

# EDUCATION

## BACKGROUND

Access to quality child care, early intervention, and Pre-K-12 education 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. The IDEA states education must be provided in the least restrictive environment (LRE) after developing an individualized education program (IEP) with parent and student participation. IDEA also says that infants and toddlers with disabilities or who might have disabilities are guaranteed early intervention services, but that does not include child care services.

While districts and schools continue to work to address anticipated instructional loss, mental health impacts, and other adverse pandemic-related impacts of COVID-19 for students with disabilities, the need for additional IDEA funding is critical and cannot be overstated. Some students struggling with symptoms of “long COVID” might also be eligible for IDEA services. Many districts are facing severe shortages of teachers and specialized instructional support personnel. A significant increase in Federal funding for IDEA—including personnel preparation—would ensure that funding is available for school districts to hire personnel to support students with disabilities.

## ISSUES

The IDEA authorizes the federal government to pay 40 percent of the cost of educating students with disabilities. Right now, it only pays 14 percent. 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 and recovery efforts.

MARCH 2022

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### FOR MORE INFORMATION PLEASE CONTACT

American Association on Intellectual and Developmental Disabilities at (202) 387-1968  
Association of University Centers on Disabilities at (301) 588-8252 • Autism Society at (301) 657-0881  
National Association of Councils on Developmental Disabilities at (202) 506-5813  
Self Advocates Becoming Empowered at SABEnation@gmail.com  
The Arc at (800) 433-5255 • United Cerebral Palsy at 800-872-5827

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While the IDEA guarantees access to early intervention services for infants and toddlers, it does not cover child care. It is often very difficult for families of infants and toddlers with disabilities to find affordable, quality care that will accept their child. Often, the only options available are not in inclusive settings.

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

## WHAT SHOULD CONGRESS DO?

- Congress should include provisions supporting inclusive child care and universal pre-K that protect children and families from discrimination based on disability in the Build Back Better Act or any future reconciliation package.
- Congress should include IDEA provisions including Part D Personnel Preparation funds in the Build Back Better Act or any future reconciliation package.
- Congress should pass the IDEA Full Funding Act of 2021 ([HR 5984/S.3213](#)) to create a pathway to reach the 40 percent Federal funding level for students with disabilities.
- Congress should pass the Funding Early Childhood is the Right IDEA Act ([HR 6532/S.3544](#)) to increase access and delivery of high quality early intervention and preschool activities.
- Congress should pass the Keeping All Students Safe Act ([HR 3474/S.1858](#)) to end harmful restraint and seclusion practices in schools and provide teachers and school personnel with training in positive alternatives.

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