

The Honorable Dianne Feinstein  
United States Senate  
Washington DC 20510

The Honorable Kamala Harris  
United States Senate  
Washington DC 20510

January 2, 2017

Dear Senators Feinstein and Harris,

The California Down Syndrome Advocacy Coalition (CDAC) would like to share with you our concerns about President-elect Trump's proposed Secretary of Education, Betsy DeVos. CDAC is a partnership of parents and active Down syndrome organizations across the state of California who advocate on behalf of people with Down syndrome and their families.

One of our main goals is to promote meaningful access to educational opportunities for people with Down syndrome. Thanks to the hard work of many passionate advocates—parents, educators, legislators, and other stakeholders—federal law now protects vulnerable students such as those with Down syndrome by ensuring that they have the right to a free and appropriate public education (FAPE) in the least restrictive environment (LRE), which is presumed to be a general education setting with appropriate supports. The reality is that parents of students with Down syndrome often have to fight long and hard to secure their child's rightful place in an inclusive education setting, but the law *is* on their side. At least, it is if the family is looking at public school.

Therein lies our greatest concern with President-elect Trump's selection of Betsy DeVos as the potential Secretary of Education. Ms. DeVos is well known for supporting a voucher-based, privatized, for-profit education system. For vulnerable student populations, such as those we at CDAC support, this could be catastrophic. Private and for-profit schools have the right to set academic admissions criteria that many students with disabilities cannot meet, and these schools are not required to provide all the accommodations that students with disabilities may require to be successful.

So where would this leave our children with Down syndrome? Very likely right back where we started decades ago, being educated in a setting that does *not* provide them with the best opportunity to earn an education that prepares them for their adult life.

Some have speculated that if voucher-based education is adopted, public schools would remain open (but woefully underfunded, thanks to funds being diverted to vouchers) solely for students with disabilities and those with very low incomes. Others have speculated that students with disabilities would end up in a small number of segregated private schools that accept them. Neither solution is a positive one in any way for these students. In fact, they are both taking several giant steps backward, erasing all the progress we've made over this last few decades.

These potential changes would impact a significant population of our state's students: Of the roughly 5.7 million students enrolled in California's public schools, 10.5 percent of them have a disability and fall under the umbrella of students protected by the Individuals with Disabilities Education Act (IDEA). That's more than 600,000 California students who could be negatively impacted by a voucher-based educational system.

We understand that there are student with disabilities whose learning needs are not met in the students' home schools and that education options are important; however, under no circumstances should a private school voucher impact the funding of public schools. All students in the United States have the constitutional right to equal public education opportunities.

Additionally, IDEA ensures a free and appropriate public education, and the purpose of the Every Student Succeeds Act (ESSA) is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close achievement gaps that currently exist.

Our nation's education secretary should ensure all students have access to a high-quality public education. And while some students with disabilities have had successful experiences in private and charter schools, both the Council of Parent Attorneys and Advocates and the United States Government Accountability Office have done studies that expose reason for concern regarding a national public policy based on vouchers and charters. (I would be happy to provide you with links to those reports if you're interested in the specifics—the reports are quite comprehensive.)

And so, we respectfully request that you do not support Ms. DeVos as our future Secretary of Education. Or at the very least, we request that you strongly question how Ms. DeVos on how she would work to protect the rights of students with disabilities in a voucher-based system that could, in theory, include private schools, charter schools, and public schools. Would all of those voucher-based schools be required to uphold FAPE and LRE for all students? Would they be required to uphold the new Every Student Succeeds Act (ESSA) standards that are currently being refined and should be implemented by next year? Would all of those schools receive proper training on the benefits of inclusion and be staffed with educators who are qualified to teach diverse student populations?

It is our belief that a voucher-based system is *not* a positive change for students with disabilities—but if it does come to pass, we strongly suggest that the Secretary of Education be prepared to handle all of the issues that will come up pertaining to students with disabilities. We need to ensure that we continue to move forward for our vulnerable student populations, *not* take a step backward by completely dismantling our public education system.

We ask that you support a candidate who is interested in expanding access to educational opportunities for *all* our student populations, not simply those that fit in the “typically developing” box. We ask that you support a candidate who is committed to implementing ESSA while ensuring that ESSA includes safety measures that will protect vulnerable student populations, such as those with disabilities. We ask that you support a candidate who is committed to continuing to improve our public education system, which is not without flaws but which is, in general, a positive system that can ultimately support all student populations.

With respect and thanks,

Kelly Kulzer-Reyes and Cathleen Small, co-chairs of the California Down Syndrome Advocacy Coalition

