Recommendations for the 117th Congress

The Council of Parent Attorneys and Advocates (COPAA) makes the following recommendations in support of the 8 million school children with disabilities—

**Fiscal Year 2022 Appropriations: House and Senate**

Congress should provide increased education funding to ensure resources are available so states can meet their obligations under the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act and other federal education laws. COPAA makes the following specific recommendations:

- **Congress should fund Part B Sec. 611 of the Individuals with Disabilities Education Act at $15.5 B.**
  Currently states receive just 13% of the promised 40% of their special education costs, promised with the passage of the IDEA in 1975. Congress increased funding to $15.5 B as part of the American Rescue Plan. This figure represents approximately 15% of special education costs.

- **Congress should also provide funding for these critical education, research, and civil rights priorities.**
  
  **IDEA: Part B Sec. 619 (preschool):** $598 M
  **IDEA: Part C (infants/toddlers):** $732 M
  **IDEA Part D – National Activities**
  * State Personnel Development Grants: $42 M
  * Technical Assistance/Development: $47 M
  * IDEA Personnel Preparation: $300 M
  * Parent Training Information Centers: $33 M
  * Education Technology and Media: $33 M
  * Special Olympics: $22 M
  **Assistive Technology Act Programs:** $50 M
  **Office for Civil Rights:** $144 M
  **Elementary and Secondary Education Act**
  * Title I (low-income schools/children): $36.5 B
  * Title II (teacher/leader professional learning): $3 B
  **Higher Education: Transition Program for Students w/Intellectual Disabilities:** $14 M
  **Institute for Education Sciences/NCSER:** $70 M

- **Congress should pass the Keep our PACT Act (HR 764/S.72) to fully fund IDEA and Title I.** [Contact Rep. Lee (D-NV)/Sen. VanHollen (D-MD) to cosponsor]

**School Climate and School Safety**

COPAA believes schools must be safe havens to facilitate learning for all students. Bullying, discrimination, harassment, racial injustice, aggression, restraint, seclusion, violence, and abuse all defeat education. COPAA calls for an end to harsh discipline; criminalization of students; and the use of law enforcement in schools. Schools must be transformed to promote learning; allow students to form positive and trusting relationships with trained and knowledgeable adults that are supportive of their complex needs; and encourage the use of evidence-based strategies to promote positive behavior. ([excerpt, COPAA Call to Action, 2020](#))

- **Congress should pass the Counseling Not Criminalization Act** to stop funding programs at the U.S. Department of Justice that support law enforcement in schools and target resources to expand school teams of experts trained to support the social, emotional, and behavioral needs of students. This bill is not yet introduced. [Contact Rep. Pressley (D-MA)/Sen. Murphy (D-CT) to cosponsor](#)

- **Congress should pass the Keeping All Students Safe Act** to prohibit seclusion and prevent/reduce use of physical restraint. This bill is not yet introduced. [Contact Rep. Beyer (D-VA)/Sen. Murphy (D-CT) to cosponsor](#)
The Problem: COPAA is extremely concerned about the widespread use of restraints, seclusion and aversive interventions imposed upon students with disabilities in schools. Data clearly show the disproportionate use and impact on students with disabilities and students of color. Restraints, seclusion, and aversive techniques are neither educational nor effective. The attendant damage and dangers are well-documented.

What is Restraint? Restraints include physical force, mechanical devices or drugs that temporarily restrict freedom of movement or control behavior.

What is Seclusion? Seclusion includes the use of locked rooms or other spaces from which students are unable to leave voluntarily. COPAA believes a student should never be locked alone in a room from which they cannot exit.

What are Aversives? Aversive procedures use painful stimuli in response to behaviors that are deemed unacceptable. All aversive techniques apply physically or emotionally painful stimuli.

Why We Need a Federal Law: Children should receive effective positive behavior supports developed within a comprehensive, professionally developed plan of behavioral accommodations, supports, and interventions. All too often school personnel who have not been well trained in research-based methods for promoting positive behavior change and crisis de-escalation resort to abusive methods; sometimes over and over again. These methods place the student at risk of serious physical and psychological harm; violate their dignity and right to be free from such treatment; and, are ineffective at teaching the student appropriate behavioral control.

States Are Not Doing Enough: Although some states have regulations, the existing laws are not uniform and are often not well enforced. Most states provide little or no protection for our children at school.

If passed the Keeping All Students Safe Act will:

- prohibit seclusion and mechanical, chemical and physical restraint
- prohibit physical restraint as a planned intervention
- provide training to all school staff in evidence-based practices
- require parental notification and follow-up meetings if unlawful restraint occurs
- allow a private right of action for families
- require state planning to prevent and reduce use and to increase transparency to prevent future student abuse and death.

No child with a disability should be subjected to abusive treatment under the guise of providing educational services.

For more information visit www.stophurtingkids.com