



BACKGROUND

The Individuals with Disabilities Education Act (IDEA) is a law guaranteeing education services to children with disabilities throughout the nation. IDEA requires a free, appropriate public education for all children with disabilities in the least restrictive environment, providing services and supports designed to meet individual needs. Infants and toddlers with disabilities (birth – 2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3 – 21) receive special education and related services under IDEA Part B.

The Every Student Succeeds Act (ESSA) emphasizes that all students, including students with disabilities, deserve a high-quality and well-rounded education that will prepare them for success. ESSA provides for the establishment of high standards and accountability and requires the inclusion of all students with disabilities in student assessment, including accommodations and incorporation of universal design. It requires that all schools report on the progress of students with disabilities and, where any groups of students are falling behind, the state have a plan to address it.

The Higher Education Act (HEA) strengthens the educational resources of colleges and universities and provides financial assistance to postsecondary students. Some of the HEA's financial assistance programs are targeted to students who intend to serve in high needs areas, such as special education. The most recent version of HEA in 2008 also included the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) programs, establishing model demonstration projects for students with intellectual disability to attend college. It also allows students in these programs to be eligible for some financial aid.

Key Points

Education

- All students can benefit from postsecondary education, which leads to employment, independent living, and success of students with disabilities.
- All students benefit from trained teachers.
- All students deserve to be safe in school.

KEY ISSUES

Congress has begun reauthorizing the Higher Education Act (HEA). The Senate and House are negotiating their versions of the bill now. These things are important to include in it:

- **Inclusive Postsecondary Education for Students with Intellectual Disability.** Each TPSID project at a university 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 (65%) 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.

- **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, and in high need schools. The HEA's Teacher Quality Partnership focuses on residency preparation, principal preparation, and shortage areas such as special education.
- **Accessibility.** 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. Students with I/DD may be eligible for accommodations if they can document that they have a disability. Colleges and universities should be required to accept a student's individualized education program (IEP) or Section 504 plan as such evidence.

Restraint and Seclusion of Children in Schools. America's schools should be places where every child is safe and protected. The practice of seclusion and restraint in schools subjects students to physical, developmental, and emotional harm. These dangerous practices create poor school climates that make it harder for students to learn and for teachers to teach.

Congress should introduce legislation that will provide children in all states with equal protection from these dangerous practices by prohibiting their use on any student, including students with disabilities. IDEA and ESSA create accountability and protections for students with disabilities in education. New legislation should go a step further to stop restraint and seclusion in schools. The legislation should provide for the resources and system support of schools and school personnel that is needed to implement changes and ensure that school faculty and staff are supported to use evidence-based positive behavior supports to keep all children safe at school.

RECOMMENDATIONS

Higher Education Act

- Congress should reauthorize the Higher Education Act to include the continuation of the program for inclusive higher education for students with intellectual disability (the TPSID program); support for teacher recruitment and preparation programs, including those that support special education; and improved accessibility provisions.

Restraint and Seclusion

- Members of Congress should support and cosponsor legislation to establish long-overdue protections for the use of restraint and seclusion in our nation's school. Protect all students at school.

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.