

BACKGROUND

Access to quality early intervention, pre-K–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 requires education to be provided in the least restrictive environment (LRE) through an individualized education program (IEP) developed with parent/guardian and student participation. IDEA also provides grants to states to deliver early intervention services for infants and toddlers and requires transition planning and services to prepare youth with disabilities for postsecondary education or employment. Section 504 of the Rehabilitation Act ensures that pre-K–12 schools and colleges provide accommodations so that programs and services are accessible to students with disabilities.

Recent administrative actions have raised concerns about potential restructuring or relocation of federal special education functions, creating uncertainty about future oversight, enforcement, and continuity of services.

Congress enacted a new federal school voucher program in the budget reconciliation law, marking a significant shift in federal education policy with implications for students with disabilities.

ISSUES

Federal Funding: IDEA requires states to provide an equal education opportunity for all students with disabilities and provides funding to help states meet their obligation to finance public education services. In 1975, Congress set the policy that the federal government would pay 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.

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. 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, supports, and services.

The newly enacted federal voucher program expands these concerns. States must opt in to the program, and rules are still under development. Students with disabilities who use vouchers to attend private schools may lose critical rights and protections under IDEA and Section 504, often without clear notice to families.

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 is responsible for administering IDEA, enforcing civil rights protections, and providing guidance, oversight, and technical assistance to states and school districts. Recent actions signaling potential relocation or restructuring of education programs raise concerns about weakened oversight, reduced enforcement, and disruption to services that students with disabilities depend on.

WHAT SHOULD CONGRESS DO?

- Fully fund IDEA to meet the federal commitment to students with disabilities.
- Pass legislation to end harmful restraint and seclusion practices in schools.
- Provide strong oversight of the Department of Education and oppose actions that weaken enforcement of IDEA and other civil rights protections.
- Ensure schools that receive voucher program funding abide by all civil rights legislation including IDEA, Section 504, and the ADA.
- Ensure higher education institutions provide clear, effective, and accessible accommodations for students with disabilities.

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