

Statement for the Record

National Disability Rights Network

Before the Committee on Oversight and Reform

Subcommittee on Civil Rights and Civil Liberties

U.S. House of Representatives

Subcommittee Hearing: Free Speech Under Attack (Part II): Curriculum Sabotage
and Classroom Censorship

May 19, 2022

National Disability Rights Network (NDRN)

NDRN is the non-profit membership association of Protection and Advocacy (P&A) agencies that are located in all 50 States, the District of Columbia, Puerto Rico, and the United States territories. In addition, there is a P&A affiliated with the Native American Consortium which includes the Hopi, Navajo and San Juan Southern Paiute Nations in the Four Corners region of the Southwest. P&A agencies are authorized under various federal statutes to provide legal representation and related advocacy services, and to investigate abuse and neglect of individuals with disabilities in a variety of settings. The P&A Network comprises the nation's largest provider of legally based advocacy services for persons with disabilities. A central part of the work of the P&As has been to advocate for opportunities for students with disabilities to receive a quality education with their peers.

Students with Disabilities and Private School Vouchers

In response to some of the comments made at the hearing, NDRN would like to underscore our categorical and unequivocal belief that education is a civil right, and the preservation of our nation's public school system is critical to ensuring all students thrive. All students, including students served under the Individuals with

Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act are entitled to a quality and equal education. Federal funds used to educate students, including students with disabilities, should stay within the public system.

NDRN has become increasingly focused on the experiences of students with disabilities in voucher-like programs such as private school vouchers, Education Savings Accounts and Tuition Tax Credits. Unfortunately, private school vouchers and voucher-like programs have been used to circumvent one or more of the core principles of the IDEA, such as the education of students with disabilities in the Least Restrictive Environment, and other applicable federal civil rights laws such as the Americans with Disabilities Act and Section 504. Unfortunately, all too often parents are not aware of or informed that they will lose their full IDEA rights if they enroll in a private school under one of these programs.

Further, we have a concern that most, if not all, private schools do not have the necessary knowledge, expertise, staffing, skills, training, technology, economies of scale, and other resources to effectively serve students with disabilities. We strongly caution against funding programs with taxpayer dollars to be used at schools that do not provide students with basic civil rights protections they are entitled to under the law.