The Council of Parent Attorneys and Advocates, Inc.
Protecting the Legal and Civil Rights of Students with Disabilities and Their Families

Recommendations for the 118th Congress

The Council of Parent Attorneys and Advocates (COPAA) makes the following recommendations in support of the nearly 8 million children ages 0-21 with disabilities—

Fiscal Year (FY) 2024 Appropriations: House and Senate

Congress should increase 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 must fund Part B Sec. 611 of the Individuals with Disabilities Education Act at $16.3 B.**
  States only receive 12% instead of the 40% of promised special education costs when IDEA passed in 1975. States offset over $22B annually. Congress should put IDEA on a glidepath to full funding.

- **Congress must provide funding for these critical education, research, and civil rights priorities.**
  
  **IDEA:** Part B Sec. 619 (preschool): $503 M
  **IDEA:** Part C (infants/toddlers): $932 M
  **IDEA Part D – National Activities**
  - State Personnel Development Grants: $53.6 M
  - Technical Assistance/Development: $55.3 M
  - IDEA Personnel Preparation: $300 M
  - Parent Training Information Centers: $49.2 M
  - Education Technology and Media: $41.4 M
  
  **Natl. Center for Special Ed Research:** $70 M
  **Assistive Technology Act Programs:** $44 M
  **Office for Civil Rights:** $161.3 M
  **Elementary and Secondary Education Act**
  - Title I (low-income schools/children): $36.5 B
  - Title II (professional learning): $3 B
  **Higher Ed: Transition Program, Students w/Intellectual Disabilities:** $15.2 M

- **Congress must pass the Keep our PACT Act (HR 2715/S. 1202) to fully fund IDEA and Title I.**
  Now, states receive only 12% of the promised 40% of special education costs for IDEA. The current IDEA Part B level — $14.2B requires states to make up over $22 billion annually. Contact Rep. Lee (D-NV)/Sen. VanHollen (D-MD).

- **Congress must pass the bipartisan Respond, Innovate, Succeed, and Empower (RISE) Act (S. 1071/HR 2401) to help students with disabilities transition to and succeed in college by requiring colleges to accept a student’s IEP, 504 plan, or prior evaluation as proof of a disability when seeking accommodations and making disability services information more accessible for students. Contact Sens. Casey(D-PA), Cassidy (R-LA)/Reps. Buschon (R-LA), Bonamici (D-OR).**

School Climate and School Safety

COPAA believes schools must be safe havens to facilitate learning for all students. Bullying, discrimination, harassment, racial injustice, restraint, seclusion, violence, and abuse all defeat education. COPAA calls for an end to exclusionary discipline; the criminalization of students; the use of threat assessment systems that bypass student civil rights; and policing in schools. Schools must be places that promote learning by allowing students to form positive and trusting relationships with knowledgeable adults supportive of their needs; and be encouraged to use evidence-based strategies to promote positive behavior. We ask Congress to pass:

- **Keeping All Students Safe Act (H 3470/S.1750)** to prohibit seclusion and prevent/reduce use of physical restraint. Contact Rep. Beyer (D-VA)/Sen. Murphy (D-CT).

- **Protecting Our Students in Schools Act (HR 3596/S.1762)** to prohibit schools that receive federal funding from using corporal punishment. Contact Rep. Bonamici (D-OR)/Sen. Murphy (D-CT).

- **Ending PUSHOUT Act (HR 2690)** to address discriminatory practices, promote safe, nurturing schools for all, especially Black and Brown girls. No Senate bill at this time. Contact Rep. Pressley (D-MA).
- **Counseling Not Criminalization Act (intro. pending)** to stop funding [DOJ] programs that support law enforcement in schools and target resources to expand trained school teams who support the behavioral needs of students. Contact Rep. Pressley (D-MA)/Sen. Murphy (D-CT).

- **Safe Schools Improvement Act (intro. pending)** to prohibit bullying and harassment in schools on the basis of race, color, national origin, sex, disability, sexual orientation, gender identity, religion. Contact Reps. Sánchez (D-CA), Katko (R-NY)/Sen. Casey (D-PA).

**COPAA is the Lead Voice in Ending the Use of Seclusion and Reducing the Use of Restraint:** COPAA is extremely concerned about the widespread use of physical and chemical restraints, seclusion/isolation and other aversive interventions particularly against students with disabilities and students of color often without informing a parent. According to the [2018 Civil Rights Data Collection](https://www.cronicle.org/analysis/article/85544),

- 78 percent of students restrained or secluded were students with disabilities.
- Black students comprise 15 percent of the student population, yet they represent 22 percent of students subjected to seclusion, and 34 percent of students subjected to mechanical restraint.

In 2020, COPAA released [The Crisis of Trauma and Abuse in Our Nation’s Schools](https://www.cronicle.org/analysis/article/85544), a comprehensive analysis that lays bare the emotional and physical havoc that seclusion and restraint wreak on thousands of children and their families. These abuses not only place the student at risk of serious physical and psychological harm, but also violate the child’s dignity and right to be free from abusive treatment. Restraints, seclusion, and aversive techniques are neither educational nor effective. The 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 the student is unable to leave voluntarily. COPAA believes a student should never be locked alone in a room.

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

**Why We Need a Federal Law:** Children should never be locked alone in a room at school. They should receive effective positive behavior support developed within a comprehensive, professionally developed, individualized 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. 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. There is no evidence based supporting their use.

**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 (KASSA) 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 prompt parental notification and follow-up meetings if unlawful restraint occurs.
- Allow a private right of action for families for violation of these practices.
- Require state planning to prevent and reduce use and to increase transparency to prevent future student abuse and deaths.

For more information visit [www.stophurtingkids.com](http://www.stophurtingkids.com)