



Education and Employment

FACT SHEET

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Background

There are several legislative issues that the U.S. Congress may consider in the 113th Congress related to education of individuals with disabilities. These include the Elementary and Secondary Education Act, legislation to limit the use of restraint and seclusion in schools, a bill to provide full funding for the Individuals with Disabilities Education Act (IDEA), and the reauthorization of IDEA. Congress also has significant work to do in improving employment outcomes for individuals with disabilities through reauthorization of the Workforce Investment Act that includes the Rehabilitation Act of 1973.

Education: The Elementary and Secondary Education Act (ESEA), called “No Child Left Behind”, has been up for reauthorization since 2007. Reauthorization bills were introduced in the last Congress. However, none of the bills reached the House or Senate floors due to disagreements on the role of the federal government in education matters, as well as specific issues in the bills. The No Child Left Behind Act requires that all students in elementary and secondary schools be assessed to determine educational progress by individual schools and school systems. The disability community continues to support provisions in the law that require the inclusion of all students with disabilities in the student achievement system.

In the last Congress, bills to limit the use of restraint and seclusion in schools were introduced in the House and Senate. Research and recent reports show that restraint and seclusion in schools are often unregulated and used disproportionately on children with disabilities, frequently resulting in injury, trauma, and even death. Senator Tom Harkin (D-IA) and Rep. George Miller (D-CA) have stated their intention to reintroduce the “Keeping All Students Safe Act” in the 113th Congress. The bill would establish federal minimum safety standards to limit the use of restraint and seclusion in public and private early childhood, elementary, and secondary schools that receive support from federal education funds, as well as Head Start programs. Among other protections, the bills would allow the use of restraint or seclusion only in emergency circumstances, require parental notification and training of school personnel, and promote school-wide strategies to improve school climate.

Since it originally passed, IDEA has provided children and youth with disabilities with the opportunity to participate in and benefit from a free appropriate public education. As a result, these children have made great progress and achieved ever increasing outcomes and opportunities once they leave school. Each year, more graduate from high school with regular diplomas, enter into post-secondary education and the workforce, and live full and enriching lives. This law was last reauthorized in 2004. With the backlog of laws that need to be reauthorized, it is unclear whether the Congress will have time to consider the reauthorization this year. Finally, Sen. Harkin, along with several other Senators introduced the Full Funding for IDEA Act in the last Congress. The bill would provide 40 percent of the national Average Per Pupil Expenditure (APPE) as authorized in the law. Sen. Harkin intends to introduce this bill again this year.

Employment: Working age people with disabilities are among the most unemployed and underemployed members of our society. The U.S. Bureau of Labor Statistics (BLS) reported that in February 2013, the

Key Message to Congress

New budget plans must include increased revenues and preserve Medicaid, Medicare, Social Security, SSI, and other vital programs for people with disabilities.

percentage of people with disabilities in the labor force was approximately 20%, compared with about 70% for persons with no disability. The reasons for this problem are complex, often tied to limited exposure to the workforce, reduced expectations, and lack of access to jobs. In each of the past three Congresses, bills to reauthorize the Workforce Investment Act (WIA) and the Rehabilitation Act have been introduced or discussed but none have received the bipartisan support needed to become law. Rep. Virginia Foxx (R-NC) recently introduced and the House passed the Supporting Knowledge and Investing in Lifelong Skills (SKILLS) Act (H.R. 803). The SKILLS Act consolidates 35 existing federal workforce programs into a single \$6 billion Workforce Investment Fund and includes provisions that would reduce access to federally-funded skills training, particularly for those individuals with the greatest barriers to employment, including people with disabilities. The legislation does not reflect the best practices that have been developed over the past several years in engaging employers and diminishes the input of other key stakeholders. The Senate has not yet introduced a bill. Rep. John Tierney (D-MA) also introduced a bill to reauthorize the WIA (H.R. 798) that would strengthen transition services and opportunities for integrated employment; however, no action has been taken.

Recommendations

- Congress should ensure that ESEA reauthorization maintains the focus on accountability for all student subgroups, limits the use of alternate assessments, and preserves strong teacher quality standards.
- Congress should pass legislation limiting the use of restraint and seclusion in schools.
- Congress should reauthorize WIA and the Rehabilitation Act and strengthen the law to support employment first policies, strategies, and practices to assist persons with developmental and other significant disabilities to enter competitive, integrated employment with appropriate supports and services.
- Congress should improve services for individuals transitioning from school to postsecondary education, work, and adult life.

Relevant Committees

House Education and the Workforce Committee

Senate Health, Education, Labor and Pensions (HELP) Committee

House and Senate Appropriations Committees

For more information, please contact The Arc at (202) 783-2229, United Cerebral Palsy at (202) 776-0406, Association of University Centers on Disability 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, or Self-Advocates Becoming Empowered at SABEnation@gmail.com