BACKGROUND

**Special Education:** 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. That law proposed that federal funds should cover up to 40% of the excess cost of educating students with disabilities. Unfortunately, it is only funded at 15%. The Full Funding for IDEA Act (H.R. 2902/S. 2542) would provide a glide-path to reach full funding over a ten-year period.

**Higher Education:** The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act protect students with disabilities from discrimination and require institutions of higher education (IHE) to provide reasonable accommodations. However, colleges and universities face challenges in supporting students who are unaware of their rights and responsibilities regarding accommodations and in providing accommodations, including services that involve specialized knowledge. Many faculty and staff are unaware of their legal obligations and how to accommodate students with disabilities (U.S. GAO, 2009).

The House and Senate are considering bills to reauthorize the Higher Education Act (HEA) and the Carl D. Perkins Career and Technical Education Act (CTE). These reauthorizations present an opportunity to increase access to people with disabilities to help them on the path to independence and economic self-sufficiency.

The Higher Education Act strengthens the educational resources of colleges and universities and provides financial assistance to post-secondary students. Some of the HEA’s financial assistance programs are targeted to students who intend to serve in high need areas, such as special education. The most recent reauthorization of the HEA in 2008 authorized the Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID) program.

The House introduced its bill to reauthorize HEA, entitled the Promoting Real Opportunity, Success, and Prosperity through Education Reform (PROSPER) Act (H.R. 4508). The bill passed the House Education and Workforce Committee on December 13, 2017. While H.R. 4508 includes the TPSID program, it does not include many of the other recommendations put forward by disability advocates and it eliminates programs that support teachers. The Senate has been working on legislation to reauthorize the HEA; no bill has been introduced to date.

Senators Casey (D-PA), Hatch (R-UT), and Cassidy (R-LA) introduced the Respond, Innovate, Succeed, and Empower (RISE) Act (S.1295/H.R. 2782). This bipartisan bill authorizes increased funding for a technical assistance center that provides students and family’s information on disability services available in college and how to access them and offers college faculty training and resources on best practices to support students with disabilities. The bill also requires IHEs to accept an Individualized Education Program (IEP), 504 plan, or prior evaluation as documentation of a student’s disability when seeking accommodations, preventing students from having to undergo a new, costly and burdensome evaluation that many IHEs require. It is hoped that this bill will be included in the reauthorization of the HEA.

**Career and Technical Education:** The House passed the Strengthening Career and Technical Education for the 21st Century Act (H.R. 2353) last year that does not include many of the disability community’s recommendations.

The Senate is currently working in a bipartisan fashion to reauthorize and improve the Carl D. Perkins Career and Technical Education Act. The Career and Technical Education (CTE) program offers the potential for students with disabilities to use high school toward preparation for the workforce by encouraging specific
career pathways. Studies have shown that providing career preparation and transition services as early as possible can provide a pivotal platform for students with disabilities to gain access to career pathways.

**Restraints and Seclusion in Schools:** States laws on restraint and seclusion vary significantly. At a minimum, federal legislation is needed to limit restraint to emergencies, require parental notification, and provide for training of school personnel. Federal legislation should also ban mechanical restraint and restraint that restricts breathing and prohibit seclusion. Legislation similar to the Keeping All Students Safe Act introduced in the previous Congress may be reintroduced in this Congress.

**Safety on Campuses:** Despite suffering from sexual violence at nearly double the rate of their peers, students with disabilities are slipping through the cracks when it comes to campus efforts to prevent and respond to sexual assault. Campus planning and response efforts and resources provided to the campus community must be accessible to everyone. Senators Casey (D-PA) and Hassan (D-NH) introduced the Safe Equitable Campus Resources and Education Act (S. 2530) to ensure information and educational materials, as well as services and supports regarding campus safety are accessible to students, employees, and visitors with disabilities on college campuses.

**Mental Health Supports on Campus:** Senator Casey (D-PA) and six colleagues introduced the Higher Education Mental Health Act of 2018 (S. 3106), which would establish a commission to examine the needs of postsecondary education for students with mental health disabilities and concerns. The commission would research the needs of students and postsecondary programs necessary to support the best outcomes for students and make recommendations to Congress, States, and postsecondary education programs.

**School Vouchers:** The President’s Budget proposed $1 billion for private and public school choice programs called Opportunity Grants. Several bills have been introduced to provide vouchers or educational savings accounts. These proposals divert funding from public schools to support private schools, home schools, online programs, and other education related expenses. Since funds are not used for public schools, neither the rights under the IDEA nor the accountability under the Every Student Succeeds Act (ESSA) are applicable. Under the IDEA, public schools are required to provide for free appropriate public education, appropriate evaluation, individualized education plans (IEPs), least restrictive environment, parent participation, and procedural safeguards (known as “due process”) to challenge school decisions.

**Recommendations**

The Autism Society urges Congress to:

- Strengthen the Higher Education Act to increase access for students with autism and other disabilities.
- Support the Full Funding for IDEA Act that provides a ten-year glide-path to fully funding special education.
- Ensure that Higher Education Act reauthorization continues to support teacher recruitment and preparation programs.
- Expand the TPSID programs to achieve greater geographic diversity; maintain eligibility of participating students for certain federal financial support (grants and work-study); and require programs to integrate work experiences that lead to competitive integrated employment.
- Co-sponsor/support the Respond, Innovate, Succeed, and Empower (RISE) Act of 2017 (S. 1295/H.R. 2782)
- Co-sponsor/support the Higher Education Mental Health Act of 2018 (S. 3106)
- Co-sponsor/support the Safe Equitable Campus Resources and Education (SECURE) Act (S. 2530/H.R. 5241)
- Support legislation to limit the use of restraint and seclusion in schools and support funding for positive behavioral supports, school-linked mental health services, trauma-informed care and other programs shown to decrease the need for restrictive procedures including restraint and seclusion.
- Reject voucher, choice, or educational savings account programs that do not specifically protect student’s rights under existing federal laws.

Autism Society, July 12, 2018