

BACKGROUND

Access to quality early intervention, Pre-K - 12 education, and post-secondary education for students with disabilities is crucial to securing long-term, stable employment, and independence for individuals with disabilities.

Since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has had a profound impact on students with disabilities by supporting their right to a free, appropriate public education. IDEA says education must be provided the least restrictive environment (LRE) after developing an individualized education program (IEP) with parent and student participation in decision making.

The *Higher Education Act* directs money to colleges and universities to improve their programs and teaching. It gives money to students to help pay for college. It also helps colleges train special education teachers. Title VII of the law authorizes the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) program which provides opportunities for students with intellectual disabilities to go to college.

ISSUES

The *Individuals with Disabilities Education Act* authorizes the federal government to pay 40% of the cost of educating students with disabilities. Right now, it only pays 13%. The shortfall of funding means not enough special education teachers, crowded classrooms, and limited special education services such as speech therapy or aides in the classroom. These limited resources have been further stretched thin during the COVID-19 pandemic.

Within Pre-K - 12 education, the widespread use of restraint and seclusion as punishment causes lasting physical and emotional harm (and

sometimes deaths) to students. Seclusion and restraint practices are disproportionately applied to students with disabilities, and especially Black and brown students with disabilities. There is currently no federal law to protect students from these harmful practices in schools.

There are three issues with the *Higher Education Act*:

1. Students with intellectual disability need support and services to go to college and get a job. TPSIDs can help.
2. There are not enough special education teachers. The Teacher Education Assistance for College and Higher Education (TEACH) Grants and Teacher Quality Partnership help to train special education teachers.
3. Colleges and universities need help both in getting students with disabilities to go to college and in giving those students appropriate supports and accommodations. Students with disabilities need to prove they have a disability to receive needed supports and accommodations. An IEP or Section 504 plan (of the Rehabilitation Act) should be accepted as proof the student has a disability.

WHAT SHOULD CONGRESS DO?

- Congress should pass the *Keep Our Promise to America's Children and Teachers (PACT) Act* ([H.R.764](#), [S.72](#)) to provide a path to fully funding the *Individuals with Disabilities Education Act* (IDEA).
- Congress should introduce and pass federal legislation like the *Keeping All Students Safe Act* (KASSA) which has been introduced in previous Congresses. This will help end harmful restraint and seclusion practices in schools, and will provide teachers and school personnel with positive, evidence-based behavior management training.
- Congress should reauthorize the *Higher Education Act* (HEA) with provisions to increase access to college for students with intellectual and/or developmental disabilities, and to increase funding for the Teacher Education Assistance for College and Higher Education (TEACH) Grants and Teacher Quality Partnership.