



## **Protect the Rights of Students with Disabilities The Need for an Education P&A Program**

### The Needs of Students with Disabilities

Students with disabilities and their families face numerous obstacles at school, including, low expectations, inconsistent service delivery and disproportionate discipline practices which too often result in poor education outcomes for youth with disabilities thus perpetuating the cycle of poverty. For example, according to the 2017–18 Civil Rights Data Collection, even though students with disabilities served by the Individuals with Disabilities Education Act (IDEA) represented 13% of all public school students, 80% of students who were subjected to physical restraint were students with disabilities and 77% of students subjected to seclusion were students with disabilities. In the 2018-2019 school year, of the millions of students receiving services under IDEA, only 73 percent graduated with a high school diploma which is below the graduation rate for students without disabilities.

These statistics are alarming and discouraging. Parents and guardians of children with disabilities have few resources to help them understand and navigate the complex education system, leaving many uninformed about their children’s rights.

### What Is The Protection and Advocacy System?

The Protection and Advocacy (P&A) system is a nationwide network of congressionally mandated, cross-disability rights agencies operating in every state and territory. The P&A Network has the authority to provide legally based advocacy services and legal representation to all people with disabilities. P&As pursue legal, administrative, and other appropriate remedies under all applicable federal and state laws to protect and advocate for the rights of individuals with disabilities. Collectively, these programs make the P&A Network the largest provider of legally based advocacy services to people with disabilities in the United States.

### The Work of the P&As in Education

Youth and students with disabilities receive educational services in a variety of settings and are protected under a number of state and federal statutes. Because of the unique authority granted to the P&As, they have access to schools, institutions, juvenile detention centers and other locales where students are served. In other words, P&As are “on the ground” and able to ensure that students’ rights are protected in all settings.

P&A advocates and attorneys work with families and schools to ensure students with

disabilities receive the supports and services they are entitled to receive. The demand for assistance is high; in 2020, the P&As collectively worked on thousands of individual cases and systemic work that impacted tens of thousands of children and families.

### Protection and Advocacy in Education Act (H.R. 8187)

Introduced by Representative Mark DeSaulnier (D-CA) in the 116<sup>th</sup> Congress, the Protection and Advocacy in Education Act would provide dedicated grant funding for the P&A Network to protect and advocate for the rights of students with disabilities. This bill would address the growing need from students with disabilities and their parents for advocacy to protect the student's educational rights and ensure that they receive the services and supports the student needs to graduate from high school and transition to competitive, integrated employment or higher education. These goals require a dedicated source of funding and support for the P&A Network. This dedicated source of funding would allow each P&A system to have an absolute priority and dedicated staff focused solely on addressing the needs of students with disabilities and their families to achieve the highest level of educational outcome.

This is a cost-effective and efficient way to achieve positive outcomes for students with disabilities and their families. Because the P&A system already exists, new funding would be directed towards the hiring of advocates and staff to provide this needed advocacy rather than the establishment of a new administrative structure, computers or rent. Additionally, the work of the P&As, through early and effective advocacy will undoubtedly reduce the need for special education litigation.

Should you have any questions, please do not hesitate to contact Cyrus Huncharek, Senior Public Policy Analyst at [Cyrus.Huncharek@ndrn.org](mailto:Cyrus.Huncharek@ndrn.org) or at 202-408-9514, ext. 102.