BACKGROUND

Congress is considering several bills being that would improve education and employment opportunities for people with autism.

CONGRESSIONAL ACTION

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 around 14%. The Full Funding for IDEA Act (S.866/H.R.1878) would ensure that spending is increased over the next ten years to reach the full 40% of the federal share for special education.

Higher Education: 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 the RISE Act (S.1585/H.R. 3086) which amends the Higher Education Opportunity Act (HEOA) to ensure that students with disabilities can easily transition to college. This bill provides students and parents with information on disability services in on place, requires college to accept an IEP or 504 plan, and supports a technical assistance center for college faculties.

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. The Keeping All Students Safe Act was introduced in the 115th Congress by Don Beyer as House Bill 7124. It is likely going to be introduced before August recess by Reps. Bobby Scott (D-VA) and Don Beyer (D-VA) and would make it illegal for any school receiving federal funds to seclude a child. The bill would also prohibit schools from physically restraining children, except when necessary to protect students and staff. Lastly, the bill would better equip school personnel with the training they need to address challenging behavior with evidence-based proactive strategies.

Competitive Employment: The bipartisan Transformation to Competitive Employment Act (H.R. 873/ S. 260) was introduced by Rep. Scott (D-VA) and Senator Casey (D-PA). This comprehensive bill tackles employment disparities for people with disabilities in several ways:

- Authorizes up to $300 million in capacity building grants over 6 years to help states transform their systems to provide opportunities for better jobs at fair wages
- Provides grants to help transition subminimum wage certificate holders to support individuals in competitive and integrated work environments
- Offers options for those who choose not to work, work part-time, or for whom their disabilities make it too difficult to maintain work in a competitive integrated setting, by

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including individualized wraparound services that provide them with opportunities for meaningful training and social activities in the community

- Phases-out the use of subminimum wage certificates over a six-year period
- Authorizes a national technical assistance center

**CAPABILITY Act:** Reps. Moulton (D-MA) and Cathy McMorris Rodgers (R-WA) recently introduced the bipartisan “Customized Approaches to Providing and Building Independent Lives of Inclusion for Transition-aged Youth Act of 2019” or the CAPABILITY Act (HR 3070). This bill creates six competitive grants spanning four years to offer capacity to provide competitive integrated employment with a priority for the use of customized employment practices.

**Disability Employment Incentives:** The Disability Employment Incentive Act (S.255) increases three tax credits for employers: the Work Opportunity Tax Credit; the Disability Access Expenditures Tax Credit; and the Architectural and Transportation Barrier Tax Credit. Together, these bills will provide important incentives to businesses to hire people with disabilities.

**RECOMMENDATIONS**

- 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.
- Expand the postsecondary programs for students with intellectual disabilities 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 and pass the Transformation to Competitive Employment Act (H.R. 873/S. 260) to help states transform their employment services systems and increase opportunities for better jobs at fair wages.
- Support the Disability Employment Incentive Act (S. 255) to encourage employers to hire people with disabilities.
- 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.

**COMMITTEES OF JURISDICTION**

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