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January 24, 2017

United States Senate  
Health, Education, Labor and Pensions Committee  
428 Senate Dirksen Office Building  
Washington, DC 20510

Dear Senator:

On behalf of the three million members of the National Education Association (NEA) and the students they serve, we urge you in the strongest terms to **Vote No** on confirming Betsy DeVos as Secretary of Education. During the hearing process, Mrs. DeVos demonstrated that she lacks the experience and qualifications to lead the U.S. Department of Education in furthering its mission to foster educational excellence and ensure equal access to education for all students. Votes associated with this issue **will be** included in the NEA Legislative Report Card for the 115<sup>th</sup> Congress.

Public education is the foundation of our 21st-century democracy. Educators strive every day to make public schools a place that welcomes every student and prepares them to reach their full potential and contribute to our society, economy, and citizenry. We expect our elected leaders and policymakers, regardless of party affiliation, to value and support this uniquely American vision for a strong and inclusive public education system that ensures that all students can succeed.

Sadly, Mrs. DeVos has consistently worked against these values, and her efforts over the years have done more to undermine public education than support all students. Further, Mrs. DeVos has zero experience with the public school system, either as a student, educator, administrator, or even as a parent. She would be the first Secretary of Education with no experience with public schools, including in early childhood and higher education.

Mrs. DeVos displayed her lack of experience and understanding of basic education issues during the HELP Committee's January 17<sup>th</sup> hearing. [When asked by Senator Franken for her views on the relative advantage of using assessments to measure proficiency or growth Mrs. DeVos clearly did not know the difference between the two approaches.](#) The Secretary of Education is tasked with running a complex department that is working to help with implementation of the *Every Student Succeeds Act*, and our students cannot afford to have someone at the helm who does not understand fundamental education policies that have been widely discussed for years.

Mrs. DeVos further revealed her lack of qualifications to lead the Department of Education when asked by Senator Kaine about the *Individuals with Disabilities Education Act* (IDEA), which

requires public schools to provide students with disabilities a free appropriate public education. When asked whether *all schools* that receive taxpayer funding should be required to meet the requirements of IDEA [Mrs. DeVos replied, “I think that is a matter best left to the states.”](#) This response reveals both a disregard for educational equity for students with special needs and that Mrs. DeVos wishes to continue to shield the voucher programs she champions from accountability and transparency requirements. Vouchers deprive students of the rights and protections they receive in public schools. Despite receiving public money, private schools that participate in voucher programs are not subject to the same civil rights laws, and do not face the same accountability and transparency standards that public schools must meet, including those in Title VI, Title IX, and IDEA.

As an advocate and political donor, Mrs. DeVos has consistently and systematically worked to dismantle and privatize our public schools. As chair of multiple education reform advocacy groups, Mrs. DeVos has been a national leader in supporting and promoting private school vouchers.<sup>1</sup> For decades, Mrs. DeVos has lobbied for and bankrolled failed schemes, like private school vouchers and tuition tax credits — which take away funding and local control from our public schools that educate 9 out of 10 students — to fund private schools at taxpayers’ expense. These schemes fail to help our most vulnerable students and they ignore or exacerbate glaring opportunity gaps. Vouchers do not create choice for parents so much as choice for private schools — they can reject students based on economic status, academic achievement, disabilities, or even gender.

There is no significant evidence that schemes like vouchers or for-profit charters improve the performance of either the students receiving them or those who remain in public schools. In Mrs. DeVos’ home state of Michigan, where she is considered an architect of the for-profit charter school system, 8 in 10 Michigan charters had academic achievement below the state average in both reading and math, according to the Center for Research on Educational Outcomes.<sup>2</sup> Hillary Young, a mother of three children who attend a charter school in Detroit, Michigan, stated during a recent press conference that as a result of the lack of accountability and constant teacher turnover, “my 6<sup>th</sup> grader was without a math teacher for half of the 2015-16 school year.” Ms. Young further stated, “school choice leads to schools competing for the dollars attached to our students rather than cooperating to create equitable quality schools for the students.” “This competition has emptied many communities of quality educational opportunities and shifted hardship to our children. Children should not have to leave their schools and communities to get access to a quality education,” she said. This is an indication of what a DeVos and Trump education agenda would mean for students and schools across the country.

We also wish to raise concerns regarding the application of students’ civil rights protections. The Secretary of Education oversees the Office for Civil Rights (OCR), which works to vigorously enforce civil rights for students across the nation in an effort to ensure equal access, one of the main tenets of the Department of Education. Among other things, OCR has issued guidance around school discipline—especially for students of color, English language learners and students with disabilities; greater enforcement of Title IX on college campuses—particularly around sexual assault; discrimination issues and protection of LGBTQ students. When asked by Senator Casey about upholding the Department of Education’s guidance on Title IX as it relates to sexual assault [Mrs. DeVos stated she would not commit to doing so at this time.](#) We are deeply troubled by Mrs. DeVos’ unwillingness to commit to common sense approaches to prevent sexual assault and protect sexual assault victims as outlined in the current guidance, such

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<sup>1</sup> [Philanthropy Roundtable, Spring 2013](#)

<sup>2</sup> [Center for Research on Educational Outcomes, January 1, 2013](#)

as: publishing a policy against sex discrimination, proactive efforts schools can take to prevent sexual violence, responding promptly and effectively to sexual violence against students, victim protections, and support services to name only a portion of the guidance issued by OCR.<sup>3</sup>

Through aggressive political action committees, Mrs. DeVos has sought to wield significant influence over policymakers but has also done so outside of the lines of campaign finance laws. Not only did her All Children Matter Political Action Committee knowingly violate Ohio campaign finance law but as of December 2016 it had not paid the fines for breaking the laws despite the events taking place 10 years ago.<sup>4</sup> Yet if confirmed as Secretary of Education, Mrs. DeVos will have oversight of the nation's federal student loan program, including ensuring borrowers repay loans on time. Yet again, she is beyond her scope of knowledge here. When asked by Senator Warren about her experience in the higher education/student loan space, she answered that she has no experience managing a loan program, and that she and her children have never participated in any of the college loan, grant or financial aid programs she would oversee.

Mrs. DeVos' own words under questioning by the Committee, and her record, clearly illustrate that she lacks a basic understanding of federal education policy, laws, and instructional practices, has no relevant experience to lead the Department, and that she instead has been a champion for failed schemes like private school vouchers and charter schools.

The public deserves a Secretary of Education who will champion innovative strategies that we know help to improve student success, including creating more opportunities and equity, classes small enough for one-on-one attention, a well-rounded education, and safe, welcoming learning environments for every student. Further, we need a Secretary of Education who is qualified and experienced enough to take on the monumental task of leading the Department of Education in its mission to foster educational excellence and ensure equal access. Regrettably, Mrs. DeVos is not that person, and we urge you to Vote No on Mrs. DeVos for Secretary of Education.

Sincerely,



Marc Egan  
Director of Government Relations

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<sup>3</sup> [Ed.gov, April 29, 2014](#)

<sup>4</sup> [Politico, November 29, 2016](#)