



November 4, 2021

The Honorable Charles Schumer
Senate Majority Leader
S-221, The Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
H-232, The Capitol
Washington, DC 20515

The Honorable Patty Murray
Chairperson
Committee on Health, Education, Labor & Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Robert “Bobby” Scott
Chairman
Committee on Education and Labor
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Bernard Sanders
Chairman
Committee on the Budget
624 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Yarmuth
Chairman
Committee on the Budget
204-E House Office Building
Washington, DC 20515

Dear Majority Leader Schumer, Speaker Pelosi, Chairwoman Murray, Chairman Scott, Chairman Sanders, and Chairman Yarmuth,

The Center for Learner Equity (“CLE”) is a nonprofit organization dedicated to ensuring students with disabilities have equitable access to high-quality public education. CLE provides research, policy analysis, coalition building, and technical assistance to a variety of stakeholders across the nation as a leading national voice regarding supporting students with disabilities in both the charter and traditional public school sectors. There are approximately 7.7 million students currently eligible for services under the Individuals with Disabilities Education Act (IDEA) – accounting for 14 percent of public school enrollment. Of those 7.7 million students, over 331,000 are enrolled in public charter schools.

We are writing to thank you and urge strong support for key provisions and related funding in H.R. 5376, the Build Back Better Act (BBB), that will support children with disabilities and their families. The provisions which CLE supports and urges you to maintain in the final bill are:

- **Childcare and Universal Pre-kindergarten-Subtitle D: Sec. 23001 (b)(1)(B) and (j).** Together, these provisions will ensure that childcare and preschool providers that accept the federal funding, whether directly from the state or indirectly through a third party as allowed, *cannot discriminate on the basis of disability*. The bill makes clear that the protections of both the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 apply. Collectively, these two laws serve as the preeminent disability nondiscrimination laws and have paved the way for individuals with disabilities to participate fully in our society. It is critical that the final BBB includes these protections to ensure that the extension of federal financial assistance to enhance and expand childcare and Pre-K comes with the longstanding requirement that providers must not use taxpayer funds to deny access or services based on a child’s disability. Weakening or eliminating these nondiscrimination provisions would put millions of infants, toddlers, and preschool-age children at risk of losing access to inclusive,

high quality early childcare and/or preschool. For this reason, we implore you to leave these protections intact in the legislation.

- **Educator Workforce Investments.** CLE has joined with the Coalition for Teaching Quality (CTQ), which includes civil rights, disability rights, education justice and education member organizations, to advocate for these essential investments in the educator workforce. The funds are desperately needed to address the teacher shortages that existed before the pandemic and have become dramatically worse. Together with CTQ, we thank you and encourage continued support for current BBB investments in the educator pipeline which include:
 - **\$228 million: Teacher Quality Partnership** to support comprehensive educator preparation through teacher residencies and Grow Your Own Programs.
 - **\$113 million: Teacher preparation** at Historically Black Colleges and Universities, Tribal Colleges and Universities and other minority-serving institutions.
 - **\$162 million: Individuals with Disabilities Education Act Part D personnel preparation** to support the comprehensive preparation of teachers for students with disabilities.
 - **\$113 million: School Leadership Recruitment and Support Program** to help increase student access to well-prepared and diverse school leaders.
- **Competitive Integrated Employment.** The \$270 million provided will help incentivize states to increase access to competitive integrated employment and stop funding programs that pay subminimum wages in sheltered workshops to people with intellectual disabilities.
- **Assistive Technology Act Programs.** The \$10 million provided are essential to expanding the capacity of State Assistive Technology programs which serve millions of children, youth, and adults with disabilities.

Again, we thank you for including in this legislation important civil rights protections that prevent discrimination of infants, toddlers, and preschoolers with disabilities and for making key investments that will infuse our nation's schools with well-prepared teachers, reduce discrimination of individuals with intellectual disabilities in segregated work settings, and increase access to assistive technology. We believe these provisions are essential to the success of individuals with disabilities and their families. We urge you to maintain each as you finalize the bill text and move toward final passage of the Build Back Better Act.

Thank you for your leadership and commitment to the rights and opportunities of individuals with disabilities.

Sincerely,



Lauren Morando Rhim
Executive Director and Co-Founder