability systems and ensures that students with disabilities continue to have access to the general curriculum that is aligned with challenging academic content standards. However, states will have wider discretion in setting academic achievement goals for groups of students and designing their accountability systems; therefore, it is extremely important for state advocates, parents, and students with disabilities to be involved in the state planning process to implement the new law.

Congress will next turn to the reauthorization of the Higher Education Act (HEA) and the Carl D. Perkins Career and Technical Education Act. Advocates are also urging Congress to enact the Keeping All Students Safe Act and legislation to provide the promised full funding for the Individuals with Disabilities Education Act (IDEA).

Key Issues

Higher Education Act (HEA): The HEA provides loans, services, and supports to students in postsecondary education. The most recent version of HEA in 2008 authorized the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) programs. Great progress is being made with TPSID programs with the majority of participants from these programs getting jobs in competitive integrated employment. However, there are still far too few postsecondary options available for youth with disabilities and further efforts are needed to encourage inclusive academic postsecondary programs for students with disabilities. In addition, students with disabilities experience multiple barriers in accessing college and other post-secondary education experiences. Colleges and universities need technical assistance and training to assist with recruitment of students with disabilities and with providing accommodations to students with all types of disabilities. Congress has held hearings on the reauthorization of HEA but has not yet introduced any bills.

Perkins Career and Technical Education Act: With its emphasis on both secondary and postsecondary education technical skills, the Perkins Act is an important component in the education of young people with disabilities, putting them on the course toward postsecondary success and economic self-sufficiency. The current authorization of the Perkins Career and Technical Education Act does not exclude students with disabilities but it does not sufficiently address their needs. To be fully included in education, students with disabilities and their families need to know their needs are being considered and that supports are in place to serve them. The reauthorization of the Perkins Act should have components that increase access for students with disabilities and create strategic alignments with the recent reauthorizations of the Elementary and Secondary Education Act and the Vocational Rehabilitation Act. Congress must provide opportunities for youth with disabilities to reach

the goals stated in the Americans with Disabilities Act of equal opportunity, full participation, independent living, and economic self-sufficiency.

Restraint and Seclusion: Research shows that restraint and seclusion in schools are used disproportionately on children with disabilities, frequently resulting in injury, trauma, and even death. The Keeping All Students Safe Act (KASSA) would allow the use of restraint and/or seclusion only in emergency circumstances, require parental notification when used, require training of school personnel, and promote school-wide strategies to improve school climate. Rep. Don Beyer (D-VA), with Rep. Bobby Scott (D-VA), re-introduced the Keeping All Students Safe Act (H.R. 927) in the House. To date, there is no companion bill in the Senate.

IDEA Funding: Since it originally passed, IDEA has provided children and youth with disabilities with the opportunity to participate in and benefit from a free appropriate public education. As a result, children with disabilities have made great academic progress and have increased their opportunities once they leave school. The federal government has never fully funded the 40 percent of the differential cost of educating a student with disabilities that was promised when IDEA was passed in 1975. Representative Chris Van Hollen (D-MD), along with several other Representatives, has introduced the IDEA Full Funding Act, H.R. 551. The bill would increase federal funding for special education up to 40 percent of the average per pupil expenditure for special education costs over a decade.

Recommendations

- Reauthorize the Higher Education Act and include technical assistance and training to assist with recruitment of students with disabilities as well as the provision of accommodations to students with all types of disabilities.
- Reauthorize and improve the Carl D. Perkins Career and Technical Education Act by increasing access to its programs for students with developmental and other disabilities and creating strategic alignments with the recent reauthorizations of the Elementary and Secondary Education Act and the Vocational Rehabilitation Act.
- Pass legislation to prevent and reduce the use of restraint and seclusion in school.
- Pass legislation to fully fund the Individuals with Disabilities Education Act (IDEA).

Relevant Committees

House Education and the Workforce Committee
Senate Health, Education, Labor and Pensions (HELP) Committee
House and Senate Appropriations Committees

For more information, please contact The Arc at (202) 783-2229, Association of University Centers on Disabilities at (301) 588-8252, American Association on Intellectual and Developmental Disabilities at (202) 387-1968, National Association of Councils on Developmental Disabilities at (202) 506-5813, Self-Advocates Becoming Empowered at SABEnation@gmail.com, or United Cerebral Palsy at (202) 776-0406.