



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

December 11, 2017

House Education and Workforce Committee
2176 Rayburn House Office Building
Washington, DC 20515

Dear Chair Foxx, Ranking Member Scott and Members of the Committee:

The Council of Parent Attorneys and Advocates (COPAA) is writing today on behalf of the 6.5 million children with disabilities under the Individuals with Disabilities Education Act (IDEA) and over 700,000 children with 504 plans under Section 504 of the Rehabilitation Act of 1973 (Section 504) on whose behalf we advocate. Our letter is in direct response to the introduction of H.R. 4508 to reauthorize the Higher Education Act (HEA). At this time, COPAA cannot support the bill because it both eliminates vital programs essential to the success of students with disabilities and lacks key provisions which COPAA views as essential to a reauthorized HEA.

COPAA has long advocated that more must be done to assure that colleges and universities assure non-discrimination of all persons with disabilities in accordance with the Americans with Disabilities Act (ADA) and Section 504. We also believe more K-12 teachers must be trained in effective, evidence-based teaching methods so that more students with disabilities can access the general education curriculum and graduate high school ready to attend college. The IDEA requires that students with disabilities learn alongside peers without disabilities and receive meaningful educational benefit. Teachers must be proficient in supporting diverse learners to achieve that worthy goal.

Unfortunately, too few students with disabilities attend college. With just 11 percent of college undergraduates matriculating, it remains critical that more students are prepared to do so. Once there, students must have immediate access to needed accommodations as well as college faculty, staff and administrators who are able to provide the instruction and instructional materials that foster success from the moment students step onto a campus through successful graduation.

We are encouraged that H.R. 4508 includes improved data collection on students with disabilities and their postsecondary completion rates that will be publicly shared on the federal College Dashboard. The bill also maintains the Transition and Post-Secondary Programs for Students with Intellectual Disabilities (TPSID); however, this program narrowly focuses on a small number of students with disabilities. Congress must do more via HEA to support the transition of the vast majority of students with disabilities to improve their ability to attend college.

Therefore, our major concerns with H.R. 4508 are that it:

- Eliminates all grants that support teacher preparation programs through Title II to help general and special education teacher candidates gain the pre-service training they need to teach in diverse classrooms.
- Eliminates incentives for teacher preparation programs to train candidates in the use of universal design for learning (UDL) which severely weakens teacher training and ultimately, negatively impacts student learning.
- Includes the AIM HIGH Act (H.R 1772) which on one hand creates a national commission to develop and issue voluntary accessibility guidelines for postsecondary electronic instructional materials, while on the other hand, includes a ‘safe harbor’ provision which gives colleges and universities a free pass on compliance with the ADA and Rehabilitation Act when complying with the guidelines, and exempts institutions of higher education (IHEs) from any monetary damages if they provide accessible material not in compliance with the guidelines. COPAA does not support safe harbor provisions exempting entities from the requirements of federal law.
- Lacks the important additions supported by COPAA in:
 - H.R. 3199, the “Improving Access to Higher Education Act” which would:
 - Assure faculty are trained to deliver accessible instruction, including: accommodations, effective transition practices, distance learning and career pathway guidance;
 - Expand UDL so that entire institutions and/or distance learning programs are fully accessible to diverse learners; and,
 - Improve data collection and closed captioning training in IHE data collection efforts and reauthorizing the Real-time Writers grant that provides training for closed captioning services.
 - H.R. 2782 the “Respond, Innovate, Succeed, and Empower (RISE) Act” which would:
 - Authorize increased funding for a technical assistance center that provides public information on disability services available and how to access them;
 - Offer college faculty training and resources on best practices to support students with disabilities;
 - Require IHEs to accept an Individualized Education Program (IEP), 504 plan, or prior evaluation as documentation of a student’s disability when seeking accommodations. This prevents students from having to undergo new, costly and burdensome evaluation that many IHEs require; and,
 - Require IHEs to submit data to the Integrated Postsecondary Education Data System or other federal data collection to provide better data to students and their families about available student support services.

To accomplish key goals in support of more students with disabilities accessing and completing higher education, COPAA believes the HEA must both prevent discrimination and assure students have the timely access to instructional materials, technologies, accommodations and support services they need to successfully attend and complete postsecondary education.

COPAA urges the committee to reconsider H.R. 4508 and create a bill that builds a competent workforce of teachers prepared to instruct diverse learners and is truly inclusive and supportive of students with disabilities to ensure that the path to postsecondary education and the access to high quality education at institutions is improved. I would be happy to discuss these recommendations in more detail, as well as other recommendations related to students with disabilities, at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Denise Marshall". The signature is written in a cursive style with a large, stylized "D" and "M".

Denise Marshall
Executive Director

COPAA is an independent, nonprofit organization of parents, attorneys, advocates, and related professionals. COPAA members nationwide work to protect the civil rights and secure excellence in education on behalf of the 6.5 million children with disabilities in America. COPAA's mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education and lifelong learning, as well as full participation in his or her community.

www.copaa.org