



March 10, 2025

Dear Chairman Wahlberg and Ranking Member Scott,

The Center for Learner Equity (CLE) is a nonprofit organization dedicated to ensuring that students with disabilities access quality educational opportunities and choices, robust support, and inclusive environments. As a leading national voice regarding supporting students with disabilities in both the charter and traditional public school sectors, CLE is writing to oppose the *Educational Choice for Children Act of 2025 (ECCA)*.

Nearly 475,000 children with disabilities and their families exercise public charter school choice across the nation. These students attend public charter schools that, according to state laws, either function as their own local education agency or operate within public school districts. There are just a handful of states that do not authorize public charter schools. For families whose children are eligible under the Individuals with Disabilities Education Act (IDEA), having the ability to exercise choice and attend a school that provides the specialized education, intervention, and support their child requires is indeed positive. We would love to see that number grow.

Our opposition to the ECCA stems from the very fact that diverting federal tax dollars away from traditional public and charter schools and directly into private and religious schools will diminish rights and educational opportunities for millions of children with disabilities. We also know from multiple studies on private school choice that parents of disabled students who seek to attend private schools are too often faced with convoluted school admissions policies, reduced or eliminated access to specialized therapies and services their child needs, a loss of transportation, and a dearth of other problems that typically lead families right back to their local traditional or public charter school.¹ As CLE's co-founder recently wrote:

Despite multiple methods of enacting private school choice programs, what is universal is that the rights of children with disabilities are diminished when they step inside a private school. This includes not only the right to attend but also to be taught alongside their peers, and to access individualized supports. So, a child with autism, dyslexia, or Down syndrome, for example, may be denied access, and private schools are under no obligation to provide any specialized services or supports to help them succeed. This extends to needs that surface after enrollment – that is, a private school can simply inform the family that the child is “no longer a good fit” for the school. By contrast, a traditional or public charter school is required to conduct an evaluation and provide services. While some private schools cater to students with disabilities, it is very unclear to what extent this model is financially or programmatically sustainable absent designated funding or explicit federal protections.² (The74million)

¹ See: *In Search of Opportunity: Can Families Use Education Choice to Secure More of What They Want?*, Center for Reinventing Public Education, (Dec. 2024), <https://crpe.org/in-search-of-opportunity-can-families-use-education-choice-to-secure-more-of-what-they-want/#:~:text=As%20education%20choice%20programs%20expand,have%20disabilities%E2%80%94encounter%20significant%20obstacles.> *School Choice Series Choice & Vouchers—Implications for Students with Disabilities*, National Council on Disabilities (Nov. 2018), <https://www.ncd.gov/assets/uploads/reports/2018/ncd-choice-vouchers-2018.pdf>

Private School Choice: Federal Actions Needed to Ensure Parents Are Notified About Changes in Rights for Students with Disabilities, U.S. Government Accountability Office, (Nov. 2017), <https://www.gao.gov/assets/d1894high.pdf>

² L.M.Rhim, *School Choice for Some But Not All*, The74Million, (Dec. 2024), <https://www.the74million.org/article/school-choice-for-some-but-not-for-all/>

The right of any child with a disability to attend school, to be included with peers, and to access individualized support under IDEA and Section 504 of the Rehabilitation Act of 1973 (Section 504) is only 50 years old. These important rights have created possibility and independence through education. But they hinge upon public schools: As currently conceptualized, those rights do not follow students into private or religious educational settings. We cannot forget our recent history, when exclusion was the norm – and we must not go backwards.

Do not include the ECCA in any legislative package, including the budget reconciliation package. By design, it would enable and promote discrimination against students with disabilities whose rights to access and opportunity are not included or upheld.

CLE would be pleased to provide additional information regarding the need for additional federal support for the charter school program and how this would expand both choice and opportunity for students with disabilities and their families.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Coco", with a long, sweeping horizontal line extending to the right.

Jennifer Coco
Interim Executive Director