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# FAX

MEMBERS OF THE SENATE HEALTH, EDUCATION,  
TO: LABOR, & PENSIONS COMMITTEE (see below)

FROM: MAUREEN GRAVES ON BEHALF OF CAPCA

FAX:

PAGES: 5 INCLUDING COVER

PHONE:

DATE: JANUARY 20, 2017

**PLEASE OPPOSE NOMINATION OF BETSY DEVOS FOR SECRETARY OF EDUCATION**

Hon. Chairman Lamar Alexander  
Fax: 202-228-3398

Hon. Ranking Member Patty Murray  
Fax: 202-224-0238

Hon. Senator Michael B. Enzi  
Fax: 202-228-0359

Hon. Senator Richard Burr  
Fax: 202-228-2981

Hon. Senator Johnny Isakson  
Fax: 202-228-0724

Hon. Senator Rand Paul  
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Hon. Senator Susan Collins  
Fax: 202-224-2693

Hon. Senator Bill Cassidy, M.D.  
Fax: 202-224-9735

Hon. Senator Todd Young  
Fax: 202-228-1820

Hon. Senator Orrin Hatch  
Fax: 202-224-6331

Hon. Senator Pat Roberts  
Fax: 202-224-3514

Hon. Senator Lisa Murkowski  
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Hon. Senator Tim Scott  
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Hon. Senator Bernie Sanders  
Fax: 202-228-0776

Hon. Senator Robert P. Casey, Jr.  
Fax: 202-228-0604

Hon. Senator Al Franken  
Fax: 202-224-0044

Hon. Senator Michael F. Bennet  
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Hon. Senator Sheldon Whitehouse  
Fax: 202-228-6362

Hon. Senator Tammy Baldwin  
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Hon. Senator Christopher S. Murphy  
Fax: 202-224-9750

Hon. Senator Elizabeth Warren  
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Hon. Senator Tim Kaine  
Fax: 202-228-6363

Hon. Senator Maggie Hassan  
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January 20, 2017

Dear Chairman Alexander and Members of the Committee:

The California Association for Parent-Child Advocacy is an all-volunteer organization engaging in legislative and policy advocacy on matters of concern to students with disabilities in California. CAPCA was founded in 2003 when parents and advocates came together to resist proposals in the California legislature to drastically shorten the statute of limitations in special education cases and to prevent parents from prevailing in due process cases unless they could show that their school district was not capable of, rather than simply not planning to, meet their child's needs. CAPCA's professional and lay members participate extensively in the mediation and informal dispute resolution processes through which the vast majority of special education disputes are resolved in California.

We are writing to express our strong opposition to the nomination of Betsy DeVos as Secretary of Education. Members of our group are well aware that public educational programs sometimes fail, and we are actively involved in seeking accountability via systemic monitoring as well as in individual cases. Some of us have created, supported and sent children to public charter schools, and some of us are sympathetic to voucher programs in principle.

Mrs. DeVos's record and her responses during the HELP Committee hearing have brought together people with varying positions on school choice: Whatever the theoretical virtues of choice, they cannot be realized in an uncontrolled, largely profit-driven system of the kind she did so much to bring to Michigan and now—despite failures there—seeks to scale up drastically. In addition to substantive concerns, we are very concerned about the process that the HELP Committee has adopted. There was insufficient time to ask about many important topics, and Ms. DeVos's responses unfortunately made clear that detailed inquiry would have yielded even more alarming results.

We have the following concerns:

- 1) Ms. DeVos appears to have virtually no familiarity with the Individuals with Disabilities Education Act, a federal law which some of the programs with which she is involved are required to comply. Far from planning to enforce IDEA, Ms. DeVos wants education for students with disabilities to be controlled at the state level, without federal oversight. That would be a disastrous change, and Ms. DeVos does not even seem to know it would be a radical one.

- 2) Ms. DeVos does not appear to have any grasp of recent US educational history and current policy, and did not seem to recognize terms that are familiar to anyone who has even casually followed the transition from No Child Left Behind to the ESSA.
- 3) Ms. DeVos has made clear that she values choice as a good in itself, regardless of educational results. Our concern is mainly with results, and with ensuring that parents and students can make wise choices during their educational years and beyond. Ms. DeVos has opposed transparency measures which would help parents compare programs and at her hearing she refused to commit to data collection that would allow “apples to apples” comparisons.
- 4) We are concerned about the notion that children are so unique and different that putting them together in public schools is misguided. There is substantial research on what educational methodologies are most effective. See, e.g., [nifdi.org](http://nifdi.org) (National Institute for Direct Instruction). Children do not have an intrinsic “pace” of learning: how much and how fast they learn depends greatly on how they are taught. “Creativity” has not been a formula for effective education when advocated by constructivist educators, typically associated with the political left, and this relativism is no more convincing coming from Ms. DeVos. For instance, systematic early phonics instruction is crucial for beginning readers. Yet “progressive” parents may be persuaded to eschew “drills” and watch as their children try to guess words in literature from context. Parents of children with disabilities may be told the most their child can do is memorize menu and laundry “sight words.” In math, teaching traditional algorithms is necessary, but children need to learn to solve “story problems” even if their parents find them daunting. Shy parents may deem on-line education more efficient or comfortable, leaving students without the opportunity to develop relationships and abilities. Parents are not experts in education. They rely on educators who are accountable to school boards and who face objective metrics that relate to students—involving achievement, graduation, and the like. Turning education over to profit-seeking companies risks having parents choose the schools which are best at selling themselves, rather than those that are best at educating students.
- 5) Some forms of character and civic education—including fostering familiarity and respect for people with disabilities and for people of different races, origins and creeds—need to be part of education. Under established first amendment jurisprudence, it is clear that if public money is going to be turned over to religious programs, that cannot be done in a discriminatory way. If some religions get to run publicly-funded schools, so do all adherents of other similarly comprehensive and prescriptive world views. If Christian schools are funded, Wiccans, secular humanists, and Muslims must be treated equally. The “culture wars” have done enough to divide us without diverting scarce public dollars to put children in religious or antireligious silos starting in early childhood or kindergarten and extending throughout adolescence.

- 6) Charter schools are obligated to educate students with disabilities, but often fail to do so. As Ms. DeVos has conceded about the program with which she has worked most closely, they tend to steer away students who are “troubled.” If students with problems—stemming from disability or environmental hardship—are stuck in “traditional” schools, while students who are easier to teach move out, the notion that students can “choose” a peer group that reflects the community around them is defeated. The notion that public schools reflect and unify neighborhoods and bring people together despite differences is a very old and American notion. The view that parents have a right to “choose” peers has a short, and disturbing, history. Ms. DeVos would like “the church” to become a community center, but most of us do not live in a community where there is “a church” nor do we want our own children or our neighbors’ children dividing along religious lines far more than has occurred at any point in US history.
- 7) Where special education vouchers have been used, they have fallen short of expectations. Given economies of scale in public schools and scarce resources, it is unlikely they will be in sufficient amounts to address significant disabilities. Where vouchers can be supplemented by parents, they do not afford access to low-income students, and can even drive up prices.
- 8) Much of the difficulty in educating students with and without disabilities comes from budgetary constraints. Congress has never come anywhere near “fully funding” IDEA. Class sizes have grown in most states in recent decades. Much money has been wasted on technologies that do not necessarily promote, and can detract from learning, while many students who need assistive technology to communicate still don’t have it. It makes sense to prioritize and reduce standardized testing, and to develop fairer forms of accountability, but the bipartisan push for standards-based accountability needs to continue, not be decimated as is apparently Ms. DeVos’s view.
- 9) Ms. DeVos’s responses to questions were not thoughtful but flip: after decades of school shootings, there is much room for discussion, but her response was to link guns to grizzly bears and to resist the suggestion that the bullying which has been a factor in so many of these tragedies needs to be reported and prevented in charter as well as “traditional” public schools.
- 10) Ms. DeVos’s extensive entrepreneurial involvement in education is unprecedented and alarming. “Distance” education has tremendous potential for profiteering, absenteeism and waste. Vocational education is crucial, but for-profit providers have been less, rather than more, effective—and far more costly—than community college programs. Community college services and their students are under continual financial strain. Ms. DeVos appears to plan to return to her businesses after serving, if she is confirmed. She will know exactly how actions she takes will affect her financial interests. Indeed, her extreme faith in education markets will make it very hard for her to see any distance between her interests and enlightened parents who choose programs she praises.

Please require President Trump to nominate a Secretary of Education who is knowledgeable about public education and committed to improving it rather than outsourcing its activities to unaccountable private organizations and corporations.

Sincerely,

A handwritten signature in black ink that reads "Maureen Graves". The signature is written in a cursive style with a long, sweeping tail on the "s" at the end.

Maureen Graves, CAPCA Co-Chair