

BACKGROUND

Higher Education: The Higher Education Act (HEA) strengthens the educational resources of colleges and universities and provides financial assistance to post-secondary students. Some of the HEA's financial assistance programs are targeted to students who intend to serve in high need areas, such as special education. The most recent version of the HEA in 2008 also authorized the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) programs. Congress has begun reauthorizing the HEA. The Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act ([H.R. 4508](#)) passed the House Education and Workforce Committee on December 13, 2017. The Senate has been developing its version of the bill.

Education Savings Accounts (ESAs): ESAs divert funding from public schools to support private schools, home schools, online programs, and other education related expenses. Since funds are not used for public schools, neither the rights under the Individuals with Disabilities Education Act (IDEA) nor the accountability under the Every Student Succeeds Act (ESSA) apply. Under the IDEA, public schools are required to provide for free appropriate public education, appropriate evaluation, individualized education plans (IEPs), least restrictive environment, parent participation, and procedural safeguards (known as "due process") to challenge school decisions. Under the ESSA, public schools are held accountable for how students—including the subgroup of students with disabilities—learn and achieve. Schools must measure and publicly report academic achievement, academic progress, English language proficiency, and high school graduation rates. The Education Savings Accounts for Military Families Act ([H.R. 5199](#), [S. 2517](#)) was introduced on March 7, 2018.

Restraint and Seclusion: These practices are disproportionately used on children with disabilities, frequently resulting in trauma and interfering with learning. Students with disabilities represent 12 percent of all students, but 67 percent of students who are restrained or secluded. There is no federal law governing the use of restraint and seclusion in schools.

KEY ISSUES

Higher Education

Teacher Recruitment and Preparation. There is a serious and growing shortage of qualified special education teachers. The HEA's Teacher Education Assistance for College and Higher Education (TEACH) Grants provide scholarships for teacher candidates to serve in high need fields, such as special education, in high need schools. The HEA's Teacher Quality Partnership focuses on residency preparation, principal preparation, and shortage areas such as special education.

TPSID Programs. Each TPSID project provides individual supports and services for the academic and social inclusion of students with intellectual disability in academic courses and other aspects of the institution of higher education. TPSIDs have been created or expanded at 88 colleges and universities across 31 states. Great progress is being made with TPSID programs with the majority of participants from these programs getting jobs in competitive integrated employment. Nearly two thirds of individuals who completed a TPSID program (61%) had a paid job one year after exit in comparison to 17% of adults with I/DD in the general population who had a paid job in the community.

Campus Safety. Despite suffering from sexual violence at nearly double the rate of their peers, students with disabilities are slipping through the cracks when it comes to campus efforts to prevent and respond to sexual assault. Campus planning and response efforts and resources provided to the campus community must be accessible to everyone.

EDUCATION SAVINGS ACCOUNTS (ESAS)

Nationally, 90% of public school funding is from state and local taxes—and the rest comes from the federal government. The Federal Impact Aid Program was created to provide funds for school districts that have reduced property tax revenue due to the presence of tax-exempt Federal property, such as military bases. This popular program presently provides \$1.3 billion to school districts (including \$48 million for serving students with disabilities) to approximately 1,300 school districts enrolling more than 11 million public school students.

ESAs that takes funding from Federal Impact Aid would harm students with disabilities primarily in two ways. They would harm school districts with large numbers of “federally connected children” that would lose money (some districts receive 40% of their budget from this program). In addition, students with disabilities whose families chose to use an ESA would lose their IDEA rights (including the right to attend a school) and the private schools they attend would not have to be held accountable for them.

RESTRAINT AND SECLUSION

States laws on restraint and seclusion vary significantly. At a minimum, federal legislation is needed to limit restraint to emergencies, require parental notification, and provide for training of school personnel. Federal legislation should also ban mechanical restraint and restraint that restricts breathing and prohibit seclusion.

RECOMMENDATIONS

- Ensure that HEA reauthorization continues to support teacher recruitment and preparation programs.
- Expand the TPSID programs to achieve greater geographic diversity; maintain eligibility of participating students for certain federal financial support (grants and work-study); and require programs to integrate work experiences and career skills that lead to competitive integrated employment and to collect longitudinal data.
- Ensure that HEA reauthorization includes the Safe Equitable Campus Resources and Education (SECURE) Act ([S. 2530/H.R. 5241](#))
- Oppose legislation to divert Federal Impact Aid to provide ESAs for military families.
- Support legislation to limit the use of restraint and seclusion in schools.

RELEVANT COMMITTEES

House Education and the Workforce Committee
Senate Health, Education, Labor and Pensions (HELP) Committee
House Armed Services Committee
Senate Armed Services Committee

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) 973-7185.