

## BACKGROUND

Access to quality early intervention, preK-12 education, and higher education is crucial to securing meaningful 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 (FAPE). IDEA mandates that education be provided in the least restrictive environment (LRE) after developing an individualized education program (IEP) with parent/guardian and student participation. IDEA also provides grants to states to provide early intervention services for infants and toddlers. IDEA also requires youth with disabilities to have transition plans and corresponding services to prepare them for post-secondary opportunities, whether they are in higher education or employment.

Section 504 of the Rehabilitation Act ensures that preK-12 schools, colleges and other institutions of higher education provide accommodations for students with disabilities so that their programs and services are accessible.

## ISSUES

**FEDERAL FUNDING OF IDEA:** IDEA requires states to provide an equal education opportunity for all students with disabilities. It also provides funding to help states meet their obligation to finance public education services for students with disabilities. In 1975, Congress set the policy that the federal government would pay for 40% of the excess costs associated with educating students with disabilities. Currently, the federal government provides about 11%. These funds help states pay for special education teachers and special education services, such as speech therapy or paraprofessionals in the classroom.

**RESTRAINT AND SECLUSION:** The widespread use of restraint and seclusion as punishment in schools causes lasting physical and emotional harm to disabled young people and is often an indication of inappropriate implementation of IDEA. Data collected by the Office for Civil Rights at the US Department of Education demonstrates that these practices are disproportionately used on students who are Black. There is currently no federal law to protect students from restraint and seclusion in schools.

**SCHOOL CHOICE:** Voucher programs pose significant challenges to students with disabilities and their families. Private schools, unlike public schools:

- do not have to accept students with disabilities,
- can discriminate against them, and

- do not need to provide accommodations, support, and services.

Disabled students transferring to private schools may lose their rights under IDEA, and parents are often not informed of the loss of rights.

**HIGHER EDUCATION:** As students enroll in college, they often struggle to navigate accommodations that allow them to thrive. Colleges are unclear about their disability process and students may have to seek out new and expensive diagnostic testing to re-prove their disability.

**U.S. DEPARTMENT OF EDUCATION:** The Department of Education plays a critical role for students with disabilities. The Department is responsible for oversight of IDEA, ensuring students with disabilities and their families have access to the supports, services, and civil rights protections the law provides. Additionally, the Department provides money to train educators, which is an especially important role as our nation continues to face an educator shortage.

## WHAT SHOULD CONGRESS DO?

- Fully fund the IDEA for students with disabilities.
- End harmful restraint and seclusion practices.
- Oppose laws that reduce the rights of children with disabilities to secure a free, appropriate public education.
- Ensure that accommodations for students with disabilities in higher education are available and meet the needs of the students.

### 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  
Caring Across Generations at info@caringacross.org • Disability Belongs at Action@DisabilityBelongs.org  
National Alliance for Direct Support Professionals at 518-605-7160  
Self Advocates Becoming Empowered at SABEnation@gmail.com TASH at (202) 817-3264 • The Arc at (800) 433-5255  
United Cerebral Palsy at (800) 872-582