

United States Senate Committee on Health, Education, Labor and Pensions
Meeting the Individual Needs of All Students: The Role of Charter Schools
Wednesday, May 20, 2026 at 10:00 am

Testimony of Jennifer Coco, Interim Executive Director
The Center for Learner Equity

Good morning Chairman Cassidy, Ranking Member Sanders, and distinguished members of the Committee — thank you for the opportunity to testify today.

My name is Jennifer Coco. I am the Interim Executive Director of the Center for Learner Equity (CLE), a national nonprofit dedicated to ensuring that students with disabilities have meaningful access to high-quality public school choices. I am an attorney who has spent nearly two decades working to ensure schools are welcoming places for children with disabilities and their families. My career began as a civil rights attorney with the Southern Poverty Law Center and the Lawyers' Committee for Civil Rights Under Law, and includes leading the groundbreaking *P.B. v. White* lawsuit, which produced systemic improvements in special education in New Orleans' all-charter school system. As an attorney and advocate for children with disabilities, I have represented dozens of children on matters of special education and school discipline and spent hundreds of hours in Individualized Education Program (IEP) meetings in both charter and traditional public schools. I have served on or led multiple task forces with education leaders and policymakers in Louisiana, focused on improving educational outcomes and resources for students with individualized learning needs.

I have also advocated for multilingual learners (MLL) and immigrant students regarding school systems' failures—traditional and charter alike—to provide adequate English Language instruction, translation and interpretation supports, and prohibiting undocumented children from enrolling in public schools. I filed complaints with the US Department of Justice and the Department of Education's Office for Civil Rights (OCR), leading to a five-year settlement agreement between these agencies and a large school district in Southeastern Louisiana. I also led a campaign to reform enrollment practices across the New Orleans charter school system so that students could enroll in school regardless of citizenship status.

After nearly 20 years of advocacy on behalf of students with individual learning needs, I am now living the work with my five-year-old son, who is receiving special education services from our public school district for developmental delays, and my seven-year-old daughter, who receives educational support through a 504 Plan. Advocating for children—including my own—is my life's calling.

I am proud to serve as the leader of CLE, which advances access to high-quality public school choices for students with disabilities. Founded in 2013 as the National Center for Special Education in Charter Schools, CLE has helped remove systemic barriers that exclude students with disabilities from high-quality learning opportunities and expanded access to choices and robust supports. At CLE, we partner with state and local policymakers, school systems, charter school authorizers, charter management organizations, funders, and civil rights, special education, and charter school advocates.

The core areas of our work focus on three key activities. First, we lead coalitions of education stakeholders to collaborate on systemic initiatives that better support students with disabilities through both national coalitions and city-based partnerships. Second, we raise awareness and

advocate for students with disabilities so they can access charter schools that provide special education services in inclusive settings and fair and equitable state funding formulas for charter schools. Third, we lead policy through research, identifying tangible, practical solutions and working with stakeholders and policymakers to make them a reality.

When CLE fulfills its mission, our nation will never segregate, discriminate against, or exclude a child and will deliver on the promise of an excellent education for all students, especially students with disabilities.

Today, I will address five topics: key facts about students with disabilities; what charter schools are and why their structure matters for students with disabilities; the systemic challenges that impeding charter schools' success educating these students; the opportunities Congress and policymakers have to strengthen this sector; and the critical distinction between public school choice and the private school choice programs that are now diverting public dollars away from students' rights.

I. Setting the Foundation: Students with Disabilities & Enrollment in Charter Schools

Overall population of students with disabilities

As of the 2024-2025 school year, there are a total of 8.2 million children aged 3-21 eligible under the Individuals with Disabilities Education Act (IDEA) for special education services, or **1 in 7** public school students K-12, approximately **15%** of all children enrolled in public schools.¹ Nationally, the rates of IDEA-eligible students continue to grow, with an increase of 3.8% in the last IDEA reporting year alone:

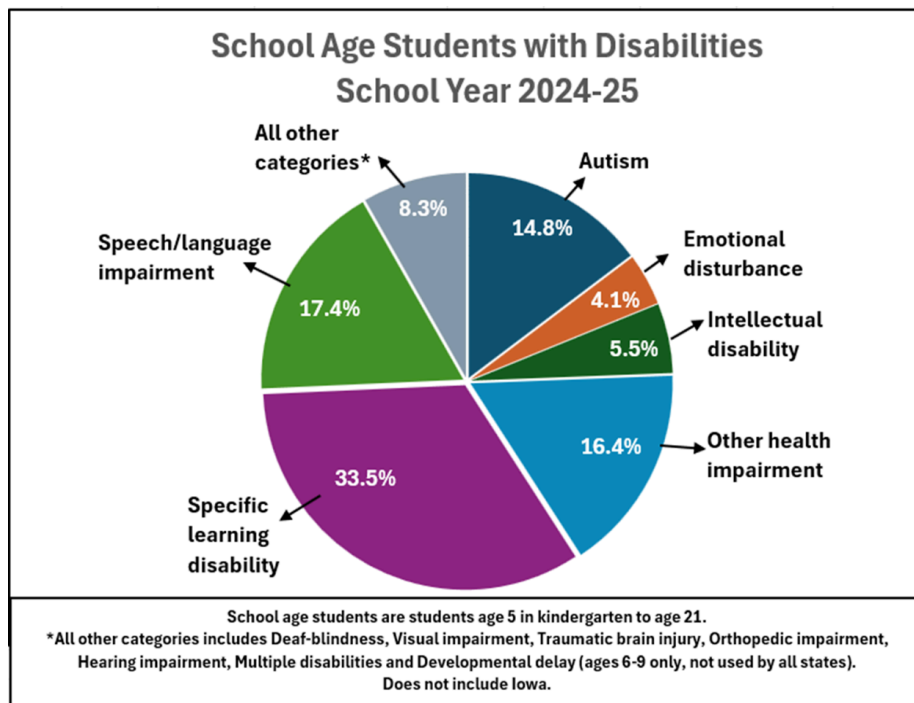
- Ages 3-5 (not in Kindergarten): 603,652 children, an increase of 2.7%
- Ages 5-21: 7,590,772 school-age children, reflecting an increase of 3.9%.²

The IDEA recognizes 13 disability categories, and the chart below shows the percentages of students eligible under these classifications. Specific Learning Disability (e.g., students with dyslexia, dysgraphia, dyscalculia and other processing disorders) reflects the largest number of children identified at 33.5%.³

¹ Congressional Research Service, *The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions*, (February, 2026), <https://www.congress.gov/crs-product/R41833#fn4>

² Source: U.S. Department of Education, IDEA Sec. 618 Data, SY 2024-2025, (Feb. 2026), <https://www.ed.gov/data/idea-section-618-data>

³ Ibid. Chart provided by The Advocacy Institute, (2026)



Additionally, 1.6 million school-age children are eligible for accommodations, supports, and auxiliary aids under Section 504 of the Rehabilitation Act of 1973. Thus, the total of children served by IDEA or Section 504 in our nation’s public schools is **10.25 million**.

Enrollment of students with disabilities and other student groups in charter schools

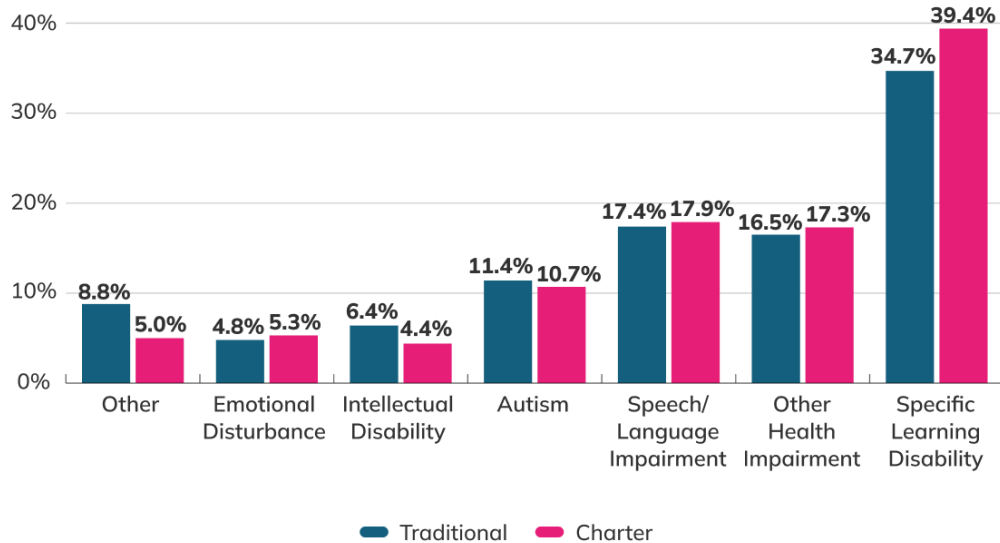
Since 2015, CLE has analyzed the Civil Rights Data Collection (CRDC), conducted by the Department of Education's OCR, to examine enrollment trends of students with disabilities in charter schools, compared to traditional public schools — an analysis that the CRDC is uniquely capable of enabling compared to other sources of IDEA data. Our analysis of the 2021-2022 CRDC reveals that about 400,000 children with disabilities attend a public charter school.⁴ Children with disabilities attending a public charter school represent **11.8%** of enrolled students, compared to **15%** of students in traditional public schools — a gap of 3.2 percentage points.⁵ Our analysis also reveals that charter schools enroll fewer students with low-incidence and other more significant disabilities compared to traditional public schools, but a higher proportion of students with specific learning disabilities.

⁴ Center for Learner Equity, *Civil Rights Data Collection (CRDC) 2021-2022 Analysis: Access and Opportunities for Students with Disabilities* (April, 2025)

https://www.centerforlearnerequity.org/wp-content/uploads/CLE_Brief-1_Fast-Facts-Brief_LKS-23APR25.pdf

⁵ Ibid. Note: Differences in percentages are due to the timing of two different federal datasets: IDEA Child Count data, most recently available for SY 2024-2025, and the CRDC, most recently available for SY 2021-2022.

Enrollment by Primary Disability (SY21-22)



Examining the national enrollment gap in students with disabilities between charter and traditional public schools, we find wide variations across states. In some states, the gap is less than one percent, while in others it exceeds 8%. **These state-level variations tell us that the state policy environment matters enormously. State laws, charter authorizer practices, and local capacity-building all shape whether students with disabilities can meaningfully access charter schools.**

Black students comprised **27.3%** of students with disabilities in charter schools and **16.6%** of students with disabilities in traditional public schools. Latine students comprised **33.7%** of students with disabilities in charter schools and **27.5%** of students with disabilities in traditional public schools. Differences in enrollment rates are comparable to the representation of Black and Latine students in charter schools overall.⁶

The number of children who are multilingual learners (MLLs) and are also served under IDEA continues to grow. Currently, MLLs represent **13.2%** of students with disabilities in traditional public schools and **14.9%** in charter schools.⁷

Most concerning, comprehensive research from Stanford University’s Center for Research on Education Outcomes (CREDO) into student outcomes at charter schools compared to traditional public schools found that students with disabilities made less academic gains in charter schools, compared to traditional public schools.⁸ As CREDO Director Margaret Raymond observed, this is "a consistent and persistent finding, and it's something that the community of charter schools has to address."⁹

⁶ Center for Learner Equity, *Civil Rights Data Collection (CRDC) 2021-2022 Analysis: Access and Opportunities for Students with Disabilities* (April, 2025)

https://www.centerforlearnerequity.org/wp-content/uploads/CLE_Brief-1_Fast-Facts-Brief_LKS-23APR25.pdf

⁷ Ibid.

⁸ Margaret E. Raymond et al., *As a Matter of Fact: The National Charter School Study III* (Stanford, CA: Center for Research on Education Outcomes, 2023), <https://ncss3.stanford.edu/>

⁹ Libby Stanford, *Charter Schools Now Outperform Traditional Public Schools*, Education Week, (June 6, 2023), <https://www.edweek.org/policy-politics/charter-schools-now-outperform-traditional-public-schools-sweeping-study-finds/2023/06>

II. Charter Schools are Public Schools — and Their Structure Determines Everything

Charter schools are public schools that enjoy increased autonomy and flexibility in exchange for a different level of oversight from their authorizers. They enroll students through public lotteries, charge no tuition, and must comply with the IDEA, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. They are funded with public dollars and overseen by public authorizers designated at the state level, as well as the Elementary and Secondary Education Act (ESEA) accountability mechanisms that apply to all public schools. There are approximately 8,200 charter schools serving 3.7 million students across 45 states.¹⁰

What makes charter schools distinct is the trade they make: increased autonomy and flexibility in exchange for a different level of oversight from their authorizers. That trade is what enables charters to innovate. Charter school autonomy over hiring, staffing, schedules, and curriculum can create dynamic opportunities for more flexible, individualized learning than are possible within the constraints of a traditional district. However, that autonomy can also create real challenges with understanding and executing responsibilities in educating students with individualized learning needs.

There is one consequential variable in determining a charter school's responsibilities regarding educating students with disabilities. That variable is whether a charter school operates as its own Local Educational Agency (LEA) or as part of a larger traditional school district for purposes of the IDEA. **Generally, state law determines whether charter schools are their own LEA.** In the 2024-2025 school year, charter schools nationwide were equally split between operating as independent LEAs and operating as part of a district LEA. This is not a technical distinction: it is the single biggest driver of a charter school's scope of responsibility for educating students with disabilities.

A charter school operating within a traditional district LEA will typically draw on the district's centralized special education infrastructure—evaluators, related service providers, transportation, and specialized programs. However, charter schools operating within a traditional district LEA do not have full autonomy or decision-making over their special education services and processes or the enrollment of students with disabilities in their schools, and experience reduced access to key funding streams.

A charter school operating as its own LEA has full autonomy to innovate and structure its special education programming, and has direct, independent access to public education and per-pupil funding streams. For educating students with disabilities, LEA charter schools function as their own school district, with responsibility for implementing the entirety of the IDEA. This ranges from conducting student evaluations to determine eligibility for special education, leading IEP meetings with parents, procuring all related services personnel, accessing the full continuum of placements, and providing a free, appropriate public education (FAPE) in the least restrictive environment (LRE) to eligible children.¹¹

¹⁰ National Alliance for Public Charter Schools, *Fast Facts: Public Charter Schools*, <https://publiccharters.org/charter-schools-101/>. Note: While 47 states have laws permitting charter schools, 45 states currently have charter schools operating and enrolling students.

¹¹ Center for Learner Equity, *Impact of LEA Status on Special Education in Charter Schools*, (2017), <https://www.centerforlearnerequity.org/brief/equity-coalition-issue-brief-legal-status/>

III. Systemic Challenges to Educating Students with Disabilities in Charter Schools— and in All Schools

Conversations about charter schools and students with disabilities too often collapse into a binary: do charter schools *want* to educate students with disabilities, or not? That framing does a reductive disservice to a complex issue. The extent to which charter schools meet the needs of students with disabilities is affected by challenges in three key areas: capacity, access, and resourcing. Challenges in these areas, and their resulting outputs, show that as a matter of policy and implementation, we have not ensured that charter schools can consistently operate within an ecosystem that supports the success of students with disabilities.

Capacity. Charter schools, particularly those operating as single-site LEAs, often lack the economies of scale necessary to deliver the full continuum of special education services.¹² A traditional district operating dozens of schools can centralize specialized programs, share related service providers across buildings, and absorb the costs of low-incidence disabilities across a larger student population. A single-site charter, or even a small network, may have only a handful of students with significant support needs and cannot spread the cost of specialized staff and programming across a comparable base. Without intentionally planning for or requiring proactive capacity-building partnerships, charter schools risk operating without the scale to realistically meet the special education needs of students with disabilities they enroll.¹³

Access. Charter schools frequently struggle to access the staffing pipelines and related service providers that traditional districts can call upon. Special education teachers are in short supply nationwide,¹⁴ and charter schools often compete for the same workforce without the salary structures, benefits packages, or career ladders that districts can offer. Access to related service providers—like speech-language pathologists, occupational therapists, and school psychologists—is similarly constrained.

Resourcing. Charter schools are, on average, less well-funded than traditional public schools. They receive approximately 75% of the per-pupil funding their traditional public school counterparts receive.¹⁵ Without corresponding economies of scale, charter schools can struggle to secure sufficient resources to access the necessary staffing and services that are the backbone of IEPs for students with disabilities. Additionally, charter schools' lack of scale often impacts their fluency in navigating important complementary federal funding streams, like school-based Medicaid billing, a consequential funding stream for educating students with disabilities.

While the smaller size and scope of charter schools pose challenges in meeting the needs of students with disabilities, **these challenges are a microcosm of the broader challenges all public schools face.** All public schools across the nation are struggling with severe staffing shortages,¹⁶ ranging from general educators, special educators, and specialized personnel (e.g., occupational,

¹² Center for Learner Equity, *Shifting the Tide Exploring Centralization of Services for Students with Disabilities in New Orleans*, (2025),

<https://www.centerforlearnerequity.org/wp-content/uploads/CLE-New-Orleans-Centralization-of-Services-Report-August-2024-.pdf>

¹³ Garda, R. and O'Neill, P. *Charter Schools & Special Education: Ensuring Legal Compliance & Effectiveness through Capacity Building* (Univ. of Memphis Law Review, 2021).

¹⁴ Learning Policy Institute. (2025). *Teacher Shortages by Subjects Across States* [Fact sheet], <https://learningpolicyinstitute.org/product/teacher-shortages-subjects-across-states-factsheet>

¹⁵ Batdorff, M., Maloney, L., May, J. F., Speakman, S. T., Wolf, P. J., & Cheng, A. (2014). *Charter School Funding: Inequity Expands*. Fayetteville: University of Arkansas, Department of Education Reform. <https://scdp.uark.edu/charter-school-funding-inequity-expands/>

¹⁶ Learning Policy Institute. (2025). *Teacher Shortages by Subjects Across States* [Fact sheet], <https://learningpolicyinstitute.org/product/teacher-shortages-subjects-across-states-factsheet>

physical and speech therapists, school psychologists, school counselors). States are experiencing significant resource gaps in funding special education services, with rising costs and rising rates of students with disabilities presenting significant resource strains.¹⁷

Nationally, only 20% of students with disabilities score at proficient levels on state assessments¹⁸ and only about 70% earn a high school diploma within four years, compared to 87% of all students.¹⁹ There are essential evidence-based practices, authorized and funded in ESEA and IDEA, that when implemented with fidelity, meet the individualized learning needs of all students so they can achieve key student outcomes.²⁰ The chart below highlights the recent findings from the National Assessment of Educational Progress on the reading proficiency of students with disabilities.

Both 4th and 8th grade students with disabilities see ongoing decline in their reading performance since 2019.



NAEP recognizes students with disabilities as those who may need specially designed instruction to meet his or her learning goals. A student with a disability will usually have an individualized education program that guides his or her special education instruction.

Chart: Kara Arundel/K-12 Dive • Source: National Center for Education Statistics • Get the data • Created with Datawrapper

The essential premise of charter schools—public schools operating with flexibility in curriculum and staffing, surfacing promising models to inform public education—should possess the precise conditions for individualized learning opportunities that meet the needs of students with disabilities. And yet, the data demonstrate that charter schools are not consistently operating in an ecosystem that sets students with disabilities up for success.

¹⁷ National Education Association, (2025), *IDEA Funding Gaps by School District*,

<https://www.nea.org/resource-library/individual-disabilities-education-act-idea-funding-gaps-school-district>

¹⁸ 72% of 4th graders with disabilities, including those with a 504 plan, scored below basic — the lowest achievement category. For 8th graders, 66% of students with disabilities scored below basic. On the 2024 math assessment, 53% of 4th graders and 74% of 8th graders with disabilities scored below basic. National Assessment of Educational Progress, U.S. Department of Education, (2024), As reported by K. Arundel, *What Does NAEP Show for Students with Disabilities?* K-Dive, (February, 2025),

<https://www.k12dive.com/news/NAEP-special-education-scores-decline-assessment/739715/>

¹⁹ National Center for Education Statistics, U.S. Department of Education, (SY 2021-2022),

https://nces.ed.gov/programs/digest/d23/tables/dt23_219.46.asp

²⁰ These practices, defined in the ESEA and IDEA, include multi-tiered system of supports (MTSS), universal design for learning (UDL), positive behavior Intervention and support (PBIS), social and emotional learning (SEL), use of high-quality instructional practices and materials that support evidence-based reading, and more.

IV. Unmet Opportunities

There is actionable work for Congress and policymakers that will improve charter school capacity and readiness to support the individualized learning needs of all students. We want to highlight five opportunities.

First, prioritize centering students with individual learning needs across the charter ecosystem. This is not the work of any single program or actor—it is a commitment that must run through authorizer expectations, state policy, and federal grantmaking. The Charter Schools Program (CSP) should continue to require grantees and subgrantees to demonstrate readiness to serve students with disabilities as a condition of funding.

Second, direct energy and resources toward advancing the quality of charter schools, not just their growth. Pending bills²¹ to modernize the CSP creates flexibility to do this, and that flexibility should also be used to invest in the quality of the existing sector, rather than expanding it without the necessary supports in place. CLE has called for \$500 million in CSP funding for Fiscal Year (FY) 2027 paired with report language directing the Department of Education (ED) to continue providing technical assistance to states and CSP recipients specifically on serving students with disabilities and multilingual learners²². Focused technical assistance has produced concrete benefits: in New Jersey, CLE partnered with the state's CSP grantee on a special educator retention toolkit that is now broadly available to all schools.²³ Moreover, recent 2025 CSP Model Development and Dissemination grants in Rhode Island and Tennessee are focused on increasing access and outcomes for students with disabilities in those states' charter communities.²⁴

Third, ensure autonomy is balanced with capacity. When a state authorizes a charter school to open, particularly one that will operate as its own LEA, it should require the hiring of dedicated special education leadership, upfront planning to access the full continuum of services, and protected funding for teacher pipelines and preparation. These should not be afterthoughts confronted after a school opens, or upon a student with disabilities enrolling with a need profile the school hasn't previously encountered.

Fourth, fully fund IDEA. When Congress passed IDEA in 1975, it committed to funding 40% of the additional average per-pupil cost of educating students with disabilities. Today, Congress provides just 10%.²⁵ The IDEA Full Funding Act²⁶ would place IDEA on a 10-year glide path to that original commitment. For charter schools, particularly those operating as their own LEA, IDEA funding is not supplemental—it is foundational. Similarly, on a state-by-state basis, charter

²¹ See: (S.1795) Empower Charter School Educators to Lead Act, (S.1723) Equitable Access to Facilities Act, (S.4328) Fostering Learning and Excellence in Charter Schools Act (FLEX Act)

²² See: CLE Letter to the U.S. Senate and House Appropriations Committees re: FY 2027 Labor, Health and Human Services, Education and Related Agencies funding, (May, 2026),

<https://www.centerforlearnerequity.org/wp-content/uploads/CLE-FY27-Labor-H-final.pdf>

²³ Center for Learner Equity, *Why Special Educators Leave and How Leaders Can Keep Them: A Guide for Principals and Systems Leaders*, (January, 2026),

<https://www.centerforlearnerequity.org/resource/why-special-educators-leave-and-how-leaders-can-keep-them-a-guide-for-principals-and-system-leaders/>

²⁴ U.S. Department of Education, Expanding Opportunities Through Quality Charter Schools Program Model Development and Dissemination Grants, (FY 2025),

<https://www.ed.gov/grants-and-programs/grants-birth-grade-12/charter-school-programs/expanding-opportunities-through-quality-charter-schools-program-csp-model-development-and-dissemination#awards>

²⁵ Source: U.S. Department of Education, FY 2027 Budget Justifications

²⁶ See: (S. 1277), *The IDEA Full Funding Act*

schools experience barriers accessing state high-cost services or excess cost pools for students with disabilities, or struggle with accessing Medicaid reimbursements for special education services.²⁷

Fifth, protect the federal infrastructure that provides technical assistance and oversight. ED's Office of Special Education and Rehabilitative Services (OSERS), its OCR, and the CRDC are not bureaucratic overhead. They uphold the rights of more than eight million students with disabilities, coordinate networks of technical assistance centers for states, oversee special education program implementation, and provide data that allows policymakers, researchers, and families to understand what is and is not working. Recent actions to dismantle this infrastructure have created instability and uncertainty in schools across the country. What's more, they have done so at a time when the population of students eligible for IDEA services has grown by nearly one million children between 2021 and 2025 alone.

CLE promotes policies and initiatives that ensure charter school autonomy is balanced with access to necessary infrastructure and capacity-building to meet the needs of students with disabilities. For instance, we are partnering with the all-charter school system in New Orleans to launch an Educational Service Agency hosting centralized special education services: local charter schools maintain their LEA status and autonomy over curriculum and staffing, while improving their access to necessary services they collectively need to meet the needs of students.²⁸ As one CEO of a small charter management organization noted: "The most significant factor [that informs my opinion on centralizing] is quality and affordability; if there could be a good balance between the two."²⁹

We must proactively plan for charter schools' success meeting the needs of all students, rather than letting these barriers be afterthoughts negotiated after a school opens or when compliance or sustainability crises emerge. Most relevant for this Committee, we encourage you to direct resources to advancing the quality of existing charter schools beyond just growth. As CLE's co-founder Lauren Morando Rhim noted in 2023, "Charter schools have the opportunity to leverage their autonomy to creatively meet the needs of students by meaningfully engaging families, creating instructional environments that embrace universal design, ensuring teachers are trained to differentiate instruction, and providing effective specialized instruction and support."³⁰

V. Ongoing Threats to Public Schools, Including Charter Schools, and Students with Individual Learning Needs

Abolishing the Department of Education

CLE continues to vehemently oppose moving the functions of ED to other federal agencies. Breaking up the functions of ED jeopardizes access to quality educational opportunities for all

²⁷ Center for Learner Equity, *State Actions to Improve Education Access and Outcomes for Students with Disabilities in Charter Schools (July 2024)*, <https://www.centerforlearnerequity.org/wp-content/uploads/CLE-State.pdf>

²⁸ WWNO New Orleans Public Radio, *Charter school leaders support centralized approach to special education, report finds*, (2024), <https://www.wwno.org/education/2024-08-12/new-orleans-schools-support-centralized-approach-to-special-education-report-finds>

²⁹ Center for Learner Equity, *Shifting the Tide: Exploring Centralization of Services for Students with Disabilities in New Orleans*, (2025), <https://www.centerforlearnerequity.org/wp-content/uploads/CLE-New-Orleans-Centralization-of-Services-Report-August-2024-.pdf>

³⁰ Lauren M. Rhim, Co-Founder, Center for Learner Equity, stated upon the release of *The Charter School Advantage: How Charter Schools can Advance the Educational Solutions that Students with Disabilities Need Charter School Equity, Growth, Quality, and Sustainability Study*, (2024), https://www.centerforlearnerequity.org/wp-content/uploads/CLE012_School-report-v3-1.pdf

children and most especially threatens the rights and opportunities of every child with a disability. Students with disabilities are students first, and their education must remain under the purview of one department, collectively overseeing and steering the improvement activities of public schools across the country.

ED and all of its offices play a vital role in overseeing the implementation of key federal programs and protecting the rights of children with disabilities. The actions taken so far by the administration pose a grave threat to rolling back 50 years of opportunity and progress for the 15% of American students who have a disability.

While the interagency agreements (IAA) announced so far do not include a plan to move the OSERS or the OCR, we know the Secretary of Education told Congress this month that such plans are under consideration. Regardless, the actions taken to date are both harmful and unlawful. This includes moving all functions of the Office of Elementary and Secondary Education (OESE), which administers K-12 grant programs including the CSP, to the U.S. Department of Labor.

This should not be a partisan issue. Dismantling ED will have negative consequences for children across the nation. In defending ED's role, CLE does not defend maintaining the status quo for students nationwide. As we've noted above, for too many students, especially at the intersection of race, poverty, and disability, the promise of quality education has not yet been realized. But gutting the federal agency tasked with protecting and advancing that promise is not the solution to the learning crisis happening for millions of children.

Moreover, state directors of special education rely on a fully functioning OSERS to provide the necessary guidance, support, and technical assistance to address local challenges in meeting the needs of students with disabilities. With regular turnover, especially in the state director position, upwards of 18-20 state special education directors are new each year. These leaders require guidance from the Office of Special Education Programs (OSEP) and the network of technical assistance centers funded through IDEA Part D. Despite the Secretary's promises that nothing will change with these IAAs, we know that uncertainty around the ongoing instability of support and threats to funding plague state and local education leaders alike.

We do not want special education functions and staff moved to either the Department of Labor or Health and Human Services - yet somehow the isolating and segregating of these students and their programs from the rest of K-12 education has not been challenged by Congress. Actions that gut the staff of key offices, like OSEP, deprive school leaders and students of essential supports required by IDEA.

The cuts made by the Secretary in the OCR are widely reported.³¹ With the closure of most regional offices and layoffs that have decimated OCR's legal resources, thousands of cases remain on hold, and families are left waiting for answers to their claims of discrimination against their children. Congress directed OCR to play a unique and distinct function and to handle a volume of cases that the Department of Justice is not resourced to shoulder, and its role is being decimated.

³¹ Government Accountability Office, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights*, (January, 2026), <https://www.gao.gov/products/gao-26-108320> and U.S. Senate, Health, Education, Labor and Pensions Committee, Minority Report, *Justice Denied: How Trump's Office for Civil Rights Reached a 12-Year Low in Protecting Students from Discrimination*, (April, 2026), https://www.sanders.senate.gov/wp-content/uploads/04.24.26-Justice-Denied-How-Trumps-Office-for-Civil-Rights-Reached-a-12-Year-Low-in-Protecting-Students-from-Discrimination_FINAL.pdf

These children and their families are being deprived of their recourse before the entity Congress created to provide it.³²

Impacts of Threats to Federal Funding

While the Charter School Program (CSP) is authorized in ESEA, and the Administration has been supportive of charter schools, it's important for Congress to recognize that the average charter school is not the direct beneficiary of federal CSP dollars because they are neither new nor scaling—they are mature, established schools, doing the daily work of educating students and working to improve quality and outcomes. This is why all programs authorized under IDEA and all K-12 Title programs under ESEA are vital to the success of charter schools.

Charter schools cannot weather inconsistent budget cycles like the threatened funding cuts last summer when the Secretary of Education withheld nearly \$7 billion in appropriated funds for public education. Charter schools, like all public schools, are reliant upon these funds because they support their teacher training and professional development, MLL services, family and statewide engagement, STEM access, technology and digital access in classrooms, afterschool programs, and more. These types of losses or projected instability in federal funding often immediately trigger staffing cuts and elimination of vital school programs and essential personnel whereby students, including those with disabilities, then lose key supports, and their academic and social wellbeing suffers.

We urge Congress to demand a fully functioning Department of Education prepared to carry out its directives, including a fully implemented ESEA and IDEA, fully staffed OCR, and robust technical assistance and oversight functions³³.

VI. Distinguishing Private School Choice

I want to draw a sharp distinction that has too often been blurred in recent policy debates. Charter schools are public schools. The students who attend them retain every right and protection guaranteed by IDEA, Section 504, and federal civil rights laws. The schools themselves receive local, state, and federal public education funds and are accountable to the public. Charter schools must accept all students who apply through public lotteries, and cannot discriminate on the basis of disability.

In private schools, the public - especially students and families - lose that accountability. When families utilize a school voucher, including those funded by tax credits to enroll a child with disabilities in a private school, IDEA rights and students' civil rights do not follow. Private schools can exclude students with disabilities, charge tuition that vouchers do not fully cover, deny admission based on religious criteria, and accept voucher dollars and then remove the student because they are not a precise fit for the school. There is no IDEA. There is no Section 504. The OCR does not have jurisdiction.

CLE is deeply concerned when public funds are diverted from public schools to private schools, because it sets families up to exercise choice *at the expense of* their rights. Our position is not

³² Jennifer Coco, *For students with disabilities, the Office for Civil Rights is often the last line of defense*, K-12 Dive, (Jan. 23, 2026), <https://www.k12dive.com/news/for-students-with-disabilities-the-office-for-civil-rights-is-often-the-la/810295/>

³³ See: CLE Letter to the U.S. Senate and House Appropriations Committees re: FY 2027 Labor, Health and Human Services, Education and Related Agencies funding, (May, 2026), <https://www.centerforlearnerequity.org/wp-content/uploads/CLE-FY27-Labor-H-final.pdf>

rooted in any judgment of individual families making choices about what's best for their children. Rather, it's about the duty and responsibility of policymakers—from Congress to state legislators—to ensure that parents can navigate a marketplace of school choices in which students' rights are protected. This is a meaningful choice.

In promoting and supporting vouchers that do not come with federally defined obligations, I fear we are setting up parents and families to choose settings where they have no leverage to expect that their children's individual learning needs be accommodated, because there is no corresponding obligation to do so. I have lived this with my son, navigating private preschool.³⁴

VII. Closing

In closing, I wish to bring us back to the students—their value, their potential, and our obligation to do all we can to help them achieve a bright and promising future.

While I understand this committee focuses on authorizing laws, you can also communicate priorities so that appropriators prioritize and invest federal funds to strengthen and support public charter schools. As you work with colleagues to improve access to high-quality charter schools, CLE also encourages you to do all you can to **protect and invest in federal education funding that expands and strengthens educational opportunities and choices for all students with disabilities and all students with individualized learning needs.**

This includes funding in FY 2027, as authorized, for every ESEA Title program, including CSP, and a rejection of block grants to states. It includes funding every component of IDEA, rejecting proposals to block grant special education funding at the expense of protected allocations for preschool for children with disabilities, parent training, teacher preparation programs, and more. Most importantly, it includes fully funding the IDEA³⁵, easing the burden on state and local budgets that collectively offset \$24 billion in costs educating students with disabilities each year.³⁶

A vast majority of students with disabilities can achieve at grade level and experience academic success when they receive appropriately individualized instruction and support; all children can find a path to independence and dignity through a quality education. It's on us, the adults, to believe in their potential and do everything possible to ensure our children get the support they need to live lives of unlimited possibility—and that belief starts with Congress ensuring our laws and the promises made to children are upheld and well resourced.

³⁴ Jennifer Coco, *Private School Choice Is the Wrong Choice for Kids With Disabilities, Like Mine*, The 74Million, (June 20, 2025), <https://www.the74million.org/article/private-school-choice-is-the-wrong-choice-for-kids-with-disabilities-like-mine/>

³⁵ See: (S. 1277), *The IDEA Full Funding Act*

³⁶ Congressional Research Service [as excerpted by the IDEA Full Funding Coalition], *IDEA Full Funding Shortfall by State*, https://static1.squarespace.com/static/675713b29458620063d2a8e3/t/67ad51f65cb85b4ecf7aa39b/1739411959248/IDEA_Full_Funding_Shortfall_By_State.pdf, see also, National Education Association, (2025), *IDEA Funding Gaps by School District*, <https://www.nea.org/resource-library/individual-disabilities-education-act-idea-funding-gaps-school-district>