

January 5, 2017

U.S. Senate Judiciary Committee

Dear Senator:

The Council of Parent Attorneys and Advocates (COPAA) writes today to express our strong opposition to the nomination of Senator Jeff Sessions as the U.S. Attorney General (AG). COPAA's opposition is rooted in Senator Sessions' 30-year track record in the U.S. Senate, as Attorney General for the state of Alabama, and as an Assistant U.S. Attorney. He has compiled a longstanding and consistent record, including public statements, policy proposals, and other various actions that serve to discriminate against the rights and dignity of children and adults with disabilities. We urge you reject this nomination.

The Attorney General must be a fair arbiter of justice and enforce the nation's laws without prejudice. Equal educational opportunity is a cornerstone of democracy, and our laws confer important rights to students with disabilities to assure that each child can succeed. We oppose the confirmation of Senator Sessions as Attorney General because his record is rife with:

- **Scapegoating children with disabilities.** Senator Sessions has erroneously blamed children with disabilities as the cause for the lack of funding and inadequate teacher training in public schools by stating on the Floor of the Senate that “the special treatment for certain children [with disabilities] are a big factor in accelerating the decline in civility and discipline in classrooms all over America.”ⁱ
- **Criticizing the need to provide resources to students with disabilities.** He has called it “sad” that schools “have to obey” Individualized Education Programs (IEPs) that outline the goals, supports, services and accommodations that are intended to help students with disabilities achieve alongside their peers.ⁱⁱ
- **Stereotyping students with disabilities.** Senator Sessions has labeled students with disabilities as “the most dangerous ones...”ⁱⁱⁱ when in fact, children and adults with disabilities are far more likely than their non-disabled peers to be victims of violence. Today, children with disabilities represent 12 percent of the student population (age 6-21), yet 67 percent of students with disabilities are subjected to physical restraint in school.^{iv}
- **Promoting segregation of children with disabilities.** Senator Sessions has said, “these children should be put in an alternative setting where the disability could be dealt with.”^v He made this statement at a time when the State of Alabama was under a federal consent decree requiring the state to address significant disparities in the identification and placement of students of color with disabilities in separate classrooms serving only students with disabilities.^{vi}
- **Fighting against community integration.** As Alabama Attorney General, Jeff Sessions fought against a consent decree that committed the State of Alabama to community integration and independence for children and adults with disabilities. Because of Sessions' actions, Alabama significantly retreated in providing treatment to children and adults with mental health needs, hindering the ability of these individuals to live in the community and in the cases of children, to live with their families.^{vii}

The Attorney General has the duty to enforce the law and, as head of the Department of Justice (DOJ), the responsibility to guide the administration of justice across the United States. For children with disabilities in our nation's public schools, the role of the AG and the actions of the DOJ are critical to ensuring that the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and the Individuals with

Disabilities Education Act (IDEA) are fully complied with by states, private entities, and school districts. Since 1975, the Individuals with Disabilities Education Act (IDEA) has required schools to provide a free appropriation public education in the least restrictive environment to children with disabilities. Because of the IDEA and its many important protections, along with the bipartisan support of the federal general education law, the Elementary and Secondary Education Act of 1965 now known as The Every Student Succeeds Act (ESSA), more students with disabilities than ever are graduating high school.^{viii}

Attached to this letter are a small sampling of stories we have collected from our members demonstrating the impact the IDEA has had on the lives of children with disabilities throughout the nation. What these stories show is that the IDEA has worked effectively in two ways. First, it has led to more fulfilled, more meaningful lives for thousands of students. Second, it has enabled thousands of individuals to live and work independently, thereby reducing the level of public resources needed to support them as adults. The monies we spend on special education are repaid many times over by substantially reducing the amount of demand for governmental support of adults with disabilities.

Senator Sessions' disdain for special education and opposition to community integration of individuals with disabilities is at odds with the laws, inconsistent with our nation's commitment to supporting individuals with disabilities, and will lead to far higher societal costs in the future. Because of this, COPAA asks the Senate Judiciary Committee to vote to reject this nominee and, thereby, signal to the country that now is the time to eradicate systemic oppression for students with disabilities, their families and for our society and economy.

Thank you for consideration of our request and recommendation.

Sincerely,



Denise Marshall
Executive Director

cc: Chairman Lamar Alexander,
Ranking Member Patty Murray

[COPAA](#) is an independent, nonprofit organization of parents, attorneys, advocates, and related professionals. COPAA members nationwide work to protect the civil rights and secure excellence in education on behalf of the 6.5 million children with disabilities in America. COPAA's mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education and lifelong learning, as well as full participation in his or her community.

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ⁱ Floor Statement, Education Discipline and IDEA (2000), available at <http://www.sessions.senate.gov/public/index.cfm/2000/5/education-discipline-and-idea->

ⁱⁱ 146 Cong. Rec. 6997 (2000).

ⁱⁱⁱ 145 Cong. Rec. 10,154 (1999).

^{iv} Civil Rights Data Collection 2013-2014, U.S. Department of Education, retrieved at: <http://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>

^v 147 Cong. Rec. 21,895 (2001).

^{vi} See: Consent Decree, *Lee v. Macon*, Civil Action No. 70-T854, Doc. No. 127 (Aug. 30, 2000 M.D. Ala.)

^{vii} See: *R.C. v. Hornsby* and *Wyatt By & Through Rawlins v. Poundstone*.

^{viii} 63% of students with disabilities graduate from high school as compared to 82 percent of students without disabilities, ;National Center on Education Statistics, 2013-2014, at http://nces.ed.gov/ccd/tables/ACGR_RE_and_characteristics_201314.asp

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- **Bruce**, 19 and from South Carolina struggled, suffered and was bullied relentlessly throughout school. When Bruce was unable to keep up at school, he suffered trauma and self-esteem issues from low expectations due to his inability to read. The fact is that Bruce is incredibly bright, and with persistence, relentless efforts of his parents and educators, and the right services and supports for his dyslexia – he graduated high school and has entered college this past fall.
 - **Mariano** from California has an Individualized Education Program (IEP) and is working hard in high school to fulfill his goal to play and conduct for the New York Philharmonic Orchestra -- and to be a Music and History Professor.
 - **Dennis**, a student in Georgia, was failing most of his classes year after year, yet the district determined he did not qualify for special education, It was not until Dennis was 18 years old that anything changed because his parents filed for due process. The settlement agreement, which enabled Dennis to learn to read and to learn a trade, led to gainful employment after graduation. Due process protections enabled Dennis to have educational success as well as function independently in our society as an employed adult.
 - **Isabel**, a student in Iowa with multiple disabilities and significant social and emotional needs, was making progress in a regular classroom with supplementary services and a Behavior Intervention Plan.^{viii} Upon moving to a new state, the new school district placed her in a segregated special education classroom, despite her parents' requests for more integration. Additionally, school personnel used physical force, restraint, and prolonged periods of isolation and seclusion to address her behavioral issues in violation of her IEP and Behavior Intervention Plan. A federal judge found that the school violated her rights. By the time the case was decided, Isabel and her family had moved to California. Isabel did very well in the new general education environment with the proper related services and supports. Initially, traumatized from the seclusion and restraint, she was very timid and afraid. It took quite some time to get Isabel to come out of her shell and be able to learn and benefit from her education.
 - **Blair**, a young woman from Pennsylvania, who with accommodations and the support of her service dog, graduated high school and is currently a junior at York College. She is a Public Relations major with a minor in Nonprofit Management.