



Secretary of Education Plays a Vital Role in the Lives of People with Disabilities

The impact of the Secretary of Education on people with disabilities cannot be understated. From issues involving education to employment, the decisions of the Secretary have a powerful influence on people with disabilities from birth through adulthood. Because the Secretary has such an impact, the National Disability Rights Network (NDRN) wishes to publicly share our vision for actions that the incoming Secretary of Education and the Department of Education can take over the coming years to better the lives of all people with disabilities.

NDRN is the non-profit membership association of Protection and Advocacy (P&A) agencies and the Client Assistance Programs (CAP) that are located in all 50 States, the District of Columbia, Puerto Rico, and the United States Territories. In addition, there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A Network comprises the nation's largest provider of legally-based advocacy services for persons with disabilities. A central part of the work of the P&As and CAPs has been to advocate for opportunities for students with disabilities to receive a quality education with their peers and for individuals with disabilities to receive quality and effective vocational rehabilitation services to prepare them for competitive, integrated employment.

The role of the Secretary of Education is critical in achieving these goals. The Secretary is charged with leading the U.S. Department of Education whose mission is "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access." Within the Department of Education is the Office of Special Education and Rehabilitative Services (OSERS) and the Office for Civil Rights (OCR) both of which play a particularly critical role in ensuring students with disabilities receive services and have equal access to education.

With over 50 million students estimated to be currently enrolled in public elementary and secondary schools according to the National Center for Education Statistics, the vast majority of students receive education in the public school setting. In 2018–19, the number of students ages 3–21 who received special education services under the Individuals with Disabilities Education Act (IDEA) was 7.1 million, or 14 percent of all public school students. These students were receiving an education in the 98,469 public elementary and secondary schools found in 13,551 school districts. Also, in Federal Fiscal Year 2016, according to the Annual Disability Statistics Compendium, state vocational rehabilitation agencies served 328,181 participants.

The following are principles that NDRN believes should guide any Secretary of Education and the Department of Education in providing education and employment services to people with disabilities:

- Education is a civil right in the United States and we must ensure the nation's students have equitable access to quality public educational opportunities.
- All students receiving education services, including students with disabilities, are general education students first – as such, all students must be held to high standards, be safe from harm and free from any form of restraint, seclusion, or corporal punishment, be counted in state accountability systems, and be entitled to the protections under all federal and state laws and policies. Ensure access to full general education curriculum for all students with appropriate supports for students with disabilities.
- Students receiving services under the Individuals with Disabilities Education Act (IDEA) are entitled to an individualized education program designed to meet their unique needs so they receive a *free, appropriate public education* in the *least restrictive environment* with *due process*. These rights are the cornerstone of the IDEA and must be maintained and protected.
- All students deserve a high quality education equal to that of their peers, regardless of where they live and are served. This includes children housed in all institutional settings, homeless and migrant children, and those who are medically fragile, among others.
- The Department must ensure the Office of Special Education and Rehabilitative Services (OSERS) and the Office for Civil Rights (OCR) are robust as both are essential to serving students with disabilities and ensuring the rights of all students, including students with disabilities, receiving education services are protected.
- Under the Workforce Investment and Opportunity Act, through amendments to the Rehabilitation Act, Vocational Rehabilitation (VR) program services are required to maximize the ability of individuals with disabilities, including individuals with the most significant disabilities, to achieve competitive, integrated employment through approaches such as customized employment, supported employment, and other individualized services.
- Students continue to face many barriers based on their race, ethnicity, national origin, sex (including sexual orientation, gender identity, parental status, and pregnancy and related medical conditions), first language, family income, immigration status, and disability. One important purpose of public school is to ensure that all children get an equal start. To that end, the Department should lead by ensuring that its policies and grant making result in eliminating historical

practices that have a disproportionate impact on children with disabilities, especially those who are also members of other protected classes.

- Ensure all students are provided the services and supports they need to make up the education losses due to COVID-19, with additional supports for students with disabilities, such as compensatory education services.

The above principles are critical to ensuring people with disabilities receive quality education and employment services. NDRN expects that a new Secretary of Education will work to ensure that these principles and beliefs are upheld and followed throughout the work of the U.S. Department of Education. NDRN looks forward to working with the incoming Secretary to ensure that this expectation becomes a reality for the betterment of people with disabilities and, in turn, all of society.