



March 10, 2025

Dear Chairman Wahlberg and Ranking Member Scott,

The Consortium for Constituents with Disabilities (CCD) Education Task Force is writing to oppose the *Educational Choice for Children Act of 2025 (ECCA)* including its inclusion in the pending budget reconciliation package. The ECCA intends to amend the Internal Revenue Code of 1986 to allow up to \$10 billion in tax dollars annually be diverted directly to private and religious schools and away from local school districts. This legislation would also enable and promote discrimination against students with disabilities whose educational access and opportunity rights under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) are not included and upheld.

CCD opposes the bill -and its inclusion in any legislative package- due to the longstanding position that any Federal funds directed toward or in support of education must adhere to the IDEA, Section 504, the Americans with Disabilities Act, and other civil rights laws. Specifically, Federal taxpayer dollars should not be used for any school choice or voucher/voucher-like programs unless Federal education, civil rights, and disability laws apply to the use of the funds. Also, we do not support the use of any Federal education funds (e.g., ESEA Title programs, IDEA Parts B, C, D) for block grants or for school choice programs.

Our concerns relate primarily to the shifting of taxpayer dollars through a tax credit to fund scholarships (aka vouchers) to any non-public school primarily because the recipient schools are not required to adhere to federal education and civil rights laws -and are also known to reject admission to students with disabilities who may require specialized instruction, education services and supports, or accommodations to access an education- and, the recipient schools are not required to ensure students meet state-set standards in reading, math, science, and graduation as expected for all other schools as required under the Elementary and Secondary Education Act (ESEA).

Specifically, under IDEA, schools are required to provide a free appropriate public education in the least restrictive environment to all children with disabilities. As such, children are provided with an Individualized Family Service Plan (IFSP-ages 0-3) or an Individualized Education Program (IEP-ages 4-21) where educational services, interventions, supports, and accommodations are provided. Parents are active partners in developing the IFSP/IEP and have access to procedural safeguards (known as “due process”) to challenge school decisions regarding their child’s education. Given that all students should be able to attend a high-quality school or early childcare program that meets their needs while maintaining all rights under the IDEA, 504 and other Federal laws, we oppose the ECCA and do not support its inclusion in the reconciliation bill.

The intersection of IDEA with vouchers and choice programs is legally complex however, as noted by the National Council on Disability, due to a longstanding interpretation by the U.S. Department of Education “the use of vouchers constitutes a ‘parental placement’ leaving the [IDEA-eligible] child with no individual entitlement to free appropriate public education (FAPE), including special education and related services in connection with those placements.” This means that unless the policy explicitly requires federal laws to apply, for the majority of children whose families opt for a school voucher/voucher mechanisms to attend a private [or religious] school, these students must relinquish their rights under IDEA, including the right to evaluations or assessments provided by the school district, an IEP, FAPE, least restrictive environment (LRE), and procedural due process protections. (See: [School Choice Series Choice & Vouchers—Implications for Students with Disabilities, National Council on Disability, 2018](#).) Private schools can also reject any student – before or after- enrollment for any reason, even a disability. Thus, when parents use vouchers, education savings accounts or other school choice mechanisms, unless explicitly protected, they forfeit important rights, legal protections, and services guaranteed by IDEA, often without their knowledge. Therefore, we urge you to consider the important rights of 9.5 million children with disabilities* and reject the ECCA as part of a budget reconciliation package.

CCD actively partners with Congress on education laws and policies in support of students with disabilities and stands ready to assist you in developing legislation that includes and protects all children and their families. If you have any questions, please reach out to the co-chairs below.

Sincerely,

Stephanie Flynt
National Disability Rights Network
Stephanie.flynt@ndrn.org

Lindsay Kubatzky
National Center for Learning Disabilities
lkubatzky@ncld.org

Laura Kaloi
Council of Parent Attorneys and Advocates and
the Center for Learner Equity
lkaloi@stridepolicy.com

Robyn Linscott
The Arc of the United States
linscott@thearc.org

Delancy Allred
Autism Society of America
dallred@autismsociety.org

*According to the most recent data, 8 million children (ages 0-21) are eligible under the Individuals with Disabilities Education Act and 1.5 million children are served under Section 504.

The CCD Education Task Force leads, collaborates and monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including any policy efforts affecting the funding and implementation of federal laws such as the Individuals with Disabilities Education Act (IDEA), Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA). We advocate for high expectations for children with disabilities under these and other laws.

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