Federal Policy Agenda for the 117th Congress:

Supporting Individuals With Learning and Attention Issues
The onset of the COVID-19 pandemic hit students, families, schools, and communities hard, and it has had an outsize effect on the most systemically marginalized communities — individuals with disabilities; individuals from culturally, racially, and ethnically diverse backgrounds; and communities impacted by poverty. While the challenges facing those communities are numerous, they are not new. The pandemic has exacerbated and shed light on longstanding access and opportunity gaps that have plagued these communities. While Congress has taken small steps to help the students, families, and schools who will bear the brunt of negative outcomes resulting from the pandemic, the work is far from over.

The impact of this public health crisis on our public education system will be long-lasting and demands action now. Leaders in the 117th Congress and the Biden Administration are called to end the disparities within the public education system and ensure that all students — no matter their race, ethnicity, disability status, first language, immigration status, or other identity — have access to a high-quality, equitable education with qualified, effective, and diverse educators, a safe and welcoming learning environment, and opportunities to receive a diploma and succeed after high school. It is time to take bold action; invest in education that is individualized, culturally responsive, and rigorous; and put students with disabilities, students impacted by poverty, and students who are Black, Indigenous, or a person of color (BIPOC) first.
NCLD calls on the 117th Congress and the Biden Administration to:

1. Increase resource equity, access to high-quality learning opportunities, and graduation rates for students with disabilities, students impacted by poverty, students who are BIPOC, and other systemically marginalized students.

2. Invest in research and implementation of early, effective screening and intervention for learning difficulties.

3. Prioritize the development of literacy skills from birth to grade 12 for students at risk of not achieving literacy success.

4. Invest in creating safe, supportive, inclusive learning environments in order to eliminate racial disparities in discipline.

5. Eliminate racial disparities in the identification and placement of students who are BIPOC in special education and improve the special education evaluation process.

6. Strengthen and diversify the educator preparation pipeline.

7. Support the development of culturally applicable and beneficial self-advocacy skills, improve the transition planning process for students with disabilities, and increase access to postsecondary education and workforce success for students with disabilities.
Increase resource equity, access to high-quality learning opportunities, and graduation rates for students with disabilities, students impacted by poverty, students who are BIPOC, and other systemically marginalized students.

Problem:
Federal law requires public schools to serve every student who passes through their doors. Yet the federal government has failed to equip schools with the resources needed to do so.

The Trump Administration has made significant efforts to privatize public education (through private school voucher programs) at a time when public schools are in dire need of greater financial support. For decades, the Individuals with Disabilities Education Act (IDEA) has been underfunded by the federal government, and states and local districts have had to serve more students with less money. Since its passage in 1975, Congress has never met IDEA’s promise to fund 40% of the excess cost of special education.

Similarly, Title I of the Every Student Succeeds Act (ESSA), which provides funding to schools serving students impacted by poverty, has an unmet funding need or shortfall of nearly $30 billion, based on the generally accepted Title I “full funding” level of nearly $45 billion. In addition, despite now having nearly 500,000 more English learners (ELs) in school than in 2010, funding for Title III of ESSA — the only funding stream for ELs — has actually decreased over the last 10 years (when adjusted for inflation).

At the same time, students who are BIPOC, students with disabilities, and students impacted by poverty perform at lower levels than their peers academically. On average, many of these students do not have the same access to grade-appropriate assignments, strong instruction, deep engagement, and teachers who hold high expectations. As a result, the graduation rate for students with disabilities and students who are BIPOC is well below the national average.

Now, as the COVID-19 pandemic has shifted most schools to remote learning, it has become clear that 15 million to 16 million K–12 public school students (30%) lack access to an internet connection or to a device adequate for distance learning at home. Black and Hispanic families, families impacted by poverty, and rural families are disproportionately likely to lack home broadband connections. Without swift and substantial action now, the most marginalized students will be impacted as the opportunity gap grows.
In response, NCLD urges:

- **Congress** to **significantly increase federal funding for K–12 education programs that include Title I, Title III, and IDEA**. These programs should target funding to the highest-need states and school districts and require funds to be distributed in ways that address racial and socioeconomic disparities.

- **Congress** to **prohibit federal funds from supporting any private school voucher programs** (including those operating as “scholarship” programs or tax credit programs).

- **Congress** to **increase funding for the E-Rate program**, including adding additional funds for the program supporting K–12 schools and libraries.

- **Congress** to **pass the Advanced Coursework Equity Act** (H.R.7925 and S.4480 in the 116th Congress), establishing a competitive grant program for states and school districts to bridge gaps in access to advanced coursework for underrepresented students.

- **The U.S. Department of Education** to **prioritize and fund research and technical assistance** on best practices in: (1) effective virtual learning for students with disabilities and English learners; (2) accessibility in virtual learning and educational materials for students with disabilities and English learners; and (3) social-emotional learning and trauma-informed practices to support systemically marginalized students.

- **The U.S. Department of Education** to **administer, annually and universally, the Civil Rights Data Collection (CRDC); to disaggregate the data** based on 504 plan status, IDEA disability category, and the racial/ethnic categories used in American Community Survey categories; and to reinstate the questions ED proposed to remove in 2020.

- **Congress and the U.S. Department of Education** to **maintain the Every Student Succeeds Act’s (ESSA) strong accountability framework throughout the COVID-19 pandemic**, incentivize innovation in assessment, and support districts’ use of data in holding high standards and improving outcomes for every student subgroup.

- **The U.S. Department of Education** to **require all states to**: (1) disaggregate graduation rate data by gender; (2) establish a uniform method for defining disability and types of diplomas across states; and (3) collect and disaggregate data on the types of diplomas students with disabilities receive.
Invest in research and implementation of early, effective screening and intervention for learning difficulties.

Problem:
Across the country, one in five children struggle with learning and attention issues, which are brain-based disorders affecting reading, writing, math, attention, and more. These include disorders such as dyslexia, a reading disability, and dyscalculia, a math disability. As a result of targeted cross-disciplinary investments during the past decade, early signs of risk for learning and attention issues can now be identified in children as young as 3 years of age.

Despite increased awareness of the importance of early universal screening, the vast majority of children who struggle do not receive evidence-based support until third grade or later, and not all children receive the right intervention for their particular needs. The impact of this “wait to fail” and “wait to intervene” mindset is devastating to both children and their families as well as to the communities of professionals who provide instruction, services, and support.

Knowing the early signs of and risk factors for learning disabilities and attention issues can help schools and parents address the learning needs of students with disabilities early on, lessening the risk that children will fall behind or struggle in school. Congress and states must dedicate robust resources to helping schools provide effective and culturally responsive early education opportunities that include universal screening and evidence-based interventions for struggling learners.

In response, NCLD urges:

- **Congress** to authorize and fund universal pre-kindergarten programs for 3- and 4-year-olds (through a mixed-delivery system that includes public school systems, childcare centers and family childcare providers, and Head Start) and that equip educators with the knowledge and skills to: (1) support the development of early literacy and numeracy skills in children; (2) identify difficulties in developing early literacy or early numeracy skills; and (3) provide evidence-based interventions to support struggling learners in early literacy and numeracy.

- **Congress** to increase funding for research on early screening and intervention for learning difficulties through the Institute for Education Sciences (IES) within the U.S. Department of Education; the National Institute of Child Health and Development (NICHD)
LD Research Centers within the National Institutes of Health; and the National Center for Special Education Research (NCSER) within the U.S. Department of Education. This research should focus on: (1) best practices in screening and intervention for reading and math disabilities; (2) identifying and/or developing culturally and linguistically competent, scalable screening tools and interventions; and (3) efficacy of screening tools and interventions in populations including children who are BIPOC, children impacted by poverty, and English learners.

• The U.S. Department of Education, the U.S. Department of Health and Human Services, and the National Institutes of Health to prioritize and award grants to conduct research in the areas of: (1) evidence-based practices in universal screening for math and literacy challenges at scale; (2) effective interventions for students at risk for learning disabilities; and (3) the science of learning as it relates to the needs of children with disabilities, children who are BIPOC, children impacted by poverty, English learners, and/or other underserved populations.
Prioritize the development of literacy skills from birth to grade 12 for students at risk of not achieving literacy success.

Problem:

Literacy has become a national crisis in recent years. We have seen only marginal gains in reading scores on the National Assessment of Educational Progress (NAEP), and socioeconomic disparities in literacy are growing: Black and Hispanic students enter high school with average literacy skills three years behind those of White and Asian students, and students impacted by poverty enter high school with average literacy skills five years behind those of high-income students.

While some students have reading disabilities that warrant specialized instruction (such as students with dyslexia), many more are simply instructional casualties. For decades, experts have known what it takes to effectively teach reading skills, but school instruction has not caught up. Literacy must become a national focus in every grade in order to give students every opportunity to succeed and to develop a strong and career-ready workforce.

In response, NCLD urges:

- **Congress** to increase funding for the Every Student Succeeds Act’s (ESSA) Literacy Education for All, Results for the Nation (LEARN) program, including the **Comprehensive Literacy State Development Grants**, allowing additional states to receive grants to develop and support programs that focus on pre-literacy skills, reading, and writing for students from birth through grade 12, including limited-English-proficient students and students with disabilities.

- **Congress** to increase funding for the **Comprehensive Centers** established under ESSA to continue the work of centers like the National Center on Improving Literacy.

- **Congress** to establish a grant program that incentivizes states to **set requirements for teacher candidate licensure, certification, or teaching standards** that will prepare all educators, regardless of grade or content area, to provide evidence-based literacy instruction to students.

- **The U.S. Department of Education** to **issue guidance to states and school districts on best practices in evidence-based literacy instruction** for students in each grade level.
Invest in creating safe, supportive, inclusive learning environments in order to eliminate racial disparities in discipline.

Problem:
Zero-tolerance policies disproportionately affect students with disabilities and Black, Native Hawaiian and Pacific Islander, American Indian and Alaska Native, Hispanic, and multiracial students. Nearly one out of four Black, Native Hawaiian and Pacific Islander, American Indian and Alaska Native, and multiracial boys with disabilities, and nearly one out of five girls of those racial groups with disabilities receive an out-of-school suspension compared to only 6% of the general population.

Making these trends even more concerning, research has clearly shown that chronic absenteeism and a lack of classroom integration can be detrimental to student achievement, and that high-quality instruction and support are effective alternatives to suspensions and classroom removals. The federal government plays a crucial role in incentivizing and supporting school districts to prioritize developing a positive and inclusive school climate and providing a safe, supportive learning environment for all.

In response, NCLD urges:

• Congress to prohibit federal funds from being used to place school resource officers (SROs) in schools.

• Congress to: (1) prohibit the use of corporal punishment, seclusion, mechanical and chemical restraint, and exclusionary discipline (except in very rare cases); (2) severely limit the use of restraint to ensure child safety; and (3) authorize federal agencies to monitor and enforce accountability measures in cases of misuse.

• Congress and the U.S. Department of Education to provide grants to states and districts to invest in: (1) positive approaches to improving school climate in schools and in all early learning programs receiving federal funding (such as through restorative justice, trauma-informed care, positive behavior interventions and supports, and mental health counseling); and (2) the creation of a dedicated technical assistance center focused on best practices in the culturally and linguistically responsive implementation of these approaches.

• The U.S. Department of Education to prioritize and award grants to conduct research on the connection between learning and attention disorders and risk for involvement in the juvenile justice system.
Eliminate racial disparities in the identification and placement of students who are BIPOC in special education and improve the special education evaluation process.

Problem:
Some groups of students who are BIPOC, such as Black, Hispanic, and Native American/Indigenous students, are disproportionately overrepresented in special education, including in the IDEA category of specific learning disabilities, while other groups, such as Asian students, are underrepresented. Inappropriate placement in special education can come with serious consequences for students, including stigma, lower opportunities, and lowered expectations. Once identified for special education, students who are BIPOC tend to be put in more restrictive environments and disciplined more harshly than their White peers. With federal support for greater research and resources, districts can rightfully invest in dismantling these harmful policies and practices and in ensuring that every district implements high-quality and effective evaluation processes.

In response, NCLD urges:

• The **U.S. Department of Education** to closely monitor compliance with and enforce the **Equity in IDEA regulations** and provide comprehensive technical assistance to school districts with significant disproportionality.

• The **U.S. Department of Education** to issue guidance to states and school districts on best practices in evaluations for special education for culturally and linguistically diverse students and families.

• **Congress** to increase funding for special education and disability research through: (1) the Institute for Education Sciences (IES) within the U.S. Department of Education; (2) the National Institute of Child Health and Development (NICHD) LD Research Centers within the National Institutes of Health (NIH), and the National Center for Special Education Research (NCSER) within the U.S. Department of Education.

• The **U.S. Department of Education and the National Institutes of Health** to prioritize and award grants to conduct research in the areas of: (1) the impact of poverty and trauma on students as it relates to learning or attention; and (2) school-level factors that influence special education evaluation.
Problem:

Educators are the most influential in-school factor of student success, yet only 17% of teachers surveyed feel very well prepared to teach students with learning disabilities. The COVID-19 pandemic has brought to light the importance of ensuring that teachers are prepared to provide evidence-based instruction and other best practices (such as Universal Design for Learning, or UDL) in a virtual environment.

Additionally, as our student populations become more and more diverse, American teachers continue to be disproportionately White. Studies have shown that having teachers of the same race can increase achievement and engagement for students who are BIPOC and that Black and Latinx students are less likely to be subject to exclusionary discipline in schools with higher proportions of Black and Latinx teachers. Furthermore, there is a longstanding shortage of special educators and certain specialized instructional support personnel. Comprehensive changes to how educators are recruited, prepared, and retained are essential to improving student outcomes.

In response, NCLD urges:

- **Congress** to create a grant program that incentivizes states to set requirements for teacher candidate licensure, certification, or teaching standards (for teachers of any educator preparation program receiving funds, including early educator preparation programs) that will prepare general educators to: (1) meet the needs of students with disabilities; and (2) teach using evidence-based instructional practices (including in virtual settings), evidence-based positive behavior management, and culturally responsive pedagogy.

- **Congress** to provide grants to states to increase recruitment and retention of educators who are BIPOC, multilingual educators, and educators in shortage areas such as special education and school psychology.

- **Congress and the U.S. Department of Education** to commission an audit of state licensure exams and provide resources to states to identify disparities within teacher preparation program completion and licensure rates for teachers who are BIPOC.
Support the development of culturally applicable and beneficial self-advocacy skills, improve the transition planning process for students with disabilities, and increase access to postsecondary education and workforce success for students with disabilities.

Problem:
Students with learning disabilities attend college at half the rate of their peers without disabilities and are less likely to complete it.\(^1\)\(^8\) Few students (roughly one in four) with learning disabilities inform their college that they have a disability,\(^1\)\(^9\) and many high school students with disabilities and their parents find the process to secure accommodations and services in college difficult and unclear.\(^2\)\(^0\)

Approximately half of all individuals with learning disabilities are not employed.\(^2\)\(^1\) In addition, there is a scarcity of data on outcomes for individuals with LD in postsecondary settings or the workforce. Developing culturally applicable and beneficial self-advocacy skills for students with disabilities and ensuring meaningful engagement in robust transition planning is essential to their success after high school.

In response, NCLD urges:

- **Congress** to pass the Respond Innovation Succeed and Empower (RISE) Act, a bill to eliminate barriers to college accommodations for students with disabilities, as part of a comprehensive reauthorization of the Higher Education Act (HEA).
- **Congress** to increase funding for research on: (1) effective transition planning and strategies; (2) development of culturally applicable and beneficial self-advocacy skills; and (3) the transition to postsecondary education for students with disabilities.
- **The U.S. Department of Education** to issue guidance making clear that testing companies, including companies administering college entrance exams or licensure and certification tests, must provide accommodations to students with disabilities and must not reveal whether students used accommodations when providing test results to postsecondary institutions or other entities.
- **The U.S. Department of Education** to prioritize and award grants to conduct longitudinal research on postsecondary experiences of students with disabilities and research on effective transition strategies and interventions; barriers to college access, persistence, and completion; practices to increase success for students with specific learning disabilities and attention disorders in postsecondary education and transition to workforce; and culturally and linguistically competent transition supports.
• **The U.S. Department of Education** to incorporate stronger **transition provisions in its Results Driven Accountability efforts and monitoring of state performance plans/annual performance reports (SPP/APR)** by specifying that transition teams should be: (1) ensuring that IEPs contain adequate information to secure accommodations in postsecondary education, and (2) assisting students in contacting disability service offices on college campuses before graduating from high school.

• **The U.S. Department of Labor** to invest in comprehensive **data collection on disability in the workforce** (disaggregated by race/ethnicity and disability type), with a specific focus on issues including barriers to employment, disclosure of disability status, and access to accommodations and other support.
Endnotes


4 See ED-2019-ICCD-0119.


6 Ibid.


9 Ibid.


11 Ibid.

12 Ibid.


15 Lindsay, C. A. (2016). Teacher race and school discipline. Education Next, 17(1).


17 Lindsay, C. A., & Hart, C. M. D. (2017). Teacher race and school discipline: Are students suspended less often when they have a teacher of the same race? Education Next, 17(1).


19 Ibid.

20 www.ncld.org/RISE
