



U.S. SECRETARY OF EDUCATION CONFIRMATION HEARING: SUGGESTED QUESTIONS SUBMITTED TO SENATE COMMITTEE

1. A 15 state (39, 837 student) study published in 2015 showed that a total of 93% of students participating in alternate assessments were served primarily in self-contained classrooms, separate schools, home, hospital or residential settings. This is the case even though the Individuals with Disabilities Education Act (IDEA) contains a legal presumption that students with disabilities are to be educated in general education classrooms. What would you do to ensure that schools and local education agencies properly implement the Least Restrictive Environment Provisions in IDEA for ALL students with disabilities?

2. The GAO did a report on student with disability enrollment in charter schools at <http://www.gao.gov/products/GAO-12-543>. The Council for Parent Attorneys and Advocates (COPAA) also did report on charter schools <http://www.copaa.org/?page=Charter>. As discussed in the COPAA report, students with significant cognitive disabilities are the least likely to be admitted to these schools, especially in general education classrooms. The same is true for schools where vouchers are used. The GAO report on vouchers is at <http://www.gao.gov/products/GAO-16-712> and the COPAA report on vouchers is at <http://www.copaa.org/page/Voucher>. As Secretary of Education would you provide technical assistance to address this access issue in charter schools and would you issue a letter on vouchers, along with the Department of Justice, to provide the following parameters?
 - Clarify the civil rights violations that may be linked to a failure to provide a free and appropriate public education under Section 504, or equal access under the Americans with Disabilities Act (ADA)
 - State that vouchers should not be used for schools segregated on the basis of disability

- Assure such programs are not creating a publicly financed (in whole or in part) segregated education system for students with disabilities.
3. Universal Design for Learning (UDL) is a scientifically valid framework for creating and sustaining educational systems that are responsive to the needs of each learner, including the students in the many subgroups that are referenced in the Every Student Succeeds Act (ESSA), by offering multiple ways of engaging students, representing information and demonstrations of mastery. ESSA recognizes UDL as a best practice in numerous sections of the law. It is the umbrella that encompasses many other strategies such as personalized learning and is the underpinning for the successful implementation of other strategies, such as multi-tiered systems of support and PBIS. What would you do to encourage states to implement UDL in a robust way to ensure that the diversity inherent in all learners is addressed?
 4. ESSA requires that states not preclude students who participate in an alternate assessment from attempting to meet the requirements of a regular high school diploma. However, many schools are saying the students won't be permitted any modifications of assignments if they are on diploma track. This practice defeats the point of the statutory provision because by definition students who participate in an alternate assessment work on enrolled grade content--but with substantial supports and adaptations and different expectations for achievement. Will you provide guidance to states to ensure they do not take these students off diploma track prematurely because of needed modifications/adaptations?
 5. The regulations recently finalized under ESSA provide critical implementation guidance to states to ensure the purpose of the Act is achieved: "to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps." Are you willing to advocate against the repeal of these regulations by Congress in order to ensure states use ESSA funding in accordance with this purpose?
 6. The Endrew F Supreme Court case was heard on January 11. It will interpret whether students with a disability have a right under IDEA to a meaningful education rather than some de minimis benefit. ESSA's purpose is "to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps." Do you feel that your role as Secretary of Education is to ensure that all students whom you serve receive a meaningful education?