

Background

The U.S. Congress is considering several bills in the 114th Congress related to education:

Elementary and Secondary Education Act (ESEA) reauthorization: ESEA governs general education, where most students with disabilities spend most of their time. This law requires that all students in public schools participate in the statewide assessment program. Tests are provided for specific grades in reading, mathematics, and science. Taking these assessments means that schools are supposed to teach the children to grade level and provide the services and supports they need to achieve at grade level. The vast majority of students with disabilities, with the appropriate supports, can make grade level progress.

The Higher Education Act (HEA) reauthorization: The HEA provides loans, services, and supports to students in postsecondary education. The most recent HEA in 2008 authorized the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) programs, the first program of its kind. Great strides are being made with TPSID programs with the majority of participants from these programs earning jobs in competitive, integrated workplaces.

The Keeping All Students Safe Act: The legislation would allow the use of restraint and seclusion only in emergency circumstances, require parental notification and training of school personnel, and promote school-wide strategies to improve school climate. Rep. Don Beyer (D-VA), with Rep. Bobby Scott (D-VA), recently re-introduced the “Keeping All Students Safe Act” (H.R. 927). To date, there is no companion bill in the Senate.

Key Issues

Assessments: A very small percentage of students with the most significant cognitive disabilities are unable to participate in the general assessment, even with accommodations. Research shows that this small group of students is less than 1% of all students (up to 10% of all students with disabilities). Under current law, there is only a cap for state accountability purposes. No more than 1% of scores for students who take an alternate assessment based on alternate achievement standards (AA- AAS) can be counted as proficient or advanced (known as the “1% cap”). ESEA reauthorization should limit the number of students with the most significant cognitive disabilities who take the AA-AAS to 1% of all students. Participation in AA-AAS often limits access to the general curriculum that is needed to obtain a regular high school diploma.

Parental Notification: In many states, students with disabilities who take an AA-AAS are taken off-track from receiving a regular high-school diploma because they are unable to meet graduation requirements. States often do not provide the necessary guidelines for parents and educators to help in their decision making for determining when it is appropriate for a child to take an AA-AAS.

Postsecondary Educational Opportunities for Students with Intellectual Disabilities: There are still far too few postsecondary options available for youth with disabilities and further efforts are needed to encourage inclusive academic postsecondary programs for students with disabilities. In addition, students with disabilities experience multiple barriers in accessing college and other post-secondary education experiences. Colleges and universities need technical assistance to assist with

recruitment of students with disabilities as well as with providing accommodations to students with all types of disabilities.

Restraint and Seclusion: Restraint and seclusion in schools is often unregulated and used disproportionately on children with disabilities, frequently resulting in injury, trauma, and even death. Federal minimum safety standards are needed to limit the use of restraint and seclusion in schools that receive support from federal education funds.

Recommendations

Congress should:

- Maintain high expectations for students with disabilities in ESEA by ensuring that most students will participate in the general assessments with any needed accommodations.
- Cap the number of students in ESEA who take an alternate assessment based on alternate achievement standards at 1 percent of all students (10% of students with disabilities).
- For the small group of students with the most significant cognitive disabilities who need alternate assessments, ensure they are provided access to the general curriculum; receive the instruction to make steady academic progress; and are not prevented from earning a regular high school diploma.
- Ensure that parents are fully informed about the consequences of their child taking an AA-AAS.
- Ensure that HEA reauthorization includes technical assistance centers focused on post-secondary education programs to recruit and support students with disabilities and ensures that students with disabilities and their families have up-to-date information that supports their search for and participation in postsecondary education. Congress must also strengthen and fully fund the postsecondary programs for students with intellectual and developmental disabilities.
- Congress should pass restraint and seclusion protections.

Relevant Committees:

House Education and the Workforce Committee

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

For more information, please contact The Arc at (202) 783-2229, United Cerebral Palsy at (202) 776-0406, Association of University Centers on Disabilities 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.