



January 9, 2017

Senator Lamar Alexander
Chairman, HELP Committee
455 Dirksen Senate Office Building
Washington, DC 20510

Senator Patty Murray
Ranking Member, HELP Committee
154 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Alexander & Ranking Member Murray,

The undersigned members of the Consortium for Citizens with Disabilities (CCD) Education Task Force write in advance of the nomination hearing for Betsy DeVos for United States Secretary of Education, to share our views on the importance of the US Department of Education to students with disabilities and to urge you to ask Ms. DeVos to describe her vision for the Department's role in supporting students with disabilities and promoting their inclusion and achievement.

The CCD Education Task Force advocates 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 CCD Task Force sees these principles as critical elements in a society that recognizes and respects the dignity and worth of all its members.

With that mission in mind, we would like you to consider the following issues as you seek a qualified candidate to serve as the United States Secretary of Education.

A General Education System for All Students

While most students with disabilities are served by the Individuals with Disabilities Education Act (IDEA), all students are general education students first. To reach the goal of ensuring every student is taught to state standards, held to high expectations and given every chance to achieve a high school diploma, the new Secretary of Education must provide oversight, guidance, and technical assistance to states on the newly reauthorized Elementary and Secondary Education Act (ESEA), now known as the Every Student Succeeds Act (ESSA) and support Congress' intent to further align ESEA and the IDEA.

As ESSA is implemented, states must design strong accountability systems. States, districts and schools must raise achievement for all groups of students and must make more progress for groups of students who may be behind, including students with disabilities. The accountability system must also be transparent so the outcomes for students with disabilities are clear and easily obtainable thus making it possible for families, community members, teachers, and school leaders to determine the impact of educational practices and track their effectiveness. Universal Design for Learning (UDL) and digital accessibility and support for interoperability with assistive technology, now included in the new law, provide a crucial framework to ensure that the promise of ESSA reaches the widest range of students, including those in all the student subgroups. The Administration must promote models of PreK-12 inclusive educational practices and provide supports to states and districts to provide the best possible instruction

for students with disabilities in the least restrictive educational placement that is most appropriate for each student. The new Administration should ensure the use of alternate assessments are limited to only those students with the most significant cognitive disabilities, no more than 1% of the overall student population.

A Strong IDEA

IDEA ensures that students with disabilities receive a free, appropriate public education (FAPE) in the least restrictive environment (LRE) with the protection of due process procedures. Since IDEA was first established in 1975, tens of millions of children with disabilities have received education services tailored to meet each child's unique needs. The importance of IDEA cannot be overstated; indeed the purpose of IDEA, as stated in the 2006 IDEA regulations, illustrates this perfectly:

- to ensure that all children with disabilities have available to them a “free appropriate public education” that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;
- to ensure that the rights of children with disabilities and their parents are protected;
- to help States, localities, educational service agencies, and Federal agencies provide for the education of all children with disabilities, and
- to assess and ensure the effectiveness of efforts to educate children with disabilities.

As a result of this law, and its supported and robust enforcement, graduation rates for students with disabilities have risen, and dropout rates have lowered. Any Secretary of Education must work with and through the Department to continue this progress by supporting IDEA and its implementation in the states.

A Well-Resourced Public Education System

As stated above, IDEA requires public schools to provide services to eligible students at no cost to their parents and provides families and students with important rights to ensure students receive an education. Unlike public schools, however, which are covered by IDEA, a private school has no legal requirement to meet a child's unique needs. Parents that place their children in private schools, using a government-funded voucher, have no recourse under IDEA if the school does not meet their child's educational needs. Private schools can also reject any student – before or after enrollment for any reason, even a disability. Thus, when parents use vouchers they forfeit important rights, legal protections, and services guaranteed by IDEA, often without their knowledge.

Additionally, the overwhelming majority of students with disabilities are served in public schools which rely on federal IDEA funds. We believe increasing investment in IDEA and Title I is critical to school's ability to serve our students. Any new program that diverted funding away from these important programs would negatively impact the 6.5 million students with disabilities.

A Strong Office for Civil Rights

The U.S. Department of Education, and in particular, the Office for Civil Rights (OCR), has played a critical role in ensuring access, equity and opportunity for all students, including those with disabilities. By providing oversight, guidance, monitoring and technical assistance the OCR has helped to ensure that millions of students with disabilities have access to the general curriculum, are held to high achievement standards, and provide teachers and school leaders with resources and tools so they can teach students with diverse needs. Additionally, the data provided by the Civil Rights Data Collection through OCR is critical in ensuring transparency about the status of students in our nation's schools, and helping parents,

educators and communities to improve public education for all students. These essential functions must continue in any Administration.

Education is the backbone of our society. The undersigned feel strongly that it is the duty of a Secretary of Education to ensure that ALL our students receive an education which is grounded in a civil rights framework which dictates equity for all.

Sincerely,

ACCSES

American Dance Therapy Association

American Occupational Therapy Association

Association of University Centers on Disabilities

Autistic Self Advocacy Network

Bazelon Center for Mental Health Law

Center for Public Representation

Council for Exceptional Children

Council for Learning Disabilities

Easter Seals

Higher Education Consortium for Special Education

Learning Disabilities Association of America

Mental Health America

National Association of School Psychologists

National Association of State Directors of Special Education

National Center for Learning Disabilities

National Center for Special Education in Charter Schools

National Association of Councils on Development Disabilities

National Disability Rights Network

National Down Syndrome Congress

National PTA

School Social Work Association of America

Teacher Education Division of the Council for Exceptional Children

The Advocacy Institute

The Arc

Cc: Members of the Senate HELP Committee

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