



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

August 6, 2020

Dear Majority Leader McConnell, Minority Leader Schumer and Speaker Pelosi:

In light of the ongoing negotiations for the next COVID relief package, the Consortium for Citizens with Disabilities (CCD) Education Task Force writes to reiterate our priorities for the education of our nation's students with disabilities and to express our concern over troubling provisions in the *Healthcare, Economic Assistance, Liability, And Schools (HEALS) Act*.

As you know, the near-total shutdown of school buildings in the spring of 2020 disproportionately affected the 7.1 million students who are served under the Individuals with Disabilities Education Act (IDEA) as well as the more than 700,000 students with 504 plans. As you work to negotiate a final package it is critical that the priorities outlined below be included as all students, including students with disabilities, begin the 2020-21 school year. These priorities were endorsed by 26 national organizations in our July 20 [letter](#). Each is critical to ensuring that states, districts, and schools have adequate resources to meet the unique challenges during the 2020-21 school year and that students with disabilities maintain their rights and access to individualized services, supports and accommodations as required by federal laws. Specifically, they are:

1. Protect students' rights and maintain all state and district obligations under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act.
2. Invest substantial supplemental funding in public education and provide school leaders and educators with resources to provide educational services to students through dedicated IDEA funding.
3. Ensure federal education funds remain in public schools and assure they are not 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).
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).
5. Invest funding to address the expanding teacher shortage through the Teacher Quality Partnership (TQP) Grants in Title II of the Higher Education Act.

CCD appreciates the \$105 billion put forward for elementary and secondary education in the HEALS Act. Unfortunately, the proposal does not go far enough to support CCD's priorities. Specifically:

1. **The HEALS Act does not adequately protect the rights of students with disabilities.** CCD is deeply concerned about the proposal's harmful waivers of liability that would significantly undercut access to accommodations for individuals with disabilities under the Americans with

Disabilities Act (ADA). The proposal, as currently written, will have a direct and discriminatory impact on thousands of youth and young adults with disabilities who may need reasonable accommodations during employment training and/or at work. Congress must not create barriers that impede opportunities for individuals with disabilities in the midst of the pandemic.

2. **The HEALS Act contains no dedicated funding for the IDEA.** States and districts are facing massive budget shortfalls. Dedicated federal IDEA funds will help to ensure that schools are able to appropriately meet the needs of students covered under the IDEA. The CCD Education Taskforce calls for the dedicated funding amounts provided in *S.4100, the Supporting Children with Disabilities During COVID-19 Act* as introduced by Senators Hassan, Murphy, and Van Hollen.
3. **The HEALS Act does not remedy the Administration's wrongful interpretation of the Equitable Services provision under the CARES Act.** This misinterpretation would redirect over \$1.35 billion in CARES Act funding away from schools that serve minority and low-income students. If left unchecked, states will continue to be required to divert critical federal education funds away from public schools and non-public schools serving Title I students. CCD urges Congress to fix this provision.
4. **The HEALS Act includes no funding to address the teacher shortage crisis.** Specifically, it does not include funding for the Teacher Quality Partnership Grants under the Higher Education Act.

As negotiations progress, we urge you to include the priorities outlined in our July 20, 2020 letter and address the provisions outlined above. Should you have any questions, please feel free to reach out to any of the CCD Education Task Force co-chairs listed below.

Sincerely,

Education Task Force Co-Chairs:

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cc: Chairman Alexander, U.S. Senate
Ranking Member Murray, U.S. Senate
Chairman Scott, U.S. House of Representatives
Ranking Member Foxx, U.S. House of Representatives

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.

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