

**Education**

Public education for all is a cornerstone of our democracy and is the mechanism by which this nation prepares all students to pursue the benefits of freedom and to exercise fully their rights and responsibilities. The U.S. Department of Education, including the Office of Special Education and Rehabilitative Services, Office for Civil Rights, Office of Elementary and Secondary Education, and Office of Postsecondary Education, have all played critical roles in ensuring access, equity, and opportunity for all students including students with disabilities through their oversight, guidance, monitoring, and technical assistance. The data provided by the Office for Civil Rights’ Civil Rights Data Collection is critical in ensuring transparency about what is happening in our nation’s schools and helping parents and educators to improve education for all students.

The Individuals with Disabilities Education Act (IDEA) ensures that children with disabilities not only have the right to attend public schools, but receive a free and appropriate public education, have access to the general education curriculum, and receive a meaningful education that prepares them for postsecondary education or a career. Similarly, the Every Student Succeeds Act (ESSA) (formerly known as the Elementary and Secondary Education Act (ESEA)), recognizes that our education system must ensure that all children have access to a high quality standards-based education and that schools provide services and supports to disadvantaged students who are not making progress in school. Accordingly, leaders must seek to better align special education and general education laws.

To ensure that the goals of the IDEA and ESSA are met, students with disabilities must be held to the same high expectations of achieving their full potential as their peers without disabilities, and their academic progress must be accurately measured and reported. In addition, student assessments and education services must be culturally competent and all facets of the education system must fully share responsibility for the academic and social outcomes of all children.

Students with disabilities face multiple attitudinal, environmental, financial, and other barriers in accessing postsecondary education. During a student’s education there will be several major transitions, such as moving from early intervention to preschool, from elementary to secondary education, and ultimately, from the school system to adult living, including employment and/or postsecondary education. The Higher Education Opportunity Act (HEOA) offers an opportunity for students with intellectual disability to overcome some of those barriers and have access to a postsecondary education that was unavailable before 2008.

During the 115th Congress, our public policy goals are to:

*Overarching*

* Strengthen cultural competence in special education in order to avoid inappropriate, over- or under- identification of disability in children of diverse backgrounds;
* Ensure special education course work and practicum experiences for all general education candidates to receive full teaching licensure and certification so that all educators and staff are prepared to serve and support diverse learners in inclusive settings; and
* Ensure that teacher preparation programs include introduction to theories of behavior and evidence-based practices.

*Discipline, Including Restraint, Seclusion, and Aversive Interventions*

* Prohibit harmful disciplinary practices such as unwarranted suspensions, expulsions, and referrals to the juvenile justice system and require schools to work to de-escalate minor school infractions rather than call for police department assistance;
* Prohibit the use of corporal punishment in public schools that receive federal funding;
* Address the overrepresentation of students with disabilities in the school to prison pipeline, and support appropriate services and successful reentry to community schools;
* Prohibit chemical and mechanical restraints, and restraints or interventions that compromise student health and safety. In addition, limit the use of physical restraint and seclusion to emergency situations (where there is an imminent danger of physical injury to self or others), and ensure that parents are notified of incidents of restraint and/or seclusion on the same day; and
* Provide funding and require school personnel, including school resource officers (SROs), to be trained in positive behavioral supports and appropriate behavioral interventions for all students

*Early Childhood, Early Intervention and Preschool Programs*

* Mandate the availability of early intervention programs under IDEA (Part C);
* Increase funding for early intervention and preschool programs;
* Enhance the development, implementation, and execution of Child Find Programs and other related resources to ensure early detection and early access to services;
* Ensure adequate funds are allocated to conduct research and the development and implementation of evidence-based practices from early intervention through postsecondary education to support learning of students with disabilities;
* Ensure that young children with disabilities receive early intervention services in their natural environments, including preschool and childcare programs; and
* Ensure access to inclusive opportunities for early childhood education, including funding for the Child Care Block Grant.

*Elementary and Secondary Education*

*Individuals with Disabilities Education Act (IDEA)*

* Reauthorize IDEA in a way that enhances the guarantee of a free and appropriate public education in the least restrictive environment;
* Fully fund all components of IDEA and provide increased funding for Part C, Head Start, and other early intervention programs;
* Ensure that initiatives such as charter schools, vouchers, and individual education savings accounts do not adversely affect (1) public education; (2) the access of students with disabilities, especially those categorized as having intellectual disability (who historically have extremely low rates of inclusion in these initiatives), to inclusive education settings; (3) the guarantee of a free and appropriate public education for all students with disabilities in the least restrictive environment; and (4) access of students with disabilities to the general education curriculum in ESSA;
* Align the age of transition services to be consistent with the pre-vocational provisions in the Workforce Innovation and Opportunity Act of 2014;
* Develop and require implementation of policies that support portability and continuity of student individualized education programs (IEPs) across jurisdictions;
* Ensure appropriate assessments for all students with disabilities by developing universally designed assessments that accurately measure the progress of students with disabilities;
* Ensure appropriate early intervention services and culturally competent assessments to prevent inappropriate classifications;
* Promote universal design for learning guidelines in curriculum and in educational practices so that instructional goals, methods, materials, and assessments incorporate flexible approaches that can be customized and adjusted for individual needs;
* Expand the design and use of assistive technology as appropriate for all students;
* Amend IDEA’s due process provision to place the burden of proof on school systems rather than parents;
* Amend IDEA to allow courts to reimburse parents’ or guardians’ expert witness fees incurred as part of the due process proceedings;
* Amend IDEA to provide more emphasis on teaching self-advocacy skills and encourage greater student involvement in the IEP process;
* Ensure monitoring and enforcement of the major components of IDEA, including least restrictive environment (LRE), due process, transition, cultural competence, and individualized IEPs, are properly and fully implemented, and ensure authorized penalties for noncompliance are enforced;
* Amend IDEA’s IEP provision (614(d)) to ensure that, in the case of a child who does not yet have a symbolic mode of communication (oral language, augmentative communication system, and/or manual signs), a funded plan for developing a communication system for that child becomes a part of the IEP to include multiple use technologies, consistent with the Americans with Disabilities Act (ADA) Title II and Section 504; and
* Amend IDEA to provide better portability of federally guaranteed services and promote stability in the implementation of IEPs.

*Every Student Succeeds Act (ESSA)*

* Ensure full implementation of ESSA through appropriate funding, enforcement, and monitoring of all provisions, including:
  + Full participation of students with disabilities in assessment, accountability systems, and reporting systems, including transparency about school performance for students with disabilities in state and local education agencies (LEA) report cards;
  + Required assessments that are aligned with the challenging state academic standards for the grade in which the student is enrolled;
  + Appropriate justification for LEAs to exceed the 1% cap on the number of students with the most significant cognitive disabilities who take an alternate assessment aligned with alternate academic achievement standards; and
  + Funding and full implementation of the early childhood provisions.

*Postsecondary Education*

* Fully fund disability provisions in Title VII of the Higher Education Opportunity Act (HEOA), including the Model Comprehensive Transition and Postsecondary Programs and Coordinating Center, National Technical Assistance Centers, and Programs to Provide Students with Disabilities with a Quality Higher Education;
* Ensure students with disabilities, including those with intellectual and developmental disabilities, have access to all forms of federal financial aid;
* Ensure that all students with disabilities have access to academic courses and the full range of campus programs and activities, including integrated housing; and
* Support greater inclusion and access for students with disabilities in all career and technical programs.

*Personnel*

* Expand and improve in-service and pre-service personnel preparation under Part D of IDEA, ESSA, and the HEOA so that all special and general education teachers are highly effective;
* Develop programs to expand the pool of undergraduates majoring in education who are prepared to educate all students in their classroom including students with disabilities; and
* Include the recruitment and retention of teachers with disabilities as part of any federal diversity initiatives.

To download the full legislative agenda, visit: <http://www.thearc.org/what-we-do/public-policy/legislative-agenda>