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January 9, 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 and the students they serve, we wish to express in the strongest terms, our opposition to the nomination of Betsy DeVos to be Secretary of Education. As the Committee begins its hearing process, we note that based on her record, Mrs. DeVos 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.

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, regardless of their ZIP code.

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.

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 and attacking political adversaries who do not support these schemes to privatize public education.<sup>1</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>2</sup> Yet if confirmed as Secretary of

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

<sup>2</sup> [Politico, November 29, 2016](#)

Education, Mrs. DeVos will have oversight of the nation's federal student loan program, including ensuring borrowers repay loans on time.

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.

Importantly, 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 the Individuals with Disabilities Education Act.

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>3</sup> In 2011, Mrs. DeVos and the Great Lakes Education Project, an education reform advocacy group she founded, successfully lobbied to lift a cap on the number of charter schools in Detroit including repealing the requirement to issue yearly reports monitoring charter school performance.<sup>4</sup> After the cap was lifted the number of charter schools increased dramatically and 18 charters whose existing schools were at or below the district's performance expanded or opened new schools.<sup>5</sup> The situation constructed by DeVos has been described by charter *advocates* as the biggest school reform disaster in the country.<sup>6</sup>

We also wish to raise concerns regarding the application of students' civil rights protections based on Mrs. DeVos' background. The Secretary of Education oversees the Office of 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. Mrs. DeVos has given financial support to organizations whose missions contradict such equality and protection. Her support of anti-LGBTQ organizations includes Focus on the Family,<sup>7</sup> which has pushed the discredited practice of 'conversion therapy'; and the Foundation for Individual Rights in Education, which argues that current administration directives hinder rights of those students accused of sexual assault.<sup>8</sup> We are deeply troubled by her support of organizations like these with a history of discriminatory positions and are

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<sup>3</sup> [Center for Research on Educational Outcomes, January 1, 2013](#)

<sup>4</sup> [New York Times, December 12, 2016](#)

<sup>5</sup> [New York Times, June 28, 2016](#)

<sup>6</sup> [New York Times, November 25, 2016](#)

<sup>7</sup> [Conservativetransparency.org, accessed January 8, 2017](#)

<sup>8</sup> [Politico, November 28, 2016](#)

concerned that it reflects how Mrs. DeVos would work to further minimize these populations if confirmed.

Educators believe that the chance for the success of a child should not depend on winning a lottery or gaining admission to a private school, or living in the right ZIP code. It is our duty to ensure all students have access to a great public school in their community and the opportunity to succeed no matter their background or circumstances.

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 oppose her nomination for Secretary of Education.

Sincerely,

A handwritten signature in red ink that reads "Marc Egan". The signature is written in a cursive style with a red ink color.

Marc Egan  
Director of Government Relations