



Education & Employment

FACT SHEET

2012 DISABILITY POLICY SEMINAR

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Background

The U.S. Congress may complete work on key education legislation in 2012: the Elementary and Secondary Education Act and legislation to limit the use of restraint and seclusion in schools. Both pieces of legislation impact the education of students with disabilities. Congress also has significant work to do in improving employment outcomes for individuals with disabilities through reauthorization of the Workforce Investment Act and Rehabilitation Act of 1973.

Education: The Elementary and Secondary Education Act (ESEA), called “No Child Left Behind” in its last reauthorization, requires that all students in elementary and secondary schools be assessed to determine educational progress by individual schools and school systems. The disability community continues to support ESEA because the law requires the inclusion of all students with disabilities in the student achievement system. ESEA’s authority expired in September 2007, and Congress has been working on its reauthorization this year. Reauthorization bills have been introduced in both the House and Senate and passed by the committees of jurisdiction. However, none of the bills have reached the House or Senate floors due to disagreements on the proper role of the federal government in education matters, as well as specific issues in the bills.

Legislation has been introduced in both chambers to limit the use of restraint and seclusion in schools. Research and recent reports show that restraint and seclusion in education are often unregulated and used disproportionately on children with disabilities, frequently resulting in injury, trauma, and even death. The Keeping All Students Safe Act (S. 2020, H.R. 1381) 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, as well as Head Start programs. Among other protections, the bills would allow the use of restraint or seclusion only in emergency circumstances, require parental notification and training of school personnel, and promote school-wide strategies to improve school climate.

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 2012, the percentage of people with disabilities in the labor force was approximately 20%, compared with about 70% 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 been introduced or discussed. A number of good provisions were included in these bills, namely strengthening transition services for special education students, expanding supported employment services, and improving physical and programmatic access to the WIA One-Stop system. During the current Congress, multiple bills to reauthorize WIA have been introduced in the House, but have not advanced. In the Senate, bipartisan draft legislation to reauthorize WIA was discussed last summer, but a bill was never introduced.

Key Issues

Education: Any ESEA reauthorization must maintain accountability for all schools and all subgroups of students, including students with disabilities. No Child Left Behind’s focus on subgroup

accountability has led to considerable gains in participation rates and academic achievement for students with disabilities through higher expectations and increased access to the general curriculum. The reauthorization must not lift the current caps on alternate assessments for students with disabilities, which were intended for only a small number of students. Increased use of these assessments would impede achievement and take students off track for a regular diploma. Finally, a reauthorized ESEA must ensure that all students have access to qualified and effective teachers and that underprepared teachers are not disproportionately allocated to disadvantaged students.

Congress must address the egregious practices occurring across the country and pass the Keeping All Students Safe Act to limit the use of restraint and seclusion in schools.

Employment: The state vocational rehabilitation (VR) program is significantly under-funded to meet the employment needs of hundreds of thousands of individuals with significant disabilities who need these services to obtain and retain employment. Many individuals with disabilities could also greatly benefit from the employment and training services delivered through the WIA One-Stop system. However, physical and programmatic access to WIA services is inconsistent for individuals with disabilities, despite Federal requirements that such services be accessible. Low expectations for individuals with disabilities are a chronic problem, and they have not been fully included in federal efforts to create jobs and stimulate the economy. Finally, youth transitioning from school to adult life often are not provided with adequate planning and opportunities to explore employment options in the community.

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 legislation limiting the use of restraint and seclusion in schools.
- Congress should make reauthorization of WIA and the Rehabilitation Act a high priority.
- Congress should support employment first policies, strategies, and practices to assist persons with developmental and other significant disabilities in entering competitive, integrated employment with appropriate supports and services.
- Congress should improve services for individuals transitioning from school to adult life.

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 Disability 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