



Education and Employment

FACT SHEET

2014 DISABILITY POLICY SEMINAR
— APRIL 7-9, 2014 —

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Background

The U.S. Congress could still consider several bills 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, and a bill to provide full funding for the Individuals with Disabilities Education Act (IDEA). Congress still 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.

Key Message to Congress

Congress must preserve Medicaid, Medicare, Social Security, SSI, and other vital programs for people with disabilities.

Education: The Elementary and Secondary Education Act (ESEA), called the “**No Child Left Behind Act**,” 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. The disability community continues to support provisions in the law that require the inclusion of all students with disabilities in the student achievement system.

Research and recent reports show that use of restraint and seclusion in schools is 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 introduced bills that 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. Among other protections, S.2036 and H.R. 1893, both known as the “**Keeping All Students Safe Act**,” would allow the use of restraint 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. The federal government has never funded more than 18.5% of the bill’s cost. Representative Jared Huffman (D-CA), along with several other Representatives, introduced the “**IDEA Full Funding Act**,” H.R. 4136, in February 2014 on a bipartisan basis. The bill would increase federal funding up to 40% of the average per pupil expenditure for special education costs over a decade as authorized in the law. A similar bill, S.108, was introduced by Senator David Vitter (R-LA) in early 2013.

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 2014, the percentage of people with disabilities in the labor force fell to 19%, compared with 69% 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 lacked bipartisan support to pass. In July 2013, the Senate Health, Education, Labor and Pensions (HELP) Committee voted favorably to reauthorize the “**Workforce Investment Act of 2013 (WIA)**” (S. 1356) on a bipartisan basis. Title V of the bill covers the Rehabilitation Act and strengthens definitions, reporting requirements, and programs for employment of people with disabilities. In March 2013, 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, including for people with disabilities. This 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 House and Senate are currently pre-conferencing the two versions of the bill before the Senate moves towards a floor vote.

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 restraint and seclusion protections under the Keeping All Students Safe Act.
- Congress should pass legislation that would fully fund IDEA.
- Congress should reauthorize WIA and the Rehabilitation Act with emphasis on the Senate bill’s Title V in order 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.

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 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