



Federal Policy Agenda for the 118th Congress

Igniting Innovation for Individuals With Learning Disabilities and Attention Issues

The National Center for Learning Disabilities (NCLD) has worked for 45 years to improve the lives of people with learning disabilities and attention issues by empowering parents and young adults, transforming schools, and advocating for equal rights and opportunities. We will continue to work with the 118th Congress and the Administration to create a society in which every person with a learning disability possesses the academic, social, and emotional skills needed to succeed in school, at work, and in life.

What Are Learning Disabilities and Attention Issues?

About Learning Disabilities

- Learning disabilities (LDs) are a set of brain-based differences that affect an individual's ability to read, write, and do math.

Common examples of LDs include:

- **Dyslexia**, which impacts reading
- **Dyscalculia**, which impacts mathematics
- **Dysgraphia**, which impacts written expression
- Most learning disabilities are classified as specific learning disabilities (SLDs) under the 13 [IDEA disability categories](#).
- These differences are not a result of visual or motor impairments, mental health disorders, lack of opportunity, limited proficiency in the language of instruction, social factors, emotional disturbance, or poverty.

About Attention Issues (usually ADHD)

- The American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5) provides the standard medical description and diagnostic criteria for ADHD and is used globally. It defines ADHD as a "persistent pattern of inattention and/or hyperactivity-impulsivity that interferes with functioning or development."
- ADHD is not a stand-alone category under IDEA, but sometimes is classified under the "other health impairment" (OHI) category, which can also include medical conditions such as diabetes or epilepsy.

Currently, more than 2 million public school students are identified as having a specific learning disability¹ and millions more are diagnosed with attention-deficit hyperactivity disorder (ADHD).² These students are in nearly every classroom in every school across the country.

School Systems: Students with learning disabilities and attention issues also experience school systems that have barriers in place that can limit them from reaching their fullest potential. These barriers are not new: They are a product of a system built upon ableist and racist policies. Once identified as needing supports for a disability, students who are Black, Indigenous, or people of color (BIPOC) tend to be put in more restrictive environments and disciplined more harshly than their white peers.³ These policies segregate and marginalize those with disabilities regardless of their cultural, racial, economic, and ethnic backgrounds.

Lifelong Issues: School systems are not the only issue. We know that learning disabilities and attention issues are lifelong. As individuals transition out of public education and into college and/or the workforce, they continue to face systemic barriers. Yet, as they age, we know less about how they fare in these settings because of the lack of data.

Research and Data Collection: Thanks to robust research and evidence-based instructional practices, we can identify those people with learning disabilities and attention issues. But there is far too much we do not know, and our data systems are fragmented, creating more questions rather than answers. As a society, we must increase investments in research and continue to push for better data. Doing so will enable everyone — from policymakers to individuals and communities — to have accurate information on inclusion, access, and achievement.

Leaders in the 118th Congress and the Administration must remove the barriers in public education, higher education, and workforce systems to ensure that all students — no matter their race, ethnicity, disability status, first language, immigration status, gender, sexual orientation, or other identity — have access to a high-quality, equitable public education, postsecondary education, or workforce opportunities. It is time to support what we know works and support innovative solutions that address challenges in new ways.

Therefore, NCLD calls on the 118th Congress and the Administration to:

- 1 [Enhance Inclusion and Achievement in Pre-K–12](#)
- 2 [Support the Well-Being and Protect the Rights of Individuals With Disabilities](#)
- 3 [Drive Postsecondary Access and Success](#)
- 4 [Eliminate Barriers to Employment](#)
- 5 [Seed Innovation With Research and Data](#)

The following explains why each of these five priorities is critical to people with learning disabilities.

1 Enhance Inclusion and Achievement in Pre-K–12

74% of students with a specific learning disability spend 80% or more of the school day in the general education classroom.⁴

Because every student with a disability has a right to a high-quality and inclusive education, we advocate to:

Increase federal funding for the education of students with disabilities.

- Increase funding for programs that support students with disabilities, their families, and their educators such as (but not limited to) the Individuals with Disabilities Education Act (IDEA) and the Elementary and Secondary Education Act (ESEA). See a more detailed breakdown of NCLD's funding priorities at www.ncl.org/appropriations.

Why Increase Funding? We all understand that investments in education are critically important to students of all backgrounds and abilities. In 1975, when IDEA became law, Congress anticipated that the cost of providing services to IDEA-eligible students would be approximately twice that of educating non-disabled students. Thus, Congress authorized a federal funding contribution of **40%** of the additional cost of educating students with disabilities. In exchange for these funds, states and districts must ensure that all eligible students are provided a [free appropriate public education](#) in the [least restrictive environment](#). However, the federal government has never reached even half of its promised level of funding, forcing states and districts to fulfill the remaining funding.

Additionally, *funding for education only constitutes about 2% of the entire federal budget*. A significant increase would ensure that funding is available for school programs that can benefit all students, including students with disabilities.

Provide a strong start to education for young learners with disabilities.

- Fund universal pre-kindergarten programs for 3- and 4-year-olds, and provide additional support for early educators of students with disabilities.
- Increase access to reliable and valid early screening of students with learning disabilities to ensure they receive extra help sooner to prevent them from falling behind.

Why a Strong Start? Research shows that investing resources in young children reduces educational and other costs over a lifetime.⁵ Children who attend high-quality early education programs are less likely to need supports for a disability, less likely to not pass a grade, and more likely to graduate from high school than peers who didn't attend such programs.⁶

Support a well-prepared and diverse educator pipeline and workforce.

- Increase funding for programs that prepare, develop, and retain educators of students with disabilities.
- Address critical staffing shortages that impact students with disabilities, including shortages of educators of students with disabilities, early interventionists, specialized instructional support personnel, and school psychologists.
- Reform preparation programs and licensure to prepare general education teachers to meet the needs of students with disabilities.
- Improve recruitment and retention of educators of color by investing in strategies such as [grow-your-own programs](#) and [teacher residencies](#).

Why Support Educators? Educators are the most influential in-school factor of student success, yet only 17% of general educators surveyed feel very well prepared to teach students with learning disabilities and attention issues.⁷ Furthermore, the pandemic has intensified the longstanding shortage of educators of students with disabilities and specialized instructional support personnel. We can improve student outcomes with comprehensive changes to how educators are recruited, prepared, and retained.

Hold education leaders accountable for school performance and student learning.

- Maintain the current ESEA accountability framework to improve outcomes for every student subgroup.
- Allocate additional funds to innovate assessments through the State Assessment Grants and Competitive Grants for State Assessments programs.
- Create priorities focused on assessment in other research and development programs that the Department of Education administers.

Why Hold Leaders Accountable? Historically, many states and schools have not expected students with disabilities to perform as well as other students. This false perception of students' abilities can lead to lower student achievement and to a lack of resources devoted to these students. [An NCLD review of state education plans](#) in 2018 found that 32 states set the goals for students with disabilities well below those of their peers for English language arts, mathematics, or both on state standardized tests.⁸ In addition, developing and designing new assessments is costly and requires an up-front investment. The federal government can provide states with the resources to adapt, improve, and carry out critical student assessment. Assessment activities are necessary to understand how the pandemic has affected student academic learning.

Reduce disproportionality in identifying specific learning disabilities.

- Closely monitor compliance and enforce the [Equity in IDEA](#) regulations.
- Provide comprehensive technical assistance to school districts with significant disproportionality based on race/ethnicity in identification, placement, and discipline of students with disabilities.
- Issue guidance to states and school districts on best practices for evaluating students who may have a disability and who come from culturally and linguistically diverse backgrounds.

Why Reduce Disproportionality? Inappropriately identifying disabilities creates serious consequences for students, including stigma, fewer opportunities, and lowered expectations.⁹ Some groups of students, such as Black, Hispanic, and Native American/Indigenous students, are identified at higher rates as having disabilities, including in the IDEA category of “specific learning disability.” Other groups, such as Asian students, are identified at lower rates.

2 Support the Well-Being and Protect the Rights of Individuals With Disabilities

“Our dyslexia, anxiety, ADHD, depression, dysgraphia, PTSD, and more are disabilities that need support, understanding, and recognition. Many of us on the YALC say that finding the LD community was the key to us feeling like we finally understood ourselves and were able to come out of our shame. We found strength in our shared experiences and were able to name many of our experiences for what they were: **educational trauma**.”

— [Open Letter on Mental Health From NCLD’s Young Adult Leadership Council](#)



Because individuals with disabilities are most successful when they are safe and supported, we advocate to:

Provide more resources to meet the mental health needs of individuals with disabilities.

- Increase investment in policies and programs that support mental health for children and adults, particularly those with disabilities. These investments include promoting access to mental health services and professionals in schools and on college campuses, as well as supporting care opportunities that are accessible, culturally responsive, and trauma informed.

Why Provide More Resources? Co-occurrence between learning disabilities and mental health disorders is high. Youth with learning disabilities have reported mental health symptoms including anxiety, depression, and suicidal thoughts at twice the rate of their non-disabled peers.¹⁰ Following the COVID-19 pandemic, mental health issues across all members of the population have skyrocketed. Children and adults with learning disabilities and attention issues will benefit from increased mental health support.

Protect the rights of youth with disabilities involved in the juvenile justice system and ensure access to services and supports related to their disabilities.

- Reissue and update the [2014 guidance on the requirements](#) of states to serve youth with disabilities in state and local juvenile justice facilities.
- Enforce each state's responsibility to uphold IDEA requirements for youth with disabilities in juvenile justice facilities.
- Conduct oversight hearings and produce a Congressional report on IDEA compliance in juvenile justice facilities.

Why Focus on the Juvenile Justice System? Youth with disabilities are more likely to become engaged with and fall deeper into the juvenile justice system than their peers. For example, when placed in a juvenile facility, youth with disabilities often have difficulty accessing the services and supports they deserve, including those legally protected by IDEA. Once engaged in the juvenile justice system, youth with disabilities are more likely to stay in the system than their peers. They also have greater difficulty transitioning back to the community and are more likely to recidivate and be criminalized.

Promote safe and healthy school environments and positive school culture, where students with disabilities are free from harassment and discrimination.

- Ensure that states and districts invest in positive approaches to improving school climate throughout all K–12 education and early learning programs that receive federal funding. Improvements to school climate can be made through restorative justice, trauma-informed care, positive behavior interventions and supports, and mental health counseling. Federal funds should not be used for extreme school hardening practices such as school-based law enforcement.
- Increase funding for improving school infrastructure so that students have a safe and healthy learning environment.

Why Promote Safe Environments? Safe, supportive, and inclusive schools are critical for student success and are especially beneficial for students with disabilities and other historically marginalized groups. Investing in evidence-based practices that promote a healthier school climate prevents further exclusion of these students and produces safer communities overall.¹¹ Children also deserve to attend schools that are safe and conducive to learning, with equitable funding for school facilities and services.

Limit the use of restraint, seclusion, informal removals, and other harmful forms of exclusionary discipline.

- Prohibit the use of corporal punishment, seclusion, and mechanical and chemical restraint, and prohibit, except in rare cases, the use of physical restraint.
- Reduce exclusionary discipline and authorize federal agencies to monitor and enforce accountability measures in cases of misuse.

Why Limit Exclusionary Discipline? 78% of students who faced restraint or seclusion at school were students with disabilities.¹² These practices psychologically damage students. Corporal punishment is a harmful and dangerous practice that is explicitly allowed in 19 states and disproportionately harms Black children and children with disabilities.¹³ These practices also can be signs of discrimination toward students with disabilities and/or violations of their right to a free appropriate public education (FAPE).

3 Drive Postsecondary Access and Success

94% of students with learning disabilities received accommodations in high school, but only 17% received accommodations in college.¹⁴

The transition to life after high school is a critical time for students with disabilities. We advocate to:

- Require colleges to accept previous evidence of a disability for accommodations.
- Pass the Respond, Innovate, Succeed, and Empower (RISE) Act. This bill requires that institutions of higher education accept a student's previous documentation of their disability under IDEA (an IEP) or Section 504 of the Rehabilitation Act (a 504 plan) as proof of disability for students seeking accommodations. This will help students receive the accommodations they have a right to in college, removing current barriers.

Why Remove These Barriers? Many students with disabilities receive accommodations throughout Pre-K–12 education, but when they transition to college they must navigate new and often burdensome requirements to document their disability. This documentation, which could include a new psychoeducational evaluation, can cost up to \$2,500 out-of-pocket. The RISE Act would require colleges to accept an IEP or 504 plan as evidence of a disability when a student is seeking accommodations in college.

Enable access to advanced coursework and college and career readiness learning opportunities.

- Improve access to, and inclusion in, advanced coursework and other opportunities that promote college readiness for underrepresented populations. Such programs include Advanced Placement, International Baccalaureate, and Career & Technical Education.

Why Promote Access? Enrollment data from the Civil Rights Data Collection shows that students with disabilities are severely underrepresented in Advanced Placement (AP), International Baccalaureate, and dual enrollment coursework: students served under IDEA make up 13% of all students in schools, but fewer than 2% of students in AP courses.¹⁵ All these programs have been shown to improve college and career readiness.

Increase coordination and collaboration among high schools, institutions of higher education, and employers.

- Enhance coordination and collaboration among high schools, postsecondary institutions, employers, and other community-based resources by connecting data systems to improve education and workforce pathways.

Why Increase Coordination? Students often are unfamiliar with what's to come after high school. Increasing opportunities to connect to and explore college and career options can increase student success. Employers want people with 21st century skills. Strengthening the linkages between K–12, college, and the employment sector will benefit individuals and employers.

Improve post-school transition planning and services for students with disabilities entering college and the workforce.

- Improve the provision of quality transition plans and services to students with disabilities, including elevating the necessity of the [Summary of Performance](#).
- Strengthen transition-related [indicators](#) (Indicators 13 and 14) for monitoring state performance and IDEA implementation.

Why Improve Transition Planning? “Preparing for further education, employment, and independent living” is clearly stated in the purpose of IDEA, but students with disabilities need to be better supported in meeting their post-school goals. While the Summary of Performance document, which is required under IDEA, could be useful to facilitate the transition to college, employment, or adult services, it is underutilized because its value is not clearly communicated to schools, students, and families.

4 Eliminate Barriers to Employment

“I need accommodations because the way I do things sometimes clashes with the way workplaces have been established. Workplace accommodations allow me to focus on the essential functions of my job. When accommodations are available, they allow me to take on tasks I normally shy away from due to accessibility.”

— Kayla, Young Adult



Watch the full video [here](#)

Learning disabilities and attention issues are lifelong and impact individuals in the workforce. We advocate to:

Support access to, and inclusion in, federally funded transition and workforce development programs.

- Make core workforce development programs fully inclusive and well-equipped to improve employment outcomes for people with learning disabilities and attention issues.
- Provide opportunities to expand access to [Vocational Rehabilitation services](#) for individuals with disabilities, including the [Pre-Employment Transition Services \(Pre-ETS\)](#) program.
- Improve data collecting and reporting for the Pre-ETS program to better understand engagement and access for eligible communities, including those with learning disabilities and attention issues.

Why Improve Access to Workforce Development Programs? Any individual is eligible to participate in development programs in the [CareerOneStop system](#). Individuals with disabilities must have access to training opportunities besides the Vocational Rehabilitation program. Programs must address all potential accessibility issues, from physical to cognitive.

For the Pre-ETS program, IDEA Sect. 618 and Rehabilitative Services Administration (RSA) data shows that the Pre-ETS program only identifies a small number of students who are potentially eligible to receive IDEA services. Moreover, state agencies have relinquished funds to the RSA, demonstrating a potential for improved service delivery and outreach to eligible individuals.

Protect the rights of individuals with disabilities in the workforce.

- Clarify that the Americans with Disabilities Act (ADA) and its workplace protections, including accommodations, apply to individuals with learning disabilities and attention issues. Also clarify that the definition of the term “reasonable accommodation” includes those that allow individuals with disabilities, both physical and cognitive, access to job-related content. Such clarification, for example, could amplify the [Job Accommodation Network](#)’s resources and support to employers and employees.

Why Protect Workforce Rights? The ADA has a general definition of disability (a physical or mental impairment that substantially limits one or more major life activities) and does not contain a list of conditions. There are no sets of data that distinguish disability types in the workforce nor shed light on disclosure rates. Therefore, there is no information on the extent to which people with learning disabilities and attention issues request or access accommodations.

Prioritize competitive integrated employment for individuals with disabilities.

- Ensure that federal and state workforce programs provide people with disabilities the support to participate in [competitive integrated employment \(CIE\)](#).
- Phase out the use of subminimum wages (Section 14(c) of the Fair Labor Standards Act certificates) for people with disabilities.

Why Eliminate Subminimum Wages? People with disabilities live in poverty at twice the rate of people without disabilities.¹⁶ All people with disabilities deserve meaningful employment in integrated settings at competitive wages.

Include disability and accessibility in employer diversity, equity, and inclusion (DEI) initiatives.

- Ensure that state and local workforce boards include direct or stakeholder representatives to advocate for the interests of individuals with disabilities.
- Promote greater awareness of inclusive practices in the workplace.

Why Include Disability? Institutions, including Pre-K–12, higher education, and employers, have focused greater attention on diversity, equity, and inclusion (DEI) in recent years, ranging from specific initiatives to dedicated personnel who oversee DEI. However, disability often is not regarded as being part of DEI. All branches of the federal government should promote the inclusion of workplace disability, and adopt the “nothing about us without us” approach to stakeholder engagement.

5 Seed Innovation With Research and Data

DID YOU KNOW?

A \$3 million [grant](#) from the National Institute of Child Health and Human Development (NICHD) enabled Florida State University's Learning Disabilities Research Center to build a first-of-its-kind national data repository, called LDbase, containing decades of knowledge about learning disabilities.

Research and quality data are critical to creating policies that improve our education systems and the workplace. We advocate to:

Invest in high-quality education research and data to support students with disabilities and their educators.

- Increase funding for the Institute of Education Sciences (IES), including the National Center for Special Education Research (NCSER), to address gaps in scientific knowledge necessary to improve the education of infants, toddlers, children, and youth with disabilities.

Why Invest in Research? Research funded through NCSER has targeted youth with autism who experience high levels of anxiety, individuals with Down syndrome learning to read, and students with learning disabilities studying to master math word problems. NCSER provides educators and administrators research-based resources that support providing a free appropriate public education and early intervention services to children and youth with disabilities.

Provide additional funding for clinical research on learning disabilities and attention issues.

- Increase funding for Learning Disabilities Research Centers (LDRCs) and Learning Disabilities Innovation Hubs within the National Institute of Child Health and Human Development (NICHD).

Why Funding for Clinical Research? LDRCs funded through NICHD develop new knowledge about the causes and developmental course of learning disabilities that impact reading and writing. Research from these centers investigates key issues such as detection, intervention, and learning disabilities in English language learners. NICHD

also funds Learning Disabilities Innovation Hubs. These hubs fund smaller projects that address research topics affecting learning disabilities and understudied populations, including juvenile offenders, those with math disabilities, and more.

Improve postsecondary education data systems to support opportunities for students with disabilities.

- Include information on disability status reporting requirements for institutions of higher education, including through the Integrated Postsecondary Education Data System (IPEDS).
- Increase funding to bolster statewide data systems, including the Statewide Longitudinal Data Systems (SLDS) program, so state and district leaders can address current and evolving information needs.

Why Improve Data Systems? The Integrated Postsecondary Education Data System (IPEDS) is the most comprehensive publicly available source of data on postsecondary institutions. IPEDS allows the public, researchers, and policymakers to identify trends over time across institutions. IPEDS data are available to the public through the College Navigator tool. This tool includes information such as institutional enrollment, cost, and accreditation. However, there is no data within IPEDS on students with disabilities enrolled at the institution.

Enhance school climate and discipline data systems to protect the rights of students with disabilities.

- Conduct the Civil Rights Data Collection on a consistent basis and include data on school climate and exclusionary discipline in Pre-K–12 disaggregated by both race and disability status, including students with disabilities receiving services under Section 504 only. Data should also be disaggregated by sex and English language learner status; differentiated by how often discipline occurs; and include instances of physical, mechanical, and chemical restraint, as well as seclusion.

Why Enhance School Climate Data? Collecting comprehensive, disaggregated data on school climate and exclusionary discipline practices will give families, communities, and advocates the tools needed to address the disproportionate harm of exclusionary discipline on students with disabilities and other historically oppressed students.

Endnotes

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