



June 20, 2025

Zachary Rogers
U.S. Department of Education
400 Maryland Avenue SW, Room 7W213
Washington, DC 20202-6450

RE: ED-2025-OS-0020

Submitted via email: www.regulations.gov

Dear Mr. Rogers:

The Consortium for Constituents with Disabilities Education Task Force (CCD) is writing to inform the U.S. Department of Education (ED) Proposed Priorities and Definitions on Evidence-Based Literacy, Education Choice, and Returning Education to the States as issued for public comment. The CCD Education Task Force leads, advocates for, and monitors federal legislation and regulations that address the educational needs of the 9.5 million children and youth with disabilities and their families, including policy efforts affecting the funding and implementation of federal laws such as IDEA, Every Student Succeeds Act (ESSA), Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans with Disabilities Act (ADA). We advocate for high expectations for children with disabilities under these and other laws. CCD offers the following recommendations for your consideration:

Proposed Priority 1: Promoting Evidence-Based Literacy

Recommendation: Add students with disabilities *as a required group of students* whose literacy needs must be prioritized by states/districts/schools.

Rationale: As ED knows, students with disabilities continue to lag far behind their peers in a) achieving state-set reading standards in grades 3-8/high school¹; and b) achieving reading proficiency in grades 4 and 8 as measured by the National Assessment on Educational Progress (NAEP). In fact, in 2024, 74 percent of 4th grade students with disabilities and 70 percent of 8th grade students with disabilities performed 'below basic' on the NAEP with just 6 percent of 4th graders and 7 percent of 8th graders at proficiency respectively.² Analysis of the NAEP over 10 years shows that these numbers have remained relatively stagnant.³ States and districts can and should be encouraged to braid and blend their federal funding [as allowed by ESSA and IDEA] to provide evidence-based early literacy/literacy instruction,

¹ Data reported via EdFacts, U.S. Department of Education, (School Year 2024-25) Files: FS175, DG874, and 875 at: <https://www.ed.gov/data/edfacts-initiative/edfacts-resources/edfacts-file-specifications/edfacts-file-specifications-sy-2024-25>

² Most states met or exceeded the expected inclusion rate of 85 percent for students with disabilities selected to participate. Students identified with the most significant cognitive disabilities (approximately 10 percent of all students with disabilities) do not participate in the NAEP. See: https://www.nagb.gov/content/dam/nagb/en/documents/policies/naep_testandreport_studentswithdisabilities.pdf

³ See: *National Assessment of Educational Progress (NAEP): A Decade of Poor Performance for Students with Disabilities*, The Advocacy Institute,(2024) at: <https://www.advocacyinstitute.org/NAEP/NationPerformance2013-2024.shtml>

intervention and special education supports that may include assistive technology to improve student outcomes.

Proposed Priority 2: Expanding Education Choice

Recommendation: Uphold current statutory requirements of ESSA regarding the Charter School Program (CSP) as the only program authorized to support school choice, including prioritizing the recruitment, admission, and retention of students with disabilities as required by ESSA.

Rationale: CCD appreciates that ED has prioritized students with disabilities with regard to expanding and growing access to public charter schools. We agree with and support a focus on providing a high quality education to students with disabilities through expansion of the CSP as required under ESSA⁴. Currently, students with disabilities represent nearly 12 percent of students attending charter public schools in 45 states. Analysis released in 2025 shows that students with disabilities are twice as likely to be suspended or arrested and face disproportionately high rates of exclusionary and harmful disciplinary practices and that high school students with disabilities have significantly less access to college preparatory programs compared to their non-disabled peers⁵.

Recommendation: Do not promote charter schools designed to segregate students with disabilities from their typical learning peers.

Rationale: CCD encourages ED to continue to promote high quality charter schools designed to support all students and to ensure charter schools, including those authorized to function as their own local educational agency, meet all requirements to support and educate students with disabilities in the least restrictive environment which the law assumes is the regular classroom⁶. As noted in a recent analysis of specialized charter schools, “one of the unique features of charter schools is their flexibility to specialize their education programming by focusing on a particular content area, group of students, or educational philosophy. These [areas] can be an important motivator for charter school founders, teachers, and families that choose to enroll their students. At the same time, specialized schools may run counter to long-standing goals to provide students access to inclusive learning environments as required by IDEA”⁷.

Recommendation: Do not promote or support the use of public education funding that would divert public funds to private or religious schools.

Rationale: CCD has a longstanding policy⁸ against the use of tax credits, education savings accounts, or other education funding schemes designed to provide scholarships (aka vouchers) to any non-public school, primarily because the recipient schools are not required to adhere to the IDEA and other federal education and civil rights laws. Recipient schools are also known to reject or reconsider proposed admission to students who may require specialized instruction, education services and supports, or accommodations. Thus, when parents use vouchers or other private choice mechanisms, unless explicitly protected, they forfeit important rights, legal protections, and services guaranteed by IDEA,

⁴ 20 U.S.C. § 4303: Grants to Support High Quality Charter Schools

⁵ See: *Access and Opportunities for Students with Disabilities*, Analysis of the Civil Rights Data Collection, Center for Learner Equity, (2025), at: https://www.centerforlearnerequity.org/wp-content/uploads/CLE_Brief-1_Fast-Facts-Brief_LKS-23APR25.pdf

⁶ 28 C.F.R. § 35.130(d)

⁷ See: *Specialized Charter Schools*, Analysis of the Civil Rights Data Collection, Center for Learner Equity, (2025), at: https://www.centerforlearnerequity.org/wp-content/uploads/CLE_Brief-2_Fast-Facts-Brief_LKS-02MAY25-1.pdf

⁸ See: CCD [Letter to Chairman Wahlberg/Ranking Member Scott-House Committee on Education and Workforce re: Educational Choice for Children Act, School Choice Hearing](#) (March, 2025), Letter to Cassidy re: Educational Choice for Children Act (2024), Letter to Bell-Ellwanger re: Secretary DeVos’ Proposed Supplemental Priorities and Definition (2017) at: <https://c-c-d.org/fichiers/CCD-on-ED-priorities.pdf>

often without their knowledge. These schools are also not required to ensure students meet state-set standards in reading, math, science, and graduation, as expected for all other schools under the nation's general education law.

Proposed Priority 3: Returning Education to the States

Recommendation: Maintain current statutory requirements including providing funding in Fiscal Year (FY) 2025 as required under the IDEA, ESSA, Education Sciences Reform Act (ESRA) (which includes the National Center for Special Education (NCSE)) and other education and civil rights statutes.

Rationale: CCD appreciates that ED has some flexibility related to discretionary priorities and with funds made available to the Secretary for certain competitive priorities. We also note that ED has notified states that all IDEA Part B 611, Part B 619 and Part C funding (as provided by Congress through FY 2025 appropriations) will be made available according to current and applicable laws. However, it is deeply concerning that IDEA Part D funds for grant renewals, personnel preparation, technical assistance and other priorities including under key Titles of ESSA continue to lag. We also take issue with the cancellation of grants and research planned and led by IES including those focused on the critical and essential research and development activities at NCSE as required by the ESRA⁹. Given the significant impacts on districts as they plan, hire, and train personnel for the 2025-2026 school year as well as the need for access to key technical assistance, we request that ED prioritize making all FY 2025 funds available -as required by the statutes- which the Secretary is required to conduct, lead, implement, oversee, and fund.

Recommendation: Do not continue efforts to dismantle and/or close ED or to move IDEA to another agency through activities at ED, through FY 2026 budget initiatives, proposals to the U.S. Congress, or otherwise.

Rationale: As the Secretary knows, the IDEA, ESSA and all other bipartisan education and [education-related] civil rights statutes include specific requirements that must be undertaken, led, overseen and/or initiated by the Secretary of Education. In fact, the Secretary has commented before Congress that she does not have the authority to undertake the closing or dismantling of ED or moving IDEA and other statutory-required work without Congressional approval¹⁰. To that end and given the known negative and disparate impacts such actions would have on children, youth, and young adults with disabilities and their families, CCD has and will continue to oppose all efforts to dismantle or close ED and will continue to communicate this directly to ED and to the U.S. Congress.¹¹

We appreciate the opportunity to comment and look forward to continuing to meet as key stakeholders with ED on the essential work needed to support educational access and opportunity for the 9.5 million students with disabilities identified under the IDEA and served by Section 504.

Sincerely,

Access Ready, Inc.

American Music Therapy Association

American Therapeutic Recreation Association

⁹ See: P.L. 107-279

¹⁰ Testimony of Linda McMahon before the U.S. Senate Health, Education, Labor and Pensions Committee (February, 2025)

¹¹ See: CCD letter to Speaker Johnson/Leader Jeffries, Majority Leader Thune/Leader Schumer et al. (April 2025), CCD letter to Chair Cole, Chair Collins et al. (April 2025) at: https://www.c-c-d.org/rubriques.php?rub=taskforce.php&id_task=2

Association for Special Children and Families
Autism Society of America
Center for Learner Equity
Coalition for Citizens with Disabilities
Council for Exceptional Children
Council for Learning Disabilities
Disability Belongs
Council of Parent Attorneys and Advocates
Disability Rights Michigan
Family Voices NJ
National Center for Learning Disabilities
National Down Syndrome Congress
National PLACE
Open Doors for Multicultural Families
Parent to Parent of Georgia
PAVE
PEAK Parent Center
School Social Work Association of America
SPAN Parent Advocacy Network
TASH
TDIforAccess
The Advocacy Institute
The Arc of the United States
The Parents' Place of MD

CCD Education Task Force co-chairs

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

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

Delancy Allred
Autism Society of America
dallred@autismsociety.org

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

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

www.c-c-d.org