



July 20, 2020

The Honorable Mitch McConnell
Majority Leader, U.S. Senate
Washington, DC 20510

Chairman Lamar Alexander
U.S. Senate
Washington, DC 20015

The Honorable Charles Schumer
Minority Leader, U.S. Senate
Washington, DC 20510

Ranking Member Patty Murray
U.S. Senate
Washington, DC 20015

Dear Majority Leader McConnell, Minority Leader Schumer, Chairman Alexander, and Ranking Member Murray:

The Consortium for Citizens with Disabilities (CCD) Education Task Force writes to urge you to prioritize and address the needs of children with disabilities, their families, and educators as you work to finalize the next emergency relief bill in response to the COVID-19 pandemic. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. CCD is committed to ensuring that students with disabilities have every opportunity to succeed and that the educators who serve them are equipped with the resources and skills necessary.

Students with disabilities will be disproportionately impacted by this pandemic. Therefore, CCD urges you to put forward an emergency relief package that includes the *Coronavirus Child Care and Education Relief Act* (S. 4112) introduced by Ranking Member Patty Murray (D-WA) as well as the *Supporting Children with Disabilities During COVID-19 Act* (S.4100) introduced by Senators Chris Murphy (D-CT), Maggie Hassan (D-NH) and Chris VanHollen (D-MD). Given the effects of the national crisis, it is imperative that both S. 4112 and S. 4100 be included in the next stimulus bill. In doing so, Congress will protect the rights of students with disabilities and provide a significant investment in education, including the Individuals with Disabilities Education Act (IDEA) which is critical for students and educators.

We also strongly recommend the following be included in the Senate's next bill in response to COVID-19:

1. Protect students' rights and all state and district obligations under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.

The rights of students with disabilities under IDEA and Section 504 of the Rehabilitation Act remain intact, even during the COVID-19 pandemic. Importantly, the report submitted on April 17th by the U.S. Secretary of Education recommended only minimal waivers under both the IDEA and the Rehabilitation Act. In fact, the Secretary declared her intent to protect the “core tenets” of these laws and her belief that “schools can, and must, provide education to all students, including children with Disabilities.” Thus, Congress need not open this issue for further consideration.

2. Invest substantial supplemental funding in public education and provide school leaders and educators with resources to provide educational services to students under IDEA.

The COVID-19 pandemic has illuminated the impact of the historic and continuous gross underfunding of IDEA and the great strain that this underfunding places on state and local education systems. The CARES Act funding levels were not sufficient to meet the needs facing states and districts now and in the coming months. State budget cuts and teacher layoffs will exacerbate the existing critical shortage of special education teachers. To help states meet their obligations and provide school leaders and educators with resources to provide educational services and supports to students served under the IDEA, Congress must invest additional funds in the following amounts (supplemental to FY2021 funding) as included in S. 4100: \$11.3 billion in IDEA Part B Section 611 programs; \$500 million in IDEA Part C programs; \$400 million in IDEA Part B Section 619 programs; and \$300 million in IDEA Part D personnel preparation.

3. Federal education funds must remain in public schools and must not be used for any voucher or voucher-like programs, whether designed for students or educators (including but not limited to traditional vouchers, education savings accounts, tuition tax credits/scholarships, or microgrants).

All students have the right to attend a high-quality public school that meets their needs while maintaining all of their rights under the IDEA and other civil rights statutes. Congress should prohibit the use of COVID relief funding for voucher or voucher-like programs.

4. Clarify that the Equitable Services provision in the CARES Act applies as previously interpreted under Section 1117 of the Elementary and Secondary Education Act of 1965 (ESEA).

For decades and as recently as October 2019, Section 1117 of the ESEA has consistently been interpreted by the U.S. Department of Education (ED) to require the LEA to calculate the required equitable participation of nonpublic schools based on the number of low-income children in each participating non-public school in the LEA. This is also consistent with Congress’s longstanding priority under ESEA and other major federal K-12 programs to provide funding primarily to students who are most disadvantaged and require supplemental federal support to access educational opportunities. Distribution of COVID-19 funds should follow this precedent. Without this specific clarity from Congress, public schools serving Title I-eligible students—which often include students with disabilities—will not receive adequate funding as intended under the CARES Act or future stimulus bills.

5. Invest funding to address the expanding teacher shortage through the Teacher Quality Partnership (TQP) Grants in Title II of the Higher Education Act. The pandemic threatens to significantly shrink the teacher workforce, through layoffs resulting from budget cuts and decreased enrollment in teacher preparation programs. The TQP program is a partnership between higher education and PK-12 schools to prepare new teachers in shortage areas for high need schools and to provide mentoring and induction for new teachers. Congress should add \$100 million to this program.

We appreciate the opportunity to provide these recommendations and look forward to working with Congressional leadership and their staff to develop a proposal that significantly invests in and adequately supports students with disabilities and the educators who serve them. Please let us know if we can provide additional information.

Sincerely,

American Physical Therapy Association
Association of Assistive Technology Act Program
Association of University Centers on Disabilities
Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Center for Public Representation
Conference of Educational Administrators of Schools and Programs for the Deaf
Council for Exceptional Children
Council for Learning Disabilities
Council of Parent Attorneys and Advocates
Council of State Administrators of Vocational Rehabilitation
Disability Rights Education & Defense Fund (DREDF)
Easterseals
Higher Education Consortium for Special Education
Learning Disabilities Association of America
National Association of State Head Injury Administrators
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Disability Rights Network
National PTA
RespectAbility
School Social Work Association of America
Teacher Education Division of the Council for Exceptional Children
The Advocacy Institute
The Arc of the United States

Education Task Force Co-Chairs:

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The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Education Task Force of CCD monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal law such as the Individuals with Disabilities Education Act (IDEA), the Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). The Education Task Force advocates for high expectations for children with disabilities under these and other laws.