

January 26, 2017

Chairman Lamar Alexander
U.S. Senate
Washington, DC, 20510

Ranking Member Patty Murray
U.S. Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

The Council of Parent Attorneys and Advocates (COPAA) is the premier advocacy organization for the 6.5 million children with disabilities eligible for special education services under the *Individuals with Disabilities Education Act* (IDEA) and the 400,000 additional students with disabilities protected by Section 504 of the Rehabilitation Act of 1973 (Section 504).

We write now because the Senate Health, Education, Labor and Pensions (HELP) Committee's January 17, 2017 nomination hearing for Elisabeth "Betsy" DeVos has convinced COPAA to take a formal position in opposition to Mrs. DeVos as the nominee for Secretary of Education.

In our January 9 letter to you, we asked the Committee to secure certain commitments from Mrs. DeVos around:

- Ensuring excellence in education for all children;
- Safeguarding the protections of the IDEA and Section 504;
- Combatting discrimination in voucher and charter school programs;
- Enforcing State compliance with the IDEA and the *Every Student Succeeds Act* (ESSA); and
- Curtailing the overuse of exclusionary disciplinary practices, especially seclusion, restraint.

Not only did Mrs. DeVos refuse to make these commitments, she manifested an appalling lack of knowledge of educational concepts, the difference between the federal and state statutes that govern education, and basic facts about public education. Specifically, her lack of knowledge of the IDEA is disturbing and offensive to us. Students with disabilities represent over 13 percent of the nation's students and 90 percent attend a traditional or public charter school.

We are extremely concerned about Ms. DeVos's apparent lack of understanding of the IDEA, the federal law that guarantees a "free and appropriate public education" to children with disabilities. During her confirmation hearing Mrs. DeVos appeared to be unfamiliar with IDEA and the protections afforded to students with disabilities through **the law**, stating that she felt that enforcement of this federal law should be left up to the states. This is unacceptable and clearly indicates that Ms. DeVos is unqualified to serve as Secretary of Education. **It is essential that the Secretary of Education be knowledgeable and supportive of the federal laws that guide special education services.**

In the hearing, Mrs. DeVos advocated for vouchers writ large as if they solve every family's dilemma or as a substitute for public education. She did not commit to protect against discrimination in voucher or charter

schools. She heavily emphasized state rights, but failed to demonstrate an understanding that some states require parents to sign away their child's rights under the IDEA to access the voucher funds. We believe it is unconscionable to require a parent to give up their child's right to a free appropriate public education in exchange for taxpayer funded tuition support at a private school. The reasons for this are many, including the fact that level of tuition support is usually far below the cost of the education, related services and transportation costs the child needs; there is often little to no accountability; and, there is often no protection should the child be pushed out of the private school. Schools whether public or private, should not be allowed to abdicate responsibility under the law by providing vouchers, and parents and students should not be forced to give up rights in the name of "choice." COPAA fully examines the scope of vouchers in our June, 2016 report [School Vouchers and Students with Disabilities: Examining Impact in the Name of Choice](#). The subsequent September, 2016 [Government Accountability Office \(GAO\) report](#) bears out our member experiences and further [demonstrates the possible harmful and often deceptive "choice" vouchers can provide for students with disabilities and their families](#).

Mrs. DeVos made it plain in the Senate hearing that she does not believe accountability should apply equally to all schools taking federal funds and she would not commit to enforcing the accountability requirements of the Every Student Succeeds Act (ESSA). She also refused to address the discriminatory practices of bullying and disciplinary actions that disproportionately impact students with disabilities, including the use of seclusion and restraint.

[To earn COPAA's support, the nominee for Secretary of Education must demonstrate not only a deep level of understanding about, but an unwavering commitment to the rights of students with disabilities. Ms. DeVos has failed to do so to date.](#)

Mrs. DeVos' stated inexperience with public education, demonstrated ignorance of the law and unabashed nonchalance toward the role of enforcer of our children's civil rights compels COPAA to urge the Senate HELP Committee to refuse to report out her nomination to the full Senate. If the nomination does reach a Floor vote, the Senate needs to put the future of millions of children's lives above partisan loyalty and vote NO on the confirmation of Betsy DeVos.

Sincerely,



Denise Marshall
Executive Director

cc: Members of the Senate Committee on Health, Education, Labor and Pensions

COPAA is an independent, nonprofit organization of parents, attorneys, advocates, and related professionals. COPAA members nationwide work to protect the civil rights and secure excellence in education on behalf of the 6.5 million children with disabilities in America. COPAA's mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education and lifelong learning, as well as full participation in his or her community.