



October 22, 2024

Dear Speaker Johnson, Minority Leader Jeffries, Chair Smith, Ranking Member Neal, Chair Foxx, Ranking Member Scott, Chair Burgess and Ranking Member McGovern,

The undersigned members of the Consortium for Constituents with Disabilities (CCD) Education Task Force are writing to oppose the *Educational Choice for Children Act of 2024* (H.R. 9462) which intends to amend the Internal Revenue Code of 1986 to allow a credit against tax for charitable donations to nonprofit organizations providing education scholarships to qualified elementary and secondary students. CCD opposes the bill due to the longstanding position that Federal funds directed toward or in support of education must adhere to the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, the Americans with Disabilities Act, and other civil rights laws. Specifically, Federal dollars should not be used for any voucher, voucher-like programs unless these Federal laws apply to the use of the funds.

Our concerns relate primarily to the use of a new tax credit to fund tuition at any non-public school as these schools are A) not required to adhere to the civil and education rights of students under the IDEA; and B) not required to meet state-determined accountability requirements under the Elementary and Secondary Education Act currently known as the Every Student Succeeds Act (ESSA). 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 for children ages 0-3) or an Individualized Education Program (IEP for children ages 4-21) where educational services, interventions, supports and accommodations are provided. Parents are active partners in developing the IFSP/IEP and also 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 of their rights under the IDEA and other education and civil rights statutes, we oppose H.R. 9462 and encourage you to reconsider the bill.

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 supports all students and their families. If you have any questions, please reach out to the co-chairs below.

Sincerely,  
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cc: Members of the House Ways and Means Committee  
Members of the House Education and Workforce Committee

The CCD Education Task Force monitors federal legislation and regulations that address the educational needs of children and youth with disabilities and their families, including regulatory efforts under federal laws 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). We advocate for high expectations for children with disabilities under these and other laws.

[www.c-c-d.org](http://www.c-c-d.org)