

Figure 1 Consortium for Citizens with Disabilities



January 24, 2017

The Honorable Lamar Alexander
Chairman

The Honorable Patty Murray
Ranking Member

US Senate Committee on Health, Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

The undersigned members of the Consortium for Citizens with Disabilities (CCD) write in response to the hearing of Betsy DeVos for the U.S. Secretary of Education. Given the lack of clarity that came from her nomination hearing, we request that she provide specific answers to numerous questions regarding her views on policies that impact students with disabilities before her nomination is voted on in committee.

CCD 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. We see these principles as critical elements in a society that recognizes and respects the dignity and worth of all its members.

On January 9, 2017, in anticipation of the nomination hearing for Betsy DeVos, the CCD Education Task Force submitted [a letter](#) to members of the Health Education Labor and Pensions (HELP) Committee urging members to ask questions that would help to clarify Mrs. DeVos' vision for the Department's role in supporting students with disabilities and promoting their access and inclusion in the education system. Unfortunately, at the hearing, Mrs. DeVos' answers to many questions did not provide the needed clarity, and in fact, raised serious concerns from the undersigned organizations regarding her vision and commitment to upholding and implementing, with fidelity, the laws under which students with disabilities are educated including the Individuals with Disabilities Education Act and the Every Student Succeeds Act. Our concerns arise from, but are not limited to, answers such as the following:

- When asked on whether all schools that receive federal funding should meet equal accountability standards, Mrs. DeVos answered, “well no”.
- When questioned about IDEA full funding, Mrs. DeVos responded, “and maybe the money should follow the individual student instead of going to the states”.
- When asked whether students would be able to keep their IDEA rights under a private school voucher system, Mrs. DeVos refused to answer the question.
- When asked whether all schools that receive taxpayer funding should meet the requirements of IDEA, Mrs. DeVos responded, “I think that is a matter best left up to the states.”
- When asked whether all schools should be required to report the same information on instances of discipline, harassment or bullying Mrs. DeVos responded, “I think that federal funding certainly comes with strings attached” rather than committing to this policy position.

The undersigned organizations respectfully request that Mrs. DeVos provide answers to the questions listed below prior to a vote on her nomination in committee. We believe that answers to these questions are critical to assessing Mrs. DeVos’ commitment to educating all students, including the 6.5 million students served under IDEA.

- Do you support that it is the role of the U.S. Department of Education to enforce the Individuals with Disabilities Education Act (IDEA)?
- Should states and schools that receive federal funds through IDEA be required to meet all of the requirements laid out in the federal statute?
- Should the federal government incentivize states to provide students with disabilities and their families’ private school vouchers without the protections of the IDEA?
- Should IDEA funds follow the student?
- Should all schools that receive tax payer funding be held accountable as required in the Every Student Succeeds Act (ESSA) and its implementing regulations?
- Should all schools that receive federal funds be held accountable for students with disabilities as required by ESSA and its implementing regulations?
- Do you support that students with disabilities who attend private schools should retain due process rights as defined by IDEA?
- Are the McKay Scholarships, which require the signing away of IDEA rights, a model with which you agree?
- How do you expect that parents will make up the difference between the money that a private school voucher provides and the cost of educating a student with complex disabilities in a private school setting? Are you aware of the average cost for educating a student with a significant disability?
- Should students with disabilities have the option to attend general education schools and receive necessary special education services? If so, then how would

you ensure that funding is available for this arrangement in a private school voucher system?

- Do you support the presumption under IDEA that students with disabilities should be educated in general education classes. If yes, how would you ensure the LRE provisions of IDEA are properly implemented in a private school voucher system, charter schools and traditional public schools?

A committee vote on Betsy DeVos for U.S. Secretary of Education should be delayed until Mrs. DeVos has fully answered the above questions, and allows Committee members the opportunity to fully understand how she plans to ensure that students with disabilities receive a quality education with their peers as required by federal statute.

Thank you for considering our views. If you have any questions, please contact Kim Musheno, CCD Chair, at 301-588-8252/222 or kmusheno@aucd.org

Sincerely,

Advance CLASS
American Academy of Pediatrics
The Advocacy Institute
The Arc of the United States
American Council of the Blind
American Dance Therapy Association
American Music Therapy Association
American Network of Community Options and Resources
American Speech-Language-Hearing Association
Autistic Self Advocacy Network
Association of University Centers on Disabilities
Brain Injury Association of America
Conference of Educational Administrators
of Schools and Programs for the Deaf
Council for Learning Disabilities
Disability Rights Education & Defense Fund
Division for Early Childhood (DEC) of the Council for Exceptional Children
Division for Learning Disabilities
Easterseals
Epilepsy Foundation
Center for Public Representation
Council for Exceptional Children
Family Voices
Learning Disabilities Association of America
Lutheran Services in America Disability Network
School Social Work Association of America

Higher Education Consortium for Special Education
National Association of Councils on Developmental Disabilities
National Association of State Directors of Special Education
National Association of School Psychologists
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Association of State Head Injury Administrators
National Disability Rights Network
National Down Syndrome Congress
National Health Law Program
National PTA
National Respite Coalition
National Center for Independent Living
Parent to Parent USA
Teacher Education Division of the Council for Exceptional Children

Cc: HELP Committee Senators