

THE 2008 DISABILITY POLICY SEMINAR

THE ARC, AAIDD, AUCD,
UCP AND NACDD

FACT SHEET

EDUCATION

Background

The U.S. Congress may complete work on two key education laws in 2008. These laws are the No Child Left Behind Act (NCLB) and the Higher Education Act. Each of these laws impacts the education of students with disabilities.

The No Child Left Behind Act requires all students up to high school to be assessed to determine educational progress by individual schools and school systems. The disability community has been and continues to be among NCLB's strong supporters since this law finally requires students with disabilities to be part of the student achievement system. The NCLB Act authority expired in September 2007. The Congress is expected to begin work on the NCLB Act this year. There has been much controversy about how to measure educational progress for students with disabilities, who are frequently blamed by educators for poor results by schools. The Bush Administration has responded to these criticisms by adopting two regulations aimed exclusively at certain students with disabilities. One rule targets up to 1% of all students (10% of special education students) with significant cognitive impairments to be assessed under NCLB using alternate assessments. The other rule, not yet fully implemented, allows for NCLB assessments based on modified achievement standards aligned to the general curriculum for those students with disabilities (up to 20%) who can make progress toward, but may not reach, grade-level achievement standards in the same time frame as other students. The Administration has also allowed the states to employ so-called "growth models" to assess student performance (growth model seek to measure a student's progress within a certain timeframe).

The Higher Education Act contains several provisions. Over 300,000 students with disabilities exit special education each year, either through graduation, with or without a diploma, aging out or dropping out. The Higher Education Act funds student loans for post secondary education and funds programs to prepare school administrators and teachers, including special education teachers. Congress needs to do more to provide access to post secondary educational opportunities for students with disabilities who want to continue their education beyond high school. This is particularly true for those students with significant cognitive impairments who are not likely candidates for admission to typical colleges and universities but could profit from community college courses.

There is also a well-documented severe shortage of qualified special education teachers and related services personnel. Although most personnel preparation funding is available through the Individual with Disabilities Education Act, the Higher Education Act could and should have a large role in helping solve this dilemma.

Action Taken by Congress and the Administration

It is unclear whether the Congress will pass a NCLB reauthorization bill this year. There are many policy and political hurdles to overcome. The House and Senate leadership have yet to introduce bills to reauthorize NCLB. Last summer, House Education and Labor Committee Chairman George Miller (D-CA) released a draft bill for response by the education community. That draft was fiercely attacked by many organizations. No further public action occurred in that committee.

Staff of the Senate Health, Education, Labor and Pensions Committee has been working on a NCLB bill for some time. There is no known schedule for its introduction or if it will be a bipartisan bill.

President Bush, who touts the NCLB as one of his greatest legacies, is pressing the Congress to reauthorize the law. He has, however, forewarned the Congress that he would veto a NCLB bill that weakened the key accountability provisions in NCLB.

The Senate passed its version of the Higher Education Act (S. 1642) last summer. The House passed its version (H.R. 4127) on February 7. House and Senate conferees must now meet to resolve the difference between the two bills. Both bills contain important provisions related to students with disabilities. These include:

- Model programs to create and expand programs to serve students with intellectual disabilities;
- Technical Assistance, training and support to facilitate higher education access;
- Expanded student loan benefits for veterans with disabilities; and
- Programs to train teachers and other personnel to teach students with disabilities.

Recommendations

- Assure that any changes to NCLB do not negatively impact students with disabilities;
- Require closer coordination of NCLB and IDEA policies;
- Expand the Higher Education Act to allow greater access to community colleges by students with significant cognitive impairments;
- Authorize additional pilot and demonstration programs to create and modify community college courses and curriculum to meet the educational needs of students with developmental disabilities; and
- Expand programs to increase the cadre of administrators, highly qualified teachers and related services personnel needed to address the critical shortage of special education staff in our nation's public schools.

Relevant Committees

House Education and Labor Committee

Senate Health, Education, Labor and Pension (HELP) Committee

For more information, please contact The Arc and United Cerebral Palsy Disability Policy Collaboration (202-783-2229), Association of University Centers on Disabilities (301-588-8252), American Association on Intellectual and Developmental Disabilities (202-387-1968), or National Association of Councils on Developmental Disabilities (703-739-4400).

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