

**NOMINATION OF BETSY DEVOS TO SERVE AS
SECRETARY OF EDUCATION**

HEARING
OF THE
**COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS**
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

ON

NOMINATION OF BETSY DEVOS TO SERVE AS SECRETARY
OF EDUCATION

JANUARY 17, 2017

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C O N T E N T S

STATEMENTS

TUESDAY, JANUARY 17, 2017

Page

COMMITTEE MEMBERS

Alexander, Hon. Lamar, Chairman, Committee on Health, Education, Labor and Pensions, opening statement	1
Murray, Hon. Patty, a U.S. Senator from the State of Washington, opening statement	4
Scott, Hon. Tim, a U.S. Senator from the State of South Carolina	8
Lieberman, Hon. Joseph L., Former U.S. Senator from the State of Connecticut	10
Enzi, Hon. Michael B., a U.S. Senator from the State of Wyoming	16
Isakson, Hon. Johnny, a U.S. Senator from the State of Georgia	19
Sanders, Hon. Bernard, a U.S. Senator from the State of Vermont	21
Hatch, Hon. Orrin G., a U.S. Senator from the State of Utah	23
Casey, Hon. Robert P., Jr., a U.S. Senator from the State of Pennsylvania	24
Paul, Hon. Rand, a U.S. Senator from the State of Kentucky	26
Franken, Hon. Al, a U.S. Senator from the State of Minnesota	28
Cassidy, Hon. Bill, a U.S. Senator from the State of Louisiana	30
Bennet, Hon. Michael F., a U.S. Senator from the State of Colorado	32
Young, Hon. Todd, a U.S. Senator from the State of Indiana	34
Whitehouse, Hon. Sheldon, a U.S. Senator from the State of Rhode Island	35
Baldwin, Hon. Tammy, a U.S. Senator from the State of Wisconsin	39
Roberts, Hon. Pat, a U.S. Senator from the State of Kansas	40
Murphy, Hon. Christopher, a U.S. Senator from the State of Connecticut	42
Warren, Hon. Elizabeth, a U.S. Senator from the State of Massachusetts	45
Collins, Hon. Susan M., a U.S. Senator from the State of Maine	47
Hassan, Hon. Margaret Wood, a U.S. Senator from the State of New Hampshire	48
Burr, Hon. Richard, a U.S. Senator from the State of North Carolina	50
Kaine, Hon. Tim, a U.S. Senator from the State of Virginia	51
Murkowski, Hon. Lisa, a U.S. Senator from the State of Alaska	54

WITNESS

DeVos, Betsy, Nominee to Serve As Secretary of Education, Grand Rapids, MI	12
Prepared statement	14

ADDITIONAL MATERIAL

Statements, articles, publications, letters, etc.	
Letters of Support	65
Letter from Log Cabin Republicans	75
Letters of Concern and Opposition	77
Response by Betsy DeVos to questions of:	
Senator Murray	97
Senator Collins	136

Senator Young	137
Senator Roberts	138
Senator Murkowski	138
Senator Sanders	140
Senator Casey	166
Senator Franken	185
Senator Bennet	205
Senator Whitehouse	212
Senator Baldwin	231
Senator Murphy	238
Senator Warren	244
Senator Kaine	260
Senator Hassan	266

NOMINATION OF BETSY DEVOS TO SERVE AS SECRETARY OF EDUCATION

TUESDAY, JANUARY 17, 2017

U.S. SENATE,
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS,
Washington, DC.

The committee met, pursuant to notice, at 5:15 p.m., in room SD-430, Dirksen Senate Office Building, Hon. Lamar Alexander, chairman of the committee, presiding.

Present: Senators Alexander, Enzi, Burr, Isakson, Paul, Collins, Cassidy, Young, Hatch, Roberts, Murkowski, Scott, Murray, Sanders, Casey, Franken, Bennet, Whitehouse, Baldwin, Murphy, Warren, Kaine, and Hassan.

Also present: Former Senator Joe Lieberman.

OPENING STATEMENT OF SENATOR ALEXANDER

The CHAIRMAN. The hearing of the Health, Education, Labor, and Pensions Committee will come to order. This is the hearing to consider the nomination of Betsy DeVos to be U.S. Secretary of Education.

Senator Murray and I will make an opening statement. We'll introduce the nominee. We welcome Senator Scott, a member of this committee, Senator Lieberman, a distinguished former member of this body, who will make introductory remarks. Following the nominee's comments, we'll have a 5-minute round of questions.

One note—we have Capitol officers here today who will remove anyone who attempts to disrupt the hearing.

This is the first meeting of our committee in the new Congress. This is a committee, as will probably become evident as we go along, that has some considerable differences of opinion on a variety of issues. We have found that we can sometimes resolve them in important ways.

Last year, we passed what the Majority Leader, Senator McConnell, said was the most important bill of the Congress, 21st Century Cures; and the year before, a bill fixing No Child Left Behind, which President Obama called a Christmas miracle; plus 33 other bills signed by the President—33 total. I want to thank Senator Murray and the Democrats as well as the Republicans on the committee for operating in that fashion. We've done that by showing courtesy to ourselves and to our witnesses, which I hope will be evident today.

Before my opening remarks, I'd like to make a work about process. More than 25 years ago, Ms. DeVos, I was sitting where you are sitting, as the nominee for U.S. Secretary of Education, and former Senator Howard Metzenbaum of Ohio said to me, "Well,

Governor, I've heard some disturbing things about you, but I'm not going to bring them up here." Senator Nancy Kassebaum of Kansas looked at him and said, "Well, Howard, I think you just did." And with that, he put a secret hold on me and held me up for two or 3 months.

You won't have to go through that, because we abolished secret holds not long ago, and because we're going to apply what I would call the Golden Rule, the one that comes from the Book of Matthew, which applies the same procedures to you that we used in 2001 and 2005 for President George W. Bush's Education Secretary nominees and in 2009 and 2016 for President Obama's Education Secretary nominees. We'll consider you and then vote, just as we did them. Arne Duncan, President Obama's first Education Secretary—the hearing was on the 13th of January, and he was confirmed a week later. John King—the hearing was on February the 25th, and he was confirmed 2½ weeks later.

We've received from Ms. DeVos—and each Senator has had available since January 4—the committee's required forms. The rules require them to be in more than a week in advance. The FBI background check has been done, and Senator Murray and I have heard the results. Ms. DeVos has provided the Office of Government Ethics on December 12 with all the relevant information about her financial affairs. We will have a letter from that office, which will be an agreement between Ms. DeVos and that office on how to deal with any conflicts of interest, before we vote in committee on her nomination.

As for questions, Ms. DeVos has met with each of us in our offices. Several of us have written questions already given to her. Today, we'll each have 5 minutes for further questions. Again, I'm applying the Golden Rule, one round of 5-minute questions, as was the case for both of President Obama's Education nominees, as was the case for me, too, in 1991. In those cases, following the 5-minute round, the chairman and one member asked additional questions, and we'll do that again, as we did before. I'll ask questions, and I'll ask Senator Murray if she would like to do the same.

Each of us will have a chance to ask additional questions in a reasonable number in writing by the close of business on Thursday at 5 p.m. Then we will meet in Executive Session next Tuesday to consider Ms. DeVos' nomination and other business if the final Office of Government Ethics letter is received by this Friday in order to give Senators a chance to review it before Tuesday.

Following my opening remarks, Senator Murray will make hers, and then we'll hear from Senator Scott and Senator Lieberman, and then we'll hear from Ms. DeVos.

Betsy DeVos, in my opinion, is on our children's side. She has devoted her life to helping mainly low-income children have better choices of schools. Most of the criticism I've heard of her amounts to three things. No. 1, she supports public charter schools. No. 2, she supports giving lower income parents more choices of schools for their children. And, No. 3, she has used her considerable wealth and effectiveness to advance those ideas. I believe she's in the mainstream of public opinion, and her critics are not.

First, let's take the idea of charter schools. They are public schools with fewer government rules, fewer union rules, so teachers

have more freedom to teach and parents have more freedom to choose the school that best suits their child. There's nothing new about it. In 1991 and 1992, President H.W. Bush proposed start-from-scratch schools. He called them New American Schools. He raised \$70 million for New American Schools Development Corporation to encourage innovative ideas.

Then in 1993, in January, in my last act as President Bush's Education Secretary, I wrote every single superintendent in the country, and I asked them to try something that was invented in Minnesota by the Democratic Farmer Labor Party, something called charter schools. There were 12 of them then. Since then, there's been broad support for the idea. Albert Shanker, the late head of the American Federation of Teachers, endorsed those charter schools.

In 1997, President Clinton said, "We need 3,000 charter schools by 2002." Senator Hillary Clinton supported charter schools. President George W. Bush supported charter schools. President Obama supports charter schools. His first Education Secretary, Arne Duncan, described himself as a, "strong supporter of charter schools." John King, the current Education Secretary, founded a charter school and ran a system of charter schools. Congress in 1994, 1998, 2001, and 2015, always bipartisan, usually by huge margins, supported charter schools. Forty-three States and the District of Columbia operate charter schools.

Over nearly 30 years, those 12 Democratic Farmer Labor charter schools in Minnesota have grown to 6,800 public charter schools. Six percent of America's public school students attend them. Who's in the mainstream here? The Democratic Farmer Labor Party in Minnesota; Presidents Bush, Clinton, Bush, Obama; the last six U.S. Education Secretaries; the U.S. Congress; 43 States; the District of Columbia; Betsy DeVos; or her critics? Pretty obviously, she's in the mainstream. She's on the side of our children.

Let's go to the other criticism: giving low-income parents more choices of schools that wealthy Americans already have. More specifically, the objection is that public money shouldn't follow poor children to an accredited school of their parents' choice, public, private, or religious.

Arguing against that is arguing against the most successful social policy this Congress has ever enacted, the G.I. bill for veterans, which appropriated Federal dollars to follow veterans to the school of their choice—Notre Dame, Yeshiva, Maryville College, the University of Tennessee—any accredited institution. It produced the greatest generation, and it produced a model for all of our Federal aid for colleges. Twenty-nine billion dollars of Pell grants this year are in vouchers. They follow the student to the school of their choice. Nearly a hundred billion in new student loans follow the student to the school of their choice. Why is such a great idea for college students deemed to be such a dangerous idea for K through 12 students? Many of us believe competition produces the best colleges, and it might produce the best schools.

Many scholars have suggested that. Ted Sizer, a distinguished educator, suggested a Poor Kids' Bill of Rights 40 years ago. Today, 50 States provide parents more choices of public schools; 15 percent attend a school other than their school of residence through open

enrollment; 44 States allow sending children to public schools outside their district; 34 States within their district. In addition to that, nearly 400,000 children are served by 50 private school choice programs across 25 States, the District of Columbia, and Douglas County, CO.

Congress passed bipartisan legislation, with Senator Lieberman at the head of it, creating the DC School Voucher Program in 2003, to date, helping 6,100 children, with more than 1,000 children this year standing in line waiting for that opportunity. There's been growing support, since President H.W. Bush proposed the G.I. bill for kids to let States who wanted to try expanding choice for low-income students, to today, where in 2015, 45 U.S. Senators supported the scholarships for kids that I proposed and that Senator Scott proposed for students with disabilities. Forty-five U.S. Senators thought that was a good idea.

According to the 2013 Luntz Global Public Opinion Survey, 73 percent of Americans support school choice. Sixty-four percent say that if given the financial opportunity, they would send one or all their children to a different school.

Who's in the mainstream here? The G.I. bill for veterans; Pell grants; student loans; both President Bushes; the President-elect; 25 States; Congress and the DC voucher program; 45 U.S. Senators in 2015; 73 percent of Americans; Betsy DeVos; or her critics? It's pretty obvious that she's in the mainstream. She's on the side of our children.

The final criticism is that she's used her wealth to support these ideas. She deserves credit for that, not criticism. Would the critics be happier if she had spent her time and her money trying to deny children more choices of schools that wealthy families already have? We're fortunate that Betsy DeVos is the nominee for U.S. Education Secretary. She is and has been on our children's side. I support her confirmation and look forward to working with her.

Senator Murray.

OPENING STATEMENT OF SENATOR MURRAY

Senator MURRAY. Thank you very much, Chairman Alexander. I look forward to working with you and all of our colleagues in Congress. I want to welcome our new members on this committee, Senators Kaine, Hassan, and Young.

Thank you, Ms. DeVos, for joining us here today. And, by the way, welcome to the rest of your family, who I know has joined you as well.

This is the first of many hearings that we will be holding on President-elect Trump's nominees to fill critical positions in the Federal Government. I want to start by reiterating the importance of the Senate's role in this process and this committee's role in the Senate work. President Trump has the right to fill his cabinet with people he thinks will fill out the vision for our country. That doesn't mean that the Senate should be a rubber stamp. To the contrary, we owe it to the people we represent to make sure every nominee is not only qualified for the position and free of conflicts of interest, but that he or she will put families and workers first and not millionaires, billionaires, or big corporations.

President-elect Trump was the first presidential candidate in decades to not release his tax returns, and he's openly flouting ethics conventions regarding his personal and family businesses. Some people say this means the bar has now been lowered for ethics in public service. I refuse to accept that, and I'm going to continue to hold the incoming administration to the highest ethical standards. This is what the American people deserve, regardless of who they voted for, where their tax dollars are going, and who is benefiting.

I believe that in an administration where lines around potential conflicts of interest are very likely to be blurred at the top, they need to be even clearer at the individual agencies, even while we in Congress work to ensure the highest ethical standards are maintained and there is accountability to taxpayers from the top of the government all the way down. I'm going to continue pushing for robust scrutiny of every one of these nominees, and I appreciate that Ms. DeVos said to me that she knows the importance of transparency and openness, she is committed to addressing every ethical concern and make sure that no corners are cut, and that she would go to great lengths to make sure no corners are cut.

However, I am extremely disappointed that we are moving forward with this hearing before receiving the proper paperwork from the Office of Government Ethics. When President Obama entered the White House, Republicans insisted on having an ethics letter in hand before moving to a hearing. In fact, Leader McConnell wrote a letter to Leader Reid making that explicit demand: an ethics letter in hand with time to review and an FBI background check before a hearing was held. I am extremely concerned, and I can only hope that cutting corners and rushing nominees through will not be the new norm.

We're here today to hear from President-elect Trump's nominee to lead the Department of Education. As a former preschool teacher and school board member, as well as a mom who got her start in politics fighting for public investments in early learning, I take this issue very seriously. I owe everything I have to strong public schools I was able to attend with my six brothers and sisters, and none of us in my family would have been able to go to college were it not for robust Federal support.

We had those opportunities because our government was committed to investing in us. I know that's not the case for every student in every community today. Although we have a long way to go, I am absolutely committed to making sure that the Federal Government is a strong partner to our public schools, districts, and States; that every student has access to a high-quality public education that allows them to succeed; and that we focus our Federal policies and investments on strengthening public schools for all students and certainly not toward diverting taxpayer dollars to fund vouchers that don't work for unaccountable private schools.

That is why I was so proud to work with Chairman Alexander and so many others here today to pass Every Student Succeeds Act, which gives flexibility to States and school districts but also includes strong accountability for our schools and reiterates our Nation's commitment to strengthening public education, especially for our most vulnerable students and communities.

This commitment goes beyond K–12, too, of course, because the Federal Government, in general, and the Department of Education, specifically, has an important role to play in supporting, protecting, and investing in all of our students, from our youngest learners to those in higher education and adults and parents seeking to improve their skills mid-career.

Leading this agency is a big job. It is an important job, and I consider it to be my job to do everything I can to make sure whoever fills it is truly committed to putting students and families first.

Ms. DeVos, I am looking forward to hearing your answers to some questions since I have a number of very serious concerns that need to be addressed. First, I'm going to want to learn more about your extensive financial entanglements and potential conflicts of interest. As a billionaire with hundreds, if not thousands, of investments made through complex financial instruments, many of which are made in ways that are not transparent and very hard to track, you need to make it very clear how you will be avoiding conflicts of interest should you be confirmed. That goes for your investments as well as the massive web of investments made by your immediate family.

Despite starting off on the wrong track by not having an ethics letter complete before this hearing today, I appreciate what you are doing to provide this committee the information to understand how you intend to live up to the highest level of ethics and transparency. So far, you have not accepted calls to release 3 years of tax returns, but I'm hoping you reconsidered that approach and that you are cooperating fully with the Office of Government Ethics.

Second, I have major concerns with how you spent your career and fortune fighting to privatize public education and get investments in public schools. I'll have some specific questions about how the privatization policies you have pushed have impacted students and how you intend to use the public trust and taxpayer dollars to support public education and not continue to undermine schools and teachers from inside the department as you have as an advocate from the outside.

I will want to know more about the large contributions you've made to groups that are ideologically opposed to workers, including teachers, and that want to impose anti-LGBT or anti-women's health beliefs on public schools and the students in them. I will want to make sure you publicly commit to implementing our Every Student Succeeds Act by upholding the strong Federal guardrails that are in that law, and I will want to know how you plan to tackle the persistent achievement gap.

Third, while you have been outspoken on K–12 issues, your record and positions are not clear in a number of critical areas. I want to learn more about how you plan to approach higher education and whether or not we can count on you to stand with students and borrowers.

I'm very interested in your thoughts on title IX and how we can do everything possible to stop the scourge of campus sexual assault. I was not happy with how you talked about this issue when we met. I am hopeful that you have learned more about it since then and are prepared to address it seriously.

I'm going to want to know how your personal, religious, and ideological views on women's health and safety would impact how you would approach this issue in the department. I'm very concerned with what has been reported in the press about your views on the importance of the Office of Civil Rights, which works to ensure students with disabilities, LGBTQ students, religious minorities, women and girls, students of color, and all of our students are treated with dignity and respect, and I'm going to want to know more about how you will enforce critical civil rights laws.

As all of my colleagues here know, I have a particular passion for early learning, and I want to hear where you stand on how the Federal Government can help ensure that every child is prepared for success in kindergarten.

Those are just a few of the issues. I am looking forward to a robust dialog tonight. I'm hoping you're transparent about your views, open about your record and the impact it has had on students, and willing to make some straightforward commitments regarding the core responsibility of this department and the role you hope to take in it.

I will be asking you to commit to providing this committee with additional information and responses to all reasonable followup questions as quickly as possible. I am hopeful that this can be a smooth process.

Mr. Chairman, I know my members are all here tonight. They are hoping for more than just 5 minutes of questions on this critical nominee, and I hope that as we get through this, you will consider doing that.

The CHAIRMAN. Thank you, Senator Murray. I'm going to follow the Golden Rule. I'm not going to change the rules and apply to Ms. DeVos rules that we haven't applied to President Obama's nominees or to President Bush's nominees. We'll have a 5-minute round of questions, and you and I can ask questions after that for another 5 minutes. That's exactly what we've done before.

Members of this committee have met with Ms. DeVos. Some have already asked written questions. We'll have 2 days to think of more, and then she'll need to answer them before we vote.

As far as tax returns are concerned, if you would like to bring that up, we can bring that up at our next executive session, which would be the 24th, if her government ethics letter is completed by Friday. I would note that committee rules don't require tax returns to be reported by presidential nominees. The law does not. We did not require it of President Obama's two nominees for Education Secretary. If we want to change the rules, we can do that, but I'm not in favor of changing the rules in the middle of the process.

Senator WARREN. Mr. Chairman, may I ask a point of order?

The CHAIRMAN. What is your point of order?

Senator WARREN. I believe, Mr. Chairman, that we got a second round with the John King hearings. I asked two rounds of questions in that case.

The CHAIRMAN. You did and I did. In the last two nominees, Mr. Duncan and Mr. King, we had a 5-minute round, and then the chairman and one Senator, one other Senator, asked 5 minutes of questions. I will ask 5 minutes of questions, and I will give to Senator Murray the opportunity to be the other Senator who does that.

Senator MURRAY. Mr. Chairman, I would just say that nobody asked for additional time at that point. I hope that as we get through this hearing and we hear members' questions, we'll have an opportunity to revisit it.

The CHAIRMAN. I appreciate the request, but I'm not going to change the rules in the middle of the game.

Senator MURRAY. I was not aware those were rules.

The CHAIRMAN. That is the precedent that we've followed as far back as 1991 when I was the Education Secretary. We did it for both of President Obama's, and we're going to do the same thing for Ms. DeVos.

Senator MURRAY. Again, I wasn't aware that there was a precedent. I would like to—

The CHAIRMAN. That's as clear a precedent as I can think of.

Senator MURRAY. Mr. Chairman, I would also like to have 36 letters signed by 133 organizations expressing concern or opposition to this nomination to be placed into the record.

The CHAIRMAN. They will be.

[The information referred to may be found in Additional Material. However, due to the high cost of printing some letters are being retained in committee files.]

The CHAIRMAN. We welcome the nominee, Ms. DeVos, to the hearing.

We welcome your husband and your daughters, your son, your daughter-in-law and your son-in-law, and we welcome all of our other guests here.

Ms. DeVos will be introduced first, as I said, by Senator Tim Scott, a member of this committee, a strong champion for education. Then she'll be introduced by Senator Joe Lieberman, who served here for 24 years, representing Connecticut, until he retired in January 2013.

Thank you both for joining us.

I've already said what I have to say about Ms. DeVos. She'll be an excellent Secretary of Education. We should move ahead with Senator Scott's introduction. You may then turn it over to Senator Lieberman. Then we'll hear from Ms. DeVos, and then we'll begin our questions.

Senator Scott.

STATEMENT OF SENATOR SCOTT

Senator SCOTT. Thank you, Mr. Chairman. I will note that I am surprised at the number of folks, photographers, who showed up to hear Senator Lieberman's introduction.

Very well done, Senator Lieberman.

I've known the DeVos family for about three decades. I started at Learning How to Sell when I was in college, and it was a part of one of the DeVos companies that I learned how to sell. I'm very thankful that a champion of public education, a champion of education, and, specifically, a champion of education for poor kids sits to my left.

I recall my own upbringing as a poor kid, who by the time I was in the fourth grade attended four different schools. It's really important for us to recognize the powerful impact that education has, specifically, on poor kids. I am excited about this transition, looking

forward to the opportunity to have Betsy DeVos as our champion for all children, for all education, but, specifically, for what I consider high-potential kids, what others call at-risk kids. For the last 28 years, Ms. DeVos has been a champion for those kids.

A lifelong resident of Michigan, she attended Calvin College in Grand Rapids, MI. Ms. DeVos is a businesswoman and an entrepreneur. She is the chairman of the American Federation for Children and the Windquest Group.

For those of you who may not know Betsy, she had a humble beginning. Her parents mortgaged everything they had, everything they had, to start a small auto parts business. She still remembers when she was 7 years old helping her father paint a cinder block building that became the office and the first manufacturing location. I believe the color was steel blue. During the summer months when she was in college, Betsy worked the third shift at her family's business. She understands the sacrifices that families have to make in order to build a better life for themselves and for their children.

She has successfully advocated for expansion of education opportunity in dozens and dozens of States. She also helped her husband launch a charter school in Grand Rapids, MI, which is now one of the highest performing charter schools in her home State. I've been to that school.

Way before there was any idea that she might one day sit here before this committee, way before we ever assumed that there would be a Trump candidacy, several years ago, I visited the Aviation High School and had a chance to sit at lunch and talk with the kids and understand and appreciate that their hunger for education was stirred by the DeVos family, stirred by the DeVos family's commitment to public education at this charter high school.

She is motivated by making sure students go to safe and high-performing schools, whether they are public, private, charter, traditional, or non-traditional schools. She understands the need to focus on accountability, not just to have a system in place, but to actually hold schools accountable for the results they have. What she supports is holding all schools accountable, whether they are traditional public schools or charter schools. Ms. DeVos is clearly not opposed to accountability.

What she is opposed to is holding some schools accountable but not all schools. What she is opposed to is leaving children trapped in schools that we know are failing—failing the very students that will have no hope if they do not receive a high-quality education. Parents and students could not ask for a better role model or a more thoughtful leader to move the education system into the 21st century.

Betsy cares. She questions. She considers. And then and only then will she act. These are the traits of a leader and a doer. I look forward to supporting her nomination throughout the next few weeks.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Scott.

Senator Lieberman, welcome.

STATEMENT OF SENATOR LIEBERMAN

Senator LIEBERMAN. Thank you, Mr. Chairman, Senator Murray, and members of the committee. And a special hello to Chris Murphy, my friend and successor from Connecticut.

It's great to be back in the Senate today to introduce Betsy DeVos for your consideration as the next Secretary of Education. I met Betsy several years ago in one of the many bipartisan efforts to improve the quality of education of America's children that she and so many others of you have been involved in. When I left the Senate, as a way to continue my own work on education reform, I became a member of the Board of the American Federation for Children, the nonprofit organization that Betsy DeVos founded to provide better education options for lower income children throughout America.

I'm very proud of what the AFC has achieved, particularly at the State level. More than 400,000 lower income families have been empowered with financial support to take their children out of schools where they felt the kids were not getting an adequate education and put them into schools that they felt were better. For me, as a Democrat, it is especially gratifying that many of these AFC State programs have been enacted with bipartisan support in State legislatures.

None of the progress which the AFC has achieved very specifically for those 400,000-plus kids would have occurred without Betsy's leadership, which is inclusive and motivating. She is disciplined, organized, knows how to set goals and then develop practical plans to achieve them. She is really a purpose-driven team builder, and I've seen that in my membership on the Board of the AFC.

I understand that the Department of Education is bigger than anything she or, for that matter, most any of us, except for Senator Alexander, of course, has ever led. Everything I have seen tells me that Betsy is ready to take on this assignment and do it very well.

I know that some people are questioning her qualifications to be Secretary of Education, and too many of those questions, to me, seem to be based on the fact that she doesn't come from within the education establishment. Honestly, I believe that today, that's one of the most important qualifications you could have for this job.

And she has many others. She's a mother and a grandmother. She cares about children more generally and has been involved in education, like so many parents and local citizen school board members across America, for almost 30 years. Her involvement has not just been as a philanthropist and advocate for reform, though she has been a real leader in both. She also mentors students in the public schools of Grand Rapids, MI.

Here's another important qualification Betsy has for this job. She will ask the right questions, such as: Is this Federal education program working? Is it giving our kids the education they need to live productive and satisfying lives? If not, how can we improve it? An examination of the facts of the State of American education today makes clear that although current Federal education programs are working for many of our children, they are failing millions of oth-

ers, and here are just a few of the salient and, to me, troubling facts.

Among all students of all income groups, less than 40 percent of high school graduates are college- or career-ready, according to the ACT. A recent report said that only 35 percent of eighth graders were proficient on the NAEP reading exam and only 34 percent on the math exam. In other words, about two-thirds of eighth graders in our country are not proficient in reading and math. Proficient is the middle—as the members of the committee know—middle ranking under the NAEP. Among lower income students, the weight of these shortcomings in the educational status quo falls disproportionately heavily.

There are too many ways to illustrate this, but let me just give this one example. There are more than 1,200 high schools in America who have more than 1.1 million students that fail to graduate from high school at least one-third of their students, and for some, as many as more than half the students don't make it to high school graduation. These schools primarily educate low-income students and students of color. These low graduation rate high schools are located in both urban and rural areas, and they're in almost every State. New York has 199 of them; Georgia, 115; California, 105; and Alabama and Mississippi, each more than 50.

These are jarring numbers, and I think they cry out for national education reform. We're just not keeping our founders' promise of equal opportunity. We're not preparing the next generation of Americans to enable our economy to compete successfully in the world. We just can't accept the status quo in education anymore. We need a change agent and an education reformer to be Education Secretary, a leader who has one big goal, which is to give every child in America, regardless of family income or zip code, a first-class education, and that is exactly the kind of Education Secretary I believe Betsy DeVos can and will be.

Because Betsy has been fighting for reform and disrupting the status quo for so long, her nomination is naturally controversial. After all, she has directly challenged the education establishment by supporting charter schools and other school choice programs. I can tell you that in all my work with her, I have never heard Betsy speak against our public school system. I have heard her ask what we could do for the low-income kids who are trapped in bad public schools until we can make more of our public schools as good as they should be.

Is it fair to stand back and not help the parents who want better for their children but can't get it just because they can't afford it? Is it acceptable to have so many children from all income groups graduate from our high schools unprepared for college and the high-tech economy they will enter? No, it is not.

That's why, Mr. Chairman, Senator Murray, and members of the committee, I hope you'll confirm Betsy DeVos' nomination to be Secretary of Education. It's in our national interest to give her a chance to change the status quo in our schools and secure a better future for our country and for all of our children.

Thank you very much.

The CHAIRMAN. Thank you, Senator Lieberman. Thank you for coming back.

Before I introduce or welcome Ms. DeVos, I'd like to enter into the record 97 letters of support for Ms. DeVos for Education Secretary from a variety of school groups, former education secretaries, Governors, business groups, and others.

[The information referred to may be found in Additional Material. However, due to the high cost of printing some letters are being retained in committee files.]

The CHAIRMAN. Ms. DeVos.

**STATEMENT OF BETSY DEVOS, NOMINEE TO SERVE AS
SECRETARY OF EDUCATION, GRAND RAPIDS, MI**

Ms. DEVOS. Thank you, Chairman.

Chairman Alexander, Ranking Member Murray, Senators, thank you for the opportunity to be with you this afternoon.

Thank you, Senators Scott and Lieberman, for those very kind words of introduction. I honor and applaud your lifelong dedication to the success of our Nation's students and your fine public service.

I want to begin by thanking my family for their support. Many of them are seated behind me here, except for my five grandchildren, the oldest of which is five, so it was not advisable that they join us today.

I am very honored that President-elect Trump has asked me to join his team and am grateful for his dedication to education. If confirmed, I look forward to working with him, Vice President-elect Pence, and all of you to bring educational opportunity to every family in this great Nation. While we may have differences, I think we can all agree that learning as a lifelong pursuit is a fundamental American virtue.

We are blessed beyond measure with educators who pour themselves into students. The schools in which they work are as diverse as the students they educate. In fact, all of us here and our children have attended a mix of traditional, publicly funded, and private schools. This is a reflection of the diversity that is today's public education.

Growing up in Holland, MI, I attended local Christian schools and then Calvin College. My greatest educational influence in life was a public school teacher named Elsa Prince. While her students called her Mrs. Prince, to this day, I just call her "mom."

When Dick and I became parents, education took on a whole new meaning. We recognized that other parents were not able to make similar decisions about their children's education, based on their income or the zip code in which they lived.

When our oldest reached school age, we visited The Potter's House, a Christian school which serves many low-income families in my hometown. We saw the struggles and sacrifices many of these families faced when trying to choose the best educational option for their children. For me, this was not just an issue of public policy but of national injustice. I committed to do something about it, and it's become my life's work.

I applaud the great work of The Potter's House and its co-founder, John Booy, who is here with us today. He and his team of teachers are doing a great job. But here's the sad reality: in the past 28 years, the need and demand for these other options have grown, unabated.

I share President-elect Trump's view that it's time to shift the debate from what the system thinks is best for kids to what moms and dads want, expect, and deserve. Parents no longer believe that a one-size-fits-all model of learning meets the needs of every child, and they know other options exist, whether magnet, virtual, charter, home, faith-based, or any other combination. Yet, too many parents are denied access to the full range of options, choices that many of us here in this room have exercised for our own children.

Why, in 2017, are we still questioning parents' ability to exercise educational choice for their children? I am a firm believer that parents should be empowered to choose the learning environment that's best for each of their individual children.

The vast majority of students in this country will continue to attend public schools. If confirmed, I will be a strong advocate for great public schools. If a school is troubled, or unsafe, or not a good fit for a child—perhaps they have a special need that is going unmet—we should support a parent's right to enroll their child in a high-quality alternative.

It's really pretty simple. Every child in America deserves to be in a safe environment that is free from discrimination. Every student in America dreams of developing his or her unique talents and gifts. Every parent in America dreams of a future when their children have access to schools with the rigor, challenges, and safe environments that successfully prepare them for a brighter, more hopeful tomorrow. Every teacher in America dreams of breaking free from standardization so that they can deploy their unique creativity and innovate with their students.

Our Nation's schools are filled with talented, devoted professionals, who successfully meet the needs of many, many children. Even our best schools don't work for all. This isn't the fault of teachers, but a reality that all students are unique, learn differently, and excel at their own pace.

Students also face new challenges today. In particular, our high school graduates are having increasing difficulty accessing affordable higher education. Escalating tuition is pricing aspiring and talented students out of college. Others are burdened with debts that will take years or even decades to pay off. There is no magic wand to make the debt go away, but we do need to take action. It would be a mistake to shift that burden to struggling taxpayers without first addressing why tuition has gotten so high.

For starters, we need to embrace new pathways of learning. For too long, a college degree has been pushed as the only avenue for a better life. The old and expensive brick-mortar-and-ivy model is not the only one that will lead to a prosperous future. Craftsmanship is not a fallback, but a noble pursuit. Students should make informed choices about what type of education they want to pursue post-high school and have access to high-quality options. President-elect Trump and I agree we need to support all post-secondary avenues, including trade and vocational schools, and community colleges.

Of course, on every one of these issues, Congress will play a vital role. If confirmed, I look forward to working with you to enact solutions that empower parents and students, provide high-quality options, and spend tax dollars wisely. We will work together to en-

sure the Every Student Succeeds Act is implemented as Congress intended, with local communities freed from burdensome regulations from Washington. I look forward to working with Congress and all stakeholders to reauthorize the Higher Education Act to meet the needs of today's college students.

President-elect Trump and I know it won't be Washington, DC, that unlocks our Nation's potential, nor a bigger bureaucracy, tougher mandates, or a Federal agency. The answer is local control and listening to parents, students, and teachers.

For nearly three decades, I've been involved in education, as a volunteer, an advocate for children, and a voice for parents. I've worked as an in-school mentor for students in the Grand Rapids Public Schools and have had the privilege of interacting with students and their families and teachers in ways that have changed my life and my perspective about education forever.

I've worked with Governors, legislators, and business and community leaders to expand educational opportunity through options that are making a lifetime of difference for hundreds of thousands of kids this year alone. And I've worked with many dedicated teachers who strive every day to help students achieve, fulfill their potential, and prepare them for the global challenges that they will face. For me, it's simple: I trust parents, and I believe in our children.

Thank you again for the opportunity to appear before you. I look forward to answering your questions.

[The prepared statement of Ms. DeVos follows:]

PREPARED STATEMENT OF BETSY DEVOS

Chairman Alexander, Ranking Member Murray, and Senators, thank you for the opportunity to be with you this afternoon.

I want to begin by thanking my family for their support: my husband, Dick, my sons, and daughters, and sons-in-law—as well as the rest of my family, including five grandchildren, who could not join us today.

I am honored that President-elect Trump asked me to join his team and am grateful for his dedication to education. If confirmed, I look forward to working with him, Vice President-elect Pence and all of you to bring educational opportunity to every family in this great Nation.

While we may have differences, I think we can all agree that learning as a life-long pursuit is a fundamental American virtue.

We are blessed beyond measure with educators who pour themselves into students.

The schools in which they work are as diverse as the students they educate. In fact, all of us here—and our children—have attended a mix of traditional publicly funded and private schools. This is a reflection of the diversity that is today's American public education.

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While her students called her Mrs. Prince, to this day, I just call her "mom."

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When our oldest reached school age, we visited The Potter's House, a Christian school which serves many low-income families in my hometown. We saw the struggles and sacrifices many of these families faced when trying to choose the best educational option for their children. For me this was not just an issue of public policy but of national injustice.

I committed to do something about it, and it's become my life's work. I applaud the great work of The Potter's House and its founder John Booy—who is here with us today—he and his team of teachers are doing a great job. Here's the sad reality:

in the past 28 years, the need and demand for these other options have grown, unabated.

I share President-elect Trump's view that it's time to shift the debate from what the system thinks is best for kids to what moms and dads want, expect and deserve.

Parents no longer believe that a one-size-fits-all model of learning meets the needs of every child, and they know other options exist, whether magnet, virtual, charter, home, religious, or any combination thereof. Yet, too many parents are denied access to the full range of options . . . choices that many of us—here in this room—have exercised for our own children.

Why, in 2017, are we still questioning parents' ability to exercise educational choice for their children? I am a firm believer that parents should be empowered to choose the learning environment that's best for their individual children.

The vast majority of students in this country will continue to attend public schools. If confirmed, I will be a strong advocate for *great* public schools. If a school is troubled, or unsafe, or not a good fit for a child—perhaps they have a special need that is going unmet—we should support a parent's right to enroll their child in a high quality alternative.

It's really pretty simple.

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Students also face new challenges today. In particular, our high school graduates are having increasing difficulty accessing affordable higher education.

Escalating tuition is pricing aspiring and talented students out of college. Others are burdened with debts that will take years—or even decades—to pay off.

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For starters, we need to embrace new pathways of learning. For too long a college degree has been pushed as the only avenue for a better life. The old and expensive brick-mortar-and-ivy model is not the only one that will lead to a prosperous future. Craftsmanship is not a fallback—but a noble pursuit.

Students should make informed choices about what type of education they want to pursue post-high school and have access to high quality options. President-elect Trump and I agree we need to support all post-secondary avenues, including trade and vocational schools, and community colleges.

Of course, on every one of these issues, Congress will play a vital role.

If confirmed, I look forward to working with you to enact solutions that empower parents and students, provide high quality options and spend tax dollars wisely.

We will work together to ensure the Every Student Succeeds Act is implemented as Congress intended—with local communities freed from burdensome regulations from Washington. I look forward to working with Congress and all stakeholders to reauthorize the Higher Education Act to meet the needs of today's college students.

President-elect Trump and I know it won't be Washington, DC. that unlocks our Nation's potential, nor a bigger bureaucracy, tougher mandates or a Federal agency. The answer is local control and listening to parents, students and teachers.

For nearly three decades, I've been involved in education, as a volunteer, an advocate for children, and a voice for parents.

I've worked as an in-school mentor for students in the Grand Rapids Public Schools, and have had the privilege of interacting with students and their families and teachers in ways that have changed my life and my perspective about education forever.

I've worked with Governors, legislators, and business and community leaders to expand educational opportunity through options that are making a lifetime of difference for hundreds of thousands of kids this year alone.

I've worked with many dedicated teachers who strive every day to help students achieve, fulfill their potential, and prepare them for the global challenges that they will face.

For me, it's simple: I trust parents, and I believe in our children.
Thank you again for the opportunity to appear before you. I look forward to answering your questions.

The CHAIRMAN. Thank you, Ms. DeVos.

We'll now begin our round of 5-minute questions. I'm going to defer my questions until later, so we'll begin with Senator Enzi and then Senator Murray.

STATEMENT OF SENATOR ENZI

Senator ENZI. Thank you, Mr. Chairman, and thank you, Ms. DeVos. I want to welcome you here and thank you for being willing to take on this kind of a project and to appear before us. I enjoyed our meeting last month and look forward to working with you as we consider your nomination and then after that.

You're going to be dealing with a great variety of States from high population to low population. I happen to come from the lowest population State. It has some special challenges in education. I call it rural and frontier challenges. We don't allow a child to travel more than an hour by bus to or from school, and as a result, we have some schools that have one or two students. It's a little different situation than was even envisioned with No Child Left Behind, so I'm glad that we've changed to ESSA.

The Federal Government—there was a Quality Counts 2017 report, and I'm pleased that Wyoming was ranked No. 7 out of the 50 States in that, and in the area of financing education, we were No. 1. That comes at a time when our State is going through some economical suffering because of the Obama administration's war on coal and fossil fuels and the hardworking families that support those industries.

Our frontier has some special problems. Part of them are that the submission of some of the applications and some of the applicable reports have no bearing on what we're doing, and that's important when we have the rural aspect as well as the Wind River Indian Reservation, which is the home of two tribes.

In Every Student Succeeds, there are provisions to permit the Secretary to reduce the department's workforce. With the return of educational authority to the States and the elimination of Federal programs, it's important that that workforce be reduced to ensure more educational funding is provided to the schools and not kept in Washington.

Also, I'm troubled by the Government Accountability Office report that was issued at my request last November that showed the cost projections for the income-driven college loan repayment program are tens of billions of dollars higher than the original estimates, and those estimates were based on data and accounting methods that were deeply flawed. You'll inherit that. The current Department of Education's data lacked transparency, omitted key information, and made other flawed assumptions. As an accountant, I was appalled.

Then there's the career and technical education that you mentioned. I appreciate your emphasis on the value of craftsmanship and also technology. I just saw the movie, "Hidden Figures," that introduced people to computers and the value of women in the workplace in NASA to get them into space. I have one-sixth of my

schools that don't participate in Perkins Career and Technical Education funding because the low population gives them such a low amount of funding that it isn't worth doing it, and that needs to change.

Ms. DeVos, one of the most important jobs you'll have is the implementation of Every Student Succeeds Act. I'm pleased with what you said about it. Can you talk about your plans to engage rural and frontier States and communities in that process?

Ms. DEVOS. Senator, thank you. Thank you for that question, and I, too, enjoyed our meeting in your office. I particularly enjoyed hearing a little bit about the special needs of schools like the Wapiti school that has the grizzly bear fence surrounding it. That is a unique need to Wyoming, certainly.

Certainly, rural schools and rural settings require different approaches and different options. I refer to the Every Student Succeeds Act, and the implementation of that and Wyoming's plan for that will be particularly important to recognize the unique needs of the rural population that you have, as well as many of the other States represented here in the committee.

When we think about the future, I think about the opportunity for more choices and options for those parents in a distance learning type of situation and the possibility that course choices or on-line courses could be offered in ways that they may not have been previously. I would, if confirmed, look forward to working with you and some of your other colleagues that face those same types of challenges, such as Senator Collins and Senator Murkowski, and work with you to address the specific needs of rural communities and high rural population States.

Senator ENZI. Thank you. I look forward to working with you.

The CHAIRMAN. Thank you, Senator Enzi.

Senator Murray.

Senator MURRAY. Mr. Chairman, it's your committee. If you want to go first—

The CHAIRMAN. No. Thank you for the courtesy. I'm going to go a little later. Thank you.

Senator MURRAY. Ms. DeVos, I really am troubled by some of the comments and things you've said about public education and how you see the role of the department you've been nominated to lead now. My first question for you, really, is yes or no. All I want is a yes or no. Do you believe that the mission of the Department of Education should be to strengthen public education for all of our students?

Ms. DEVOS. Yes, I do.

Senator MURRAY. Good. Can you commit to us tonight that you will not work to privatize public schools or cut a single penny from public education?

Ms. DEVOS. Senator, thanks for that question. I look forward, if confirmed, to working with you, to talk about how we address the needs of all parents and all students. We acknowledged today that not all schools are working for the students that are assigned to them, and I'm hopeful that we can work together to find common ground and ways that we can solve those issues and empower parents to make choices on behalf of their children that are right for them.

Senator MURRAY. I take that as not being willing to commit to not privatizing public schools or cutting money from education.

Ms. DEVOS. I guess I wouldn't characterize it in that way.

Senator MURRAY. OK. Let me ask you about conflict of interest. President-elect Trump thinks he can resolve his financial conflicts by having his family manage his interests while he's in office. Do you think it's OK for family members to profit off of companies that are directly impacted by the decisions you will make if confirmed? Yes or no?

Ms. DEVOS. No, I do not.

Senator MURRAY. We do know that from press reports you and your family have invested in what you call the education industry. That includes investments in SoFi, which is a student loan refinancing company, and K12, Inc., which is a chain of for-profit online charter schools.

You told this committee that you would sever ties with your family businesses if confirmed. You also said that you intend to return to these businesses owned by your family when you leave public service. How is that different from President-elect Trump's arrangement?

Ms. DEVOS. Senator, first of all, let me be very clear about any conflicts. Where conflicts are identified, they will be resolved. I will not be conflicted, period. I commit that to you all. And with respect to the specific ones that you cited, one of them we were aware of as we entered the process, and that is in the process of being divested. If there are any others that are identified, they will be appropriately divested as well.

Senator MURRAY. From your answer, I assume that you and your family intend to forego all investments in education companies from now on.

Ms. DEVOS. Anything that is deemed to be a conflict will not be—yes, will not be a part of our investing.

Senator MURRAY. How do you intend to convince this committee that no entity will feel pressure to purchase, partner, or contract with corporate or nonprofit entities you and your family invested in should you be confirmed as Secretary?

Ms. DEVOS. I can commit to you that nobody will feel any pressure like that.

Senator MURRAY. As you know, this committee has not received your required paperwork from the Office of Government Ethics, and they have told me they cannot provide me assurance right now that your conflicts of interests have been identified and resolved by the Office. Again, will you be providing this committee with 3 years of tax returns that we've requested?

Ms. DEVOS. Senator, I have provided the committee with everything that's been requested and required of the committee. I'm, frankly, very proud of the team that's been working very hard on my behalf to get all of this together. I know that the OGE is working very hard to work through my and others' confirmation processes as well, as is the department. I'm very hopeful that we will get this resolved and to a point of resolution here very soon.

Senator MURRAY. Since we do not have your ethics paperwork tonight, we've not had a chance to look at it, and we've not had a chance to know whether we have additional questions. Would you

commit to coming back before this committee once we have that from the OGE so we can ask additional questions?

Ms. DEVOS. I commit to making sure we have an ethics agreement resolved and reached.

Senator MURRAY. I hope that we have a chance, Mr. Chairman, if we have questions, to be able to follow up on that.

I just have a few seconds left. You have vast wealth, obviously, and you have used it, as you said yourself, to influence the political system and elect candidates who support your ideological agenda. If you are confirmed, I want to know if you believe it's appropriate for you and your family to continue to use its wealth to pressure State, local, and Federal candidates to support your agenda.

Ms. DEVOS. Senator, if I am confirmed, I will not be involved or engaged in political contributions, and my husband will not be, either.

Senator MURRAY. OK. Thank you very much. I appreciate that.

The CHAIRMAN. Thank you, Senator Murray.

Senator Burr has deferred to Senator Isakson.

STATEMENT OF SENATOR ISAKSON

Senator ISAKSON. Thank you, Mr. Chairman.

Thank you, Ms. DeVos, for your commitment to your State, your commitment to education, and for being here today, and congratulations on your nomination. I have a statement, and then I'd like to ask you three questions in regard to that statement.

This committee established a task force on government regulation and identified 59 specific burdensome regulations that engage public education, primarily higher education. Of the 59 recommendations, 12 are totally at the auspice of the Secretary of Education. They can be invalidated and changed immediately.

In 2015, Senators Bennet, King, Booker, Burr, Alexander, and myself introduced a bill to drastically simplify the burdensome and aggravating application process families fill out for Federal financial aid known as FAFSA. The University of Georgia, Emory University, and Georgia Tech, three well-known institutions in my State, have all said this is a priority for them to move forward and simplify the process of giving our kids the best education they can get.

My question is: Would you commit to working with our office to advance the recommendations of the task force on higher education?

Ms. DEVOS. Senator, thanks for that question. I'm aware of this task force report, and it sounds like the direction that it has taken is very promising, and, if confirmed, I look forward to working with you and the others who have been working on this to implement the things that are deemed appropriate to be done.

Senator ISAKSON. Will you commit to us that you will work with us to implement those items identified by the task force that the Secretary, herself or himself, currently has the authority to change, meaning this won't be another government report that goes on the shelf, but one that will be acted on one way or another?

Ms. DEVOS. You have my commitment on that, Senator.

Senator ISAKSON. And, last, will you work with this committee to simplify the application for Federal financial aid, known as FAFSA,

to reduce the burden and aggravation on families and make it easier for students to apply to college and to attend college?

Ms. DEVOS. Indeed, I will. I know that's been a very burdensome process and application. In fact, I recall Chairman Alexander actually unfolding the entire length of it. It's a very long process, and I would look forward to working with you to simplify that process.

Senator ISAKSON. It's 104 questions. If I remember correctly, Mr. Chairman, 104 questions. The committee came up with a 2-page, four-question application that worked just as well. It's an important way to improve attending college and getting financing done.

Ms. DEVOS. Let me just say I don't think we should make it any more difficult than absolutely necessary for students to be able to further their education.

Senator ISAKSON. Right answer. Is Mr. Booy here? You referred to the Potter's House.

Ms. DEVOS. He is, indeed. He's right here.

Senator ISAKSON. Mr. Booy, would you stand up, please? I just want to thank you for what you've done to show the kind of leadership we need to help people who otherwise don't get any help, aren't getting any help, and may be discarded through life's disposal. You've done a great job with Potter's House. We have a number of Georgia investments in Potter's House. We appreciate what you've done very much. Thank you.

Mr. BOOY. Thank you, sir.

Senator ISAKSON. That brings me to this point. Senator Murray was talking about privatizing schools and talking about the lack of importance of charter schools and the importance of protecting public education. She talked about her goal and my goal, which we've shared with each other, and that is to work toward requiring 4-year-old pre-kindergarten for every student in the country, because we think it's so important during the early learning years for kids to get access.

We did it in Georgia, and how we did it in Georgia was taking faith-based educational 4-year-old prekindergarten programs and private 4-year-old prekindergarten programs and private institutions to provide us with the classrooms and the teachers to teach the curriculum in the new program. Today, in Georgia, 61,000 4-year-old kids go to 4-year-old prekindergarten paid for by the State. It is delivered by a variety of private and public institutions and entities.

My point is if you're going to meet the challenges of public education today and have to depend solely on the resources that are available to it, you'll never get where you want to go. If you get the private sector making an investment in public education and have seamless standards that everybody commits to, you can greatly expand the opportunity of education, greatly expand accessibility to education, and do it through using faith-based, private, and other types of institutions. Would you agree with that?

Ms. DEVOS. It's a very interesting approach that Georgia has taken, and it's very similar to what Florida has done as well. As the ESSA Act is implemented, it would be really interesting for States to take a look at some other successful programs. I would also look forward to working with the other agencies that are involved with some of the preschool funding of Head Start and so

forth, HHS, and see if there's ways to more effectively use those monies to help kids be ready for kindergarten when they reach kindergarten.

Senator ISAKSON. My time is up. I just want to acknowledge, in reading your testimony and talking to you in my office, that I appreciate your recognition that the nontraditional student of 25 years ago has become the traditional student of today. Not every kid lives in a two-parent household, and not every kid lives in an academic environment. We have to come up with programs necessary to train our kids to be able to do the jobs of the 21st century in different ways all the time.

Congratulations on your nomination.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Isakson.
Senator Sanders.

STATEMENT OF SENATOR SANDERS

Senator SANDERS. Thank you, Mr. Chairman.

Ms. DeVos, thanks for being with us and thanks for dropping into the office a few days ago.

Ms. DEVOS. Thank you, Senator.

Senator SANDERS. Ms. DeVos, there is a growing fear in this country that we are moving toward what some would call an oligarchic form of society, where a small number of very, very wealthy billionaires control to a significant degree our economic and political life. Would you be so kind as to tell us how much money your family has contributed to the Republican party over the years?

Ms. DEVOS. Senator, first of all, thank you for that question. I, again, was pleased to meet you in your office last week. I wish I could give you that number. I don't know.

Senator SANDERS. I have heard the number was \$200 million. Does that sound in the ballpark?

Ms. DEVOS. Collectively, between my entire family?

Senator SANDERS. Over the years, yes.

Ms. DEVOS. That's possible.

Senator SANDERS. My question is—and I don't mean to be rude—but do you think if you were not a multibillionaire, if your family has not made hundreds of millions of dollars of contributions to the Republican party, that you would be sitting here today?

Ms. DEVOS. Senator, as a matter of fact, I do think that there would be that possibility. I've worked very hard on behalf of parents and children for the last almost 30 years to be a voice for students and to empower parents to make decisions on behalf of their children, primarily low-income children.

Senator SANDERS. Thank you. In your prepared statement, you say,

“Students should make informed choices about what type of education they want to pursue post-high school and have access to high-quality options.”

Some of us believe that we should make public colleges and universities tuition-free so that every young person in this country, regardless of income, does have that option. That's not the case today.

Will you work with me and others to make public colleges and universities tuition-free through Federal and State efforts?

Ms. DEVOS. Senator, that's a really interesting idea, and it's really great to consider and think about. We also have to consider the fact that there's nothing in life that's truly free. Somebody's going to pay for it, and so—

Senator SANDERS. Oh, yes, you're right. You're right. Somebody will pay for it, but that takes us to another issue, and that is—

Ms. DEVOS. I think it—

Senator SANDERS [continuing]. If I may, and that is right now, we have proposals in front of us to substantially lower tax breaks for billionaires in this country while at the same time low-income kids can't afford to go to college. Do you think that makes sense?

Ms. DEVOS. Senator, if your question is really around how can we help college and higher education be more affordable for young people as they anticipate—

Senator SANDERS. Actually, that wasn't my question. My question is: Should we make public colleges and universities tuition-free so that every family in America, regardless of income, will have the ability to have their kids get a higher education? That was my question.

Ms. DEVOS. Senator, I think we can work together, and we could work hard on making sure that college or higher education in some form is affordable for all young people that want to pursue it, and I would look forward to that opportunity, if confirmed.

Senator SANDERS. Would you agree with me that if there is a mom watching this hearing who makes \$30,000, \$40,000 a year, a single mom perhaps, who has to pay \$10,000 or \$15,000 a year for childcare for her daughter, that that is a burden that is almost impossible to deal with? What are your proposals about making childcare universal for our working families? Do you have ideas on that? Do you agree with that idea?

Ms. DEVOS. That certainly is a burden, and I can understand the challenge that that family, that young mother, would face in deciding how to best serve her child's needs. Again, if we're talking about the future of that child and their education, I would look forward to working with you. I know we have common ground on a lot of things, and we could find ways to work together to ensure that that young mom's child will have a great opportunity for a great education in the future.

Senator SANDERS. There are countries around the world which do provide universal, very inexpensive, or free childcare. Would you work with me in moving our government in that direction?

Ms. DEVOS. Senator, again, I feel very strongly about the importance of young families having an opportunity for good childcare for their children. I'm not sure that that's a part of the education—

Senator SANDERS. It's not a question of an opportunity. It's a question of being able—very often, my Republican friends talk about opportunity. It's not a question of opportunity. It's a question of being able to afford it. How do we help somebody who is making eight or nine bucks an hour at a time when we can't raise the minimum wage here because of Republican opposition? How do we make sure that those moms can get quality childcare that they can afford?

Ms. DEVOS. I would look forward to helping that mom get a quality education for their child or their children so that they could look forward to a bright and hopeful future.

Senator SANDERS. Thank you very much.

The CHAIRMAN. Thank you, Senator Sanders.

We're going next to Senator Hatch.

STATEMENT OF SENATOR HATCH

Senator HATCH. Thank you, Mr. Chairman.

We're certainly happy to have you here, Ms. DeVos, and I appreciate the abilities that you've exemplified and the work of your family, the care that you have for education, the hard work that you've done. I have to say there are very few people in this country who could even come close to what you've done.

Let me just say I welcome you to the committee. It's a pleasure to be here today to consider your nomination to serve as Secretary of Education. I appreciate your commitment to expanding opportunities for all children and your tireless work in the field of education. Your record of service is in line with Utah values, especially your commitment to restoring local autonomy over schools. Those closest to students know what is best for their education, a truth you have championed as a reformer.

This committee's support and passage of the Every Student Succeeds Act illustrates that these values are not unique to you and me, but are instead shared by many of my colleagues who care for education as a reality. All I can say is many who make comments on selections for this position have worked very hard to try and make sure that good people serve in these positions, not just people in stereotypical education, but those who might bring really new things to the forefront.

All I can say is that we've helped many of our colleagues to usher—we've ushered them through this process on both sides of the floor, and I hope my colleagues will extend the same courtesy to you. I also believe in extending Presidential selections the benefit of the doubt, recognizing, for example, that a person's views as a private citizen do not necessarily reflect their future actions as a holder of public office.

From my private conversations with you, I trust that you will not have—that you will not force particular policies on States, unlike what some in education do, as your predecessors have done, in some cases, in violation of congressional intent. I also recognize that support for parental choice for all students is not an attack on public education. My children and grandchildren and great grandchildren have attended public education as a reality, and I have to say that they've attended these schools. I believe that you share my commitment to ensuring that every child receives a quality education, regardless of the type of school they attend.

I've spent my entire service here fighting to make equity in education a reality, and I believe that you will be an indispensable partner in this fight, and I look forward to working with you on the priorities that are important to the people of Utah, including increasing transparency, accountability, and access to higher education, as well as increasing innovation and evidence-based reforms. Unlike others here who may be interested in attacking your

donations, I know you want to do right by all children, so I will stick to focusing on how we can work together on sound policy.

Right now, the Department of Education does not have a uniform measure for describing whether borrowers are repaying their loans. Adding to the confusion, the department is using a different borrower repayment rate methodology for each policy it comes up with. A uniform metric might prove helpful in making information available to Congress, the higher education community, and the public about the success of former students in repaying their Federal student loan debts.

This information could also tell us the extent to which student loan repayment rates vary across institutions. I believe students should have access to a wide variety of data when choosing a school, just like they would when choosing a car. Greater access to information would lead to wise decisionmaking when choosing an institution. Do you support increasing transparency regarding loan results for students and parents to use when deciding upon a post-secondary school?

Ms. DEVOS. Senator, thank you. Thank you for that question and for your kind comments. I agree with you 100 percent that the issue of student debt and the amount of student debt—over \$1.3 trillion right now, up almost 1,000 percent in the last 8 years—is a very serious issue and one which we all have to pay very close attention to and resolve in some way. If confirmed, I certainly will look forward to working with you and your colleagues on ways to get after this issue. The issue of the cost of education as well as debt repayment kind of go hand in hand, and I will look forward to working with you and your colleagues should I be confirmed.

Senator HATCH. Thank you so much. I hope you'll be confirmed, and I think you'll make a great Secretary.

The CHAIRMAN. Thank you, Senator Hatch.
Senator Casey.

STATEMENT OF SENATOR CASEY

Senator CASEY. Mr. Chairman, thank you very much. Put me on record as asking for a second round as well. I know that's under consideration.

The CHAIRMAN. It's not under consideration, but I'll be glad to put you on record.

[Laughter.]

Senator CASEY. We'll keep trying.

Ms. DeVos, thank you for being here. We appreciate you and your family being with us tonight.

I wanted to start with a basic question. Would you agree with me that the problem—and that's an understatement, in my judgment—but the problem of sexual assault on college campuses is a significant problem that we should take action on?

Ms. DEVOS. Senator, thank you for that question. I agree with you that sexual assault in any form or in any place is a problem, and no disagreement there.

Senator CASEY. The second question is would you uphold—let me give you a little background here that you might know. In 2011, the Department of Education issued guidance on title IX by this administration, the current administration. I'd ask you would you

uphold that 2011 title IX guidance as it relates to sexual assault on campus?

Ms. DEVOS. Senator, I know that there's a lot of conflicting ideas and opinions around that guidance, and if confirmed, I would look forward to working with you and your colleagues and understand the range of opinions and understand the issues from the higher ed institutions that are charged with resolving these and addressing them, and I would look forward to working together to find some resolutions.

Senator CASEY. I agree with the guidance, so I'm just asking for a yes or no. I guess you're not going to give me a yes or no answer on committing to upholding that guidance.

Ms. DEVOS. It would be premature for me to do that today.

Senator CASEY. This problem is—to say it's an epidemic is also an understatement. The Centers for Disease Control told us back in 2009 that one in five women are the victims of sexual assault on campus, and yet a lot of those women who are in that one in five never have an opportunity or never report incidents. It's a major problem for women.

In so many ways, it's the ultimate betrayal. Parents, for generations, have told their daughters,

“Study hard in school, get good grades, because when you get good grades, you might have an opportunity to go to college, and if you go to college, the world is open to you, and you can succeed by having a higher education.”

It happens every year on many campuses around the country. Too often, a young woman is a victim, sometimes on the first day she's there, or the first week, and sometimes over the course of her first year, and her life is destroyed by that.

We have a long way to go to addressing this problem. We took some good action on this issue as part of the Violence Against Women Act. It just happened to be my bill that got passed into law, the so-called Campus SaVE Act. What we did in that bill was, for the first time, say to colleges and universities, “You have to do more than you're doing,” certainly on one broad topic of prevention and on awareness. Young men on the campus who are the perpetrators of this have to be part of the solution. They have to be part of bystander education, a preventative strategy.

In addition to all kinds of transparency and requirements, this is what the act did for women—for victims, I should say, or victims of assault. Colleges and universities must provide clear statements regarding the procedures followed. They must do more than they had been doing when it comes to enforcement, and, in particular, with regard to victims, it says the college or university must indicate to the victim her right to notify law enforcement should the victim choose to, that the institution has an obligation to help the victim report the incident to law enforcement, including helping her get a protective order, among other things that the school has to do.

That's what the law is now, based upon my bill. In the fall of 2015, this went into effect across the country. There's an organization called the Foundation for Individual Rights in Education. They support a bill that would totally change that. They would force a

victim to go to a police department to report, and they would change the standard of evidence.

Would you commit, as Secretary of Education, to retaining the standard of evidence that is currently the law?

Ms. DEVOS. Senator, let me just say my mom's heart is really piqued on this issue. Assault in any form is never OK, and I just want to be very clear on that. If confirmed, I look forward to understanding the past actions and the current situation better and to ensuring that the intent of the law is actually carried out in a way that recognizes both the victim, the rights of the victims, as well as those who are accused and that the institutions—

Senator CASEY. I'm out of time, but let me just—the organization that has that position, which is contrary to the current law and contrary to the spirit of what we tried to do in that piece of legislation, is a recipient of donations from you totaling about \$25,000 over 4 years. I hope, I hope that's not a conflict of interest, but I would hope that you would make a definitive commitment as a nominee to enforce the law as it relates to sexual assault on college campuses. I'll send you more questions about it.

The CHAIRMAN. Thank you Senator Casey.

Senator Paul.

STATEMENT OF SENATOR PAUL

Senator PAUL. Congratulations, Ms. DeVos, and thanks for your testimony.

I grew up and went to public schools and got a great education, and I'm a big fan of public schools. My kids have gone to public schools. There are also some public schools that aren't doing very well. Even the Department of Education says about half of them aren't doing very well, and half the kids that are dropping out are kids of color. I commend you for your work, trying to help lower income kids and trying to help everybody get a better education.

I think the status quo just isn't really working. I have traveled to a lot of schools, though, and been amazed at some of the schools. I went to Josephinum in Chicago, Saint Anthony in Milwaukee, Boys' Latin School in Philadelphia—just amazing success stories. You see the success in front of you where 100 percent of the kids are going to college—just amazing stories where 50 percent, 40 percent, or 30 percent maybe of their contemporaries in their community are going. So there are great successes.

We need to think about the kids. People get so caught up in, "Oh, I don't want any religious schools" or "I don't want any private schools," and all of this, and it's like look at the kids and look at the success there. I thought maybe if you would take a couple of minutes and tell us about some of the things you've seen in Michigan, schools that you've either visited that are a success, or just some of what you've seen that has excited you about the potential, that all these kids do have potential, and we shouldn't leave them behind.

Ms. DEVOS. Thank you, Senator. Thanks for that opportunity. I would love to talk about some of the schools and some of the individuals that I have seen benefit from the success of being able to choose the right educational setting. I've already mentioned the Potter's House School and John Booy, who is with us here today.

That's a school I regularly visit. The students there come from a multitude of different countries, speak many different languages, and most of them are from very, very low-income circumstances. It's just amazing to see the transformation that those students have made going through their Potter's House years.

There's another student here, right behind me, Denisha Merriweather, who I've gotten to know the last few years, who is the recipient of a tax credit scholarship program in the State of Florida. Denisha will tell you very promptly that she had a very troubled early childhood in her grade school years. I think she was kicked out multiple times before her godmother actually finally found a school that was going to work for her, and the transformation was just almost overnight. Denisha is the first in her family to have graduated high school. She has graduated college, and in May, she's going to get her master's in social work degree. She's just a tremendous example of what can happen when you get an opportunity to go to the right school.

Nydia Salazar is also here, and she has—her mom took her and immigrated from Peru because of the opportunity—she knew she would have a much greater opportunity to succeed and thrive. Nydia has been the beneficiary of a tax credit scholarship program in Arizona, and she is now in college and pursuing a higher education there.

Those are two students. There's many schools that I see that are doing amazing things, actually trying new and innovative ways of approaching education for children. One of them I'd love to mention is called Acton Academy, and it's truly a unique model in that it's totally student-directed. They form their own constitution, and there's no teacher in the classroom. There's just a coach or a guide, and the guide cannot answer questions. They can only pose a question back to the students. The results from this Acton Academy are simply amazing, and the school is actually proliferating pretty rapidly throughout the country.

Those are just a few examples. I could give you dozens more.

Senator PAUL. Putting a face on it and meeting these kids and seeing that they're going to succeed and looking them in the eye and knowing that these young ladies are going to succeed is an amazing thing. For those who have this philosophic hatred for vouchers and school choice, watch the movie "Waiting for Superman" and see the mom with tears down her face whose child got the lottery and won to get in a good school, and then the one who didn't get in.

Senator Alexander and I went to a Kipp charter school in Nashville, and we met a young woman there. She got a full scholarship to Boston College, and I'll never forget—here we are. We'd like to talk to the media. The media didn't want to talk to us at all. They wanted to talk to this young lady, because she was just an amazing success story.

I wish you the best of luck. Thank you.

Ms. DEVOS. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Paul.
Senator Franken.

STATEMENT OF SENATOR FRANKEN

Senator FRANKEN. Yes. I'm a member of the Minnesota DFL Party, the party that the chairman invoked at the beginning of this hearing. Charter schools are not the issue here. Minnesota is thoroughly in the mainstream. There are 37 States in this country that constitutionally prohibit the use of public school money for religious schools. It is the DFL Party in Minnesota—thank you very much—that is in the mainstream and not our witness or the chairman.

Senator Lieberman mentioned proficiency in the NAEP test, and it just reminded me of this. When I first got into the Senate in 2009, I had a roundtable of principals, and one of the principals—in Minnesota—said, “We think of the NCLB tests as autopsies.” And I knew exactly what he meant, because what he was saying is that the students take the tests in late April. If they're lucky, they get them back in late June. The teachers can't use the results to inform their instruction.

I saw in Minnesota that in addition to the NCLB tests, a lot of schools, a majority of schools, were taking a computer adaptive test, a computer test so you get the results right away, and adaptive so that you can measure outside of grade level. This brings me to the issue of proficiency, which the Senator cited, versus growth. I would like your views on the relative advantage of doing assessments and using them to measure proficiency or to measure growth.

Ms. DEVOS. Thank you, Senator, for that question. If I'm understanding your question correctly around proficiency, I would also correlate it to competency and mastery so that each student is measured according to the advancement that they're making in each subject area—

Senator FRANKEN. That's growth. That's not proficiency. In other words, the growth they're making is in growth. The proficiency is an arbitrary standard.

Ms. DEVOS. If they've reached a level—the proficiency is if they've reached a, like, third grade level for reading, et cetera.

Senator FRANKEN. No, I'm talking about the debate between proficiency and growth—

Ms. DEVOS. Yes.

Senator FRANKEN [continuing]. And what your thoughts are on them.

Ms. DEVOS. I was just asking to clarify, then, what—

Senator FRANKEN. This is a subject that has been debated in the education community for years, and I've advocated growth, as the chairman and every member of this committee knows, because with proficiency—

Ms. DEVOS. You're looking back.

Senator FRANKEN [continuing]. Teachers ignore the kids at the top who are not going to fall below proficiency, and they ignore the kid at the bottom who, no matter what they do, will never get to proficiency. I've been an advocate of growth. It surprises me that you don't know this issue.

Mr. Chairman, this is a good reason for us to have more questions, because this is a very important subject, education, our kids' education, and we're selling our kids short by not being able to

have a debate on it. I didn't know of any rule about this—everyone gets one question and then one other Senator gets a question. I don't know where that rule comes from.

The CHAIRMAN. I'll tell you where it comes from, Senator Franken. It comes from the committee precedent and the way we treated President Obama's nominees, John King, and the way we treated Arne Duncan and the way I was treated when I was the Secretary. I'm going to apply—I'm applying the same rules to them—or to Ms. DeVos—

Senator FRANKEN. I think we're selling our kids short by not being able to ask followup questions, and I was kind of surprised—well, I'm not that surprised that you did not know this issue.

Ms. DeVos, your family has a long history of supporting anti-LGBT causes, including donating millions of dollars to groups that push conversion therapy, the practice of trying to change someone's sexual orientation or gender identity. For example, you and your family have given over \$10 million to Focus on the Family, an organization that currently states on its website that, "homosexual strugglers can and do change their sexual behavior and identity."

Ms. DeVos, conversion therapy has been widely discredited and rejected for decades by every mainstream medical and mental health organization as neither medically or ethically appropriate. It has been shown to lead to depression, anxiety, drug use, homelessness, and suicide, particularly in LGBT youth. In fact, many of the leaders and founders of conversion therapy, including both religious ministries and mental health professionals, have not only publicly renounced it, but have issued formal apologies for their work and how harmful it has been to the individuals involved.

Mr. Chairman, I would ask that this be included in the record.

The CHAIRMAN. It will be.

Senator FRANKEN. Ms. DeVos, do you still believe in conversion therapy?

Ms. DEVOS. Senator Franken, I've never believed in that. First of all, let me say I fully embrace equality, and I believe in the innate value of every single human being, and that all students, no matter their age, should be able to attend a school and feel safe and be free of discrimination. Let's start there. Let me just say that your characterization of contributions I don't think accurately reflects those of my family. I don't—

Senator FRANKEN. You've been—

Ms. DEVOS. I would hope that you wouldn't include other family members beyond my core family.

Senator FRANKEN. In terms of throwing numbers around, you said that student debt has increased by 1,000 percent since—

Ms. DEVOS. Nine-hundred and eighty percent in 8 years.

Senator FRANKEN. I'm sorry?

Ms. DEVOS. Nine-hundred and eighty percent. That's almost 1,000.

Senator FRANKEN. That's just not so. It's increased 118 percent in the past 8 years.

I'm just asking if you're challenging my figures, I would ask that you get your figures straight about education policy.

That's why we want more questions, because we want to know if this person that we are entrusting or may entrust to be the Sec-

retary of Education—if she has the breadth and depth of knowledge that we would expect from someone who has that important job.

Thank you.

The CHAIRMAN. Thank you, Senator Franken. I had as many disagreements with Secretary King as you apparently do with Ms. DeVos, and we're treating her in exactly the same way that we treated him, and that's what I would call the Golden Rule.

Senator FRANKEN. I did not hear one member of the committee ask to ask more questions. Here, virtually every member of the minority is asking to ask more questions, and that's a very substantial difference.

The CHAIRMAN. We have—because you've got a nominee of the Republican Party. We're not going to treat a Republican nominee differently than we treat a Democratic nominee. We've had the same situation with both of President Obama's nominees.

Senator FRANKEN. I think—

Senator MURRAY. Mr. Chairman, I do want to put in the record that Michael Leavitt had two rounds.

The CHAIRMAN. Michael Leavitt was never the Education Secretary.

Senator MURRAY. HHS. Rod Paige under Bush had 10-minute rounds. There is other precedent, so that's why my members really are asking for more questions.

The CHAIRMAN. I appreciate that, Senator Murray, and I appreciate your saying that. I'm trying to be fair by treating Ms. DeVos in the same way we treated both of President Obama's Education nominees.

We'll go next to Senator Cassidy.

STATEMENT OF SENATOR CASSIDY

Senator CASSIDY. Ms. DeVos, thanks. It's good to see you again. I enjoyed our meeting in anticipation of this.

I am really struck at the kind of reaction your nomination has elicited. Let me just ask some questions. Do you support public education?

Ms. DEVOS. Absolutely, Senator.

Senator CASSIDY. Man, that's amazing. Some would have us think that you do not. Do you believe that all children, all children, deserve to have the opportunity to receive quality education?

Ms. DEVOS. Absolutely, I do.

Senator CASSIDY. Do you support the rights of all children, regardless of income or race—by the way, this means a lot to me, this next one—to have the option to choose the school that meets their child's needs?

Ms. DEVOS. Absolutely, I do. And I commend you and your wife for the school that you've started that's specifically focused on dyslexic students.

Senator CASSIDY. I will tell you, by the way, that my son—he's very bright—graduated from—speaking of dyslexia—graduated from an inner city school, public school, and then graduated with honors from some fancy school in the Northeast. My daughter who has dyslexia—we were able to pay the tuition so that she can have her needs addressed, and not all parents can pay that tuition. It

matters very much to me that a parent, regardless of her income, can get her child's needs addressed. Thank you for doing that.

Just a few more. Do you support the belief that decisions affecting our children's education are best left to the States and locals to decide, to allow them to tailor the education policies and programs that best meet the needs of their students?

Ms. DEVOS. I do, indeed.

Senator CASSIDY. Oh, my gosh. Do you view the role of the U.S. Secretary of Education as an opportunity to advance your personal education views and agenda?

Ms. DEVOS. Not mine, personally. I'm going to, hopefully, be able to advance the President-elect's and also the views of many, many parents nationally.

Senator CASSIDY. As Secretary of Education, is it your intention to undermine our Nation's public education system?

Ms. DEVOS. Not at all.

Senator CASSIDY. As Secretary, will you carry out the implementation of Federal education laws in a way that reflects the very letter and intent of the law?

Ms. DEVOS. Indeed.

Senator CASSIDY. Do you intend to mandate, direct, coerce, or control any State, local school district, or school on any education program that is specifically prohibited by the Secretary in Federal law, one such example being Common Core?

Ms. DEVOS. No.

Senator CASSIDY. Do you intend to mandate, direct, coerce, or control any State, local school district, or school to require school choice policies, including private school vouchers or scholarships?

Ms. DEVOS. No.

Senator CASSIDY. Let's just clear that for the record. Next, you mentioned dyslexia. I am passionate about that. Twenty percent of us are dyslexics, 20 percent. I'm told that one out of four children of color by age four reads substantially—by fourth grade—reads substantially below grade level. That's important because we learn to read, and then we read to learn. If you've not learned to read, you're behind the eight ball. That is an issue I'm passionate about.

As Secretary of Education, will you commit to working with me and others to find common ways to promote better awareness and understanding of dyslexia, and will you commit to working with me and this committee to develop better Federal education policies to ensure that dyslexic children and all students with differences have the resources they need?

Ms. DEVOS. I would look forward to that opportunity, Senator.

Senator CASSIDY. As Secretary, you may not agree to this one or not. Will you commit to working with me and this committee to develop new Federal policies that will ensure the early screening for dyslexia in school or universal screenings for all students in school to ensure that any learning differences are diagnosed early and that the appropriate services are provided to students?

Ms. DEVOS. I would look forward to exploring that with you to see whether that's a Federal role or whether that's best left to the States. I would look forward to that opportunity.

Senator CASSIDY. That is a fair answer. I have a couple more I could ask, but this meeting is going long. I will thank you for your answers, and I will yield back.

Ms. DEVOS. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Cassidy.

Senator Bennet.

STATEMENT OF SENATOR BENNET

Senator BENNET. Thank you, Mr. Chairman, and in view of how fair you've been to me and to other members of the committee, it pains me to say this. I really wish we had a second round of questions, too. I really wish we had the tax returns from this nominee.

I don't believe you are a precedent for this. When you became—when you were the nominee, you had been a Governor, you had been the president of a university. John King had been a school principal, had been the Commissioner of Education in the State of New York. Arne Duncan had been the superintendent of the Chicago Public Schools. Those were the experiences they brought to their committee hearing, and their records were well-known and well-established.

There is no way in the period of time we have here that we're going to be able to elicit that level of background. I would ask that some consideration be given to our having additional questions and that the tax returns be made available to the committee.

I want to thank Ms. DeVos for your willingness to serve and for being here, for your passion about education, for your family as well. I agree with you—and the committee members know this—that our public school system is not working for too many of our kids, particularly those living in poverty. That's utterly unacceptable, and the fact that we don't pay attention to it, the fact that we treat America's children like they're someone else's children is something that this generation is going to have to pay for in the future.

Every kid in this country should have access to a great public school. I support parents' choices among high-quality public schools and charter schools, and it plays a critical role in education. The goal for me has never been school choice for its own end. The goal is high-quality public schools where every kid in every neighborhood can receive a great education.

For a kid from a low-income family, there's no difference between—there may be a philosophical difference, but there's no practical difference between being forced to attend a terrible school and being given a chance to choose among five terrible schools. That's no choice at all, and it's certainly not a meaningful one. In Denver, we made a different deal, a deal that said we're going to create a public choice system, we're going to authorize charters, we're going to create innovation schools and strengthen traditional schools.

Without exception, we demanded quality and implemented strong accountability, and as far as I can tell, Detroit and Michigan, to a degree, has followed exactly the opposite path. According to one analysis that said Detroit public schools—and, by the way, it's not easy to figure this out because there's so little accountability in Michigan. The Detroit public schools averaged 9 per-

cent—9 percent of the kids are proficient. The charter schools did a little better—14 percent of the kids are proficient.

I'll stipulate that the charter schools are doing better, but that's a horrible outcome for everybody involved. According to an Education Trust report in 2013, the majority of charter schools in Michigan performed worse than the Detroit public—in Michigan—performed worse than the Detroit public schools when it came to African American students in eighth grade math. Nearly half of charter schools in Michigan ranked in the bottom quarter of all schools statewide.

My question is this—not a false choice about whether we should have choice or whether we shouldn't have choice. We should have choice. What have you learned in the last 20 years of this work in Michigan that has changed your mind about what it is that kids need in America in the 21st century?

Ms. DEVOS. Senator, thank you for that question, and, first of all, I look forward to correcting some of the record regarding Detroit. It's really important, first of all, to put Detroit in context. In 1950, there were 1.8 million people living in the city of Detroit. Today, there's less than 700,000—675,000, roughly. Anyone with any means in the city of Detroit with school-age children has basically left the city, and the students there today—

Senator BENNET. I'm sorry. With respect, I'm not asking for a history of Detroit. What I'd like to know—what I asked about was the last 20 years of school reform that you've been so involved with in Michigan.

Ms. DEVOS. Yes, but you were referring specifically to the Detroit schools.

Senator BENNET. Right.

Ms. DEVOS. The reality today is that 8 out of 10 students in Detroit are living in poverty. Nobody accepts that the results in Detroit overall are acceptable. There's clearly room for a lot more improvement. The reality is that more than half of the—

Senator BENNET. What—I'm sorry. I'm sensitive because I'm not going to get a second round of questions. What have you learned about the failures of the Detroit public schools and Detroit charter schools that has informed your decisionmaking as the Secretary of Education? What went wrong there that's going to go right in cities all across America as a result of your philosophy about how we ought to move the country forward?

Ms. DEVOS. Actually, I believe that there's a lot that has gone right in Detroit and in Michigan with regard to charter schools, and the notion that there hasn't been accountability is just wrong. It's a faulty—it's false news. It's not correct at all. The reality is that charter schools in Michigan have been accountable, fully accountable, to their overseeing bodies and to the State. Since their history, 122—

Senator BENNET. If that's true, why are there so many failing charter schools in Michigan?

Ms. DEVOS. A hundred and twenty-two charter schools have been closed since charter schools came into existence in Michigan. The reality today is that students attending charter schools in the city of Detroit are getting 3 months, on average, more learning than their counterparts in the traditional public schools.

The recent legislation that was passed now actually brings all schools in Detroit under accountability, including the traditional schools. Heretofore, there's never been a traditional public school that's been closed due to poor performance. And, finally, for the people of Detroit, there is accountability across the board, and I'm pleased and thankful that that's the case.

Senator BENNET. Mr. Chairman, I'm out of time, and I apologize. I'd like to say this, Ms. DeVos. Thank you for your willingness to do this, and I'd like to invite you to Denver, to the Denver Public Schools, if you'd be willing to come, to see what we're working on there.

Ms. DEVOS. I would love to do that.

The CHAIRMAN. Thank you, Senator Bennet.

Senator Young.

STATEMENT OF SENATOR YOUNG

Senator YOUNG. Thank you, Mr. Chairman.

Ms. DeVos, I thank you so much for putting yourself forward for this position. I think you'll make a fine Secretary of Education.

I'd like to bring to your attention something we discussed in our office, and we spent quite a bit of time talking about teachers. You actually started talking about teachers, and it was encouraging here today that in your prepared remarks, you said we are blessed beyond measure by educators who pour themselves into their students.

I shared with you—I'm a father of four young children, age 10 and under, and I've really come to appreciate how essential it is to have prepared teachers, teachers who are empowered to do their very best work, and immersed in an atmosphere that's supportive. My objective, in part, in sitting on this committee is to try and play a constructive role in that process, hopefully, working with you. My wife—her family is full of teachers. In fact, a number of them are still teaching today in a low-income town in Indiana, Paoli, IN.

I like to look to the evidence, and I'm always open to evidence from all comers. There's a 2007 study—not all that dated—by McKinsey and Company. They examined education systems all around the world to try and figure out what works, what makes for an effective education environment, and it wasn't the amount of money spent per student. In fact, we've tried that in this country. In 1970, the cost to educate a student was roughly \$57,000. Adjusting for inflation, 40 years later, it was \$165,000 per student. We know right there it's not money.

What McKinsey found was that one of the most important factors was the quality of our teachers. I feel very strongly that we need to remove barriers to quality teaching and enable and equip these teachers to do their very best work. As someone who has studied this issue extensively, I'd just like to get your thoughts on how we might do that.

Ms. DEVOS. Thank you, Senator, and I did enjoy our meeting in your office as well, talking about some of these issues. First, let me re-state again that a quality teacher cannot be—the importance of a quality teacher cannot be overstated, and the opportunities abound for empowering and re-empowering teachers in a new way, unleashing and unencumbering them with a lot of rules and regu-

lations today that really prohibit and inhibit creativity and innovation with their students.

When you take a step back and look at how we deliver education today, for the most part, it hasn't changed significantly in a century and a half, and yet the world has changed significantly. There's a great opportunity—and this goes for teachers of all kinds of schools and all varieties—and that is to really empower them in a new way to do what they do best.

I know that in a couple of the States, when charter schools were actually introduced, those that founded the charter schools were actually teachers who were wanting to express themselves in a different way and found a new opportunity to unleash from their previous circumstances.

Senator YOUNG. Thanks. In my remaining 90 seconds here, I'll just emphasize that I've spent the last 4 years in the House of Representatives, focused, in the main, on trying to ascertain whether or not our social support programs, those programs that are targeted toward helping the poor, the needy, the vulnerable, those who need a hand-up in society—whether or not those programs are working. What I discovered is there are roughly 80 of these programs, depending upon how you count them. Of those 80, only 12 have ever been rigorously evaluated, using the gold standard of evaluation, randomized control trial, multisite, and of those 12, only one has been found to meaningfully work, and even that one is a bit complicated.

We need to apply evidence-based approaches to the education system in the same sort of way and just stare at the evidence and let it guide us accordingly, hopefully, in a bipartisan way. Do I have your assurance that you'll operate in this fashion? It's a threshold issue for me.

Ms. DeVOS. Absolutely, Senator. It's a great opportunity, and, if confirmed, I would look forward to working with you on that.

Senator YOUNG. Thank you.

The CHAIRMAN. Thank you, Senator Young.
Senator Whitehouse.

STATEMENT OF SENATOR WHITEHOUSE

Senator WHITEHOUSE. Thank you, Chairman.

Good evening, Ms. DeVos. Welcome to the committee. It is reputed, at least, that Sigmund Freud said there are times when a cigar is just a cigar. There are times when charter schools are just charter schools. When that's the case, everybody in this room supports them. Certainly, we have a very strong charter school community in Rhode Island.

There are times when it appears that charter schools are used as a wedge to attack public education, and the signals of that tend to be that failing charter schools are protected compared to failing public schools, that the standards really aren't there. As I said, in Rhode Island, we demand a lot of our charter schools. They succeed very well. We are proud of them.

I have read that 80 percent of charter schools in Michigan are run by for-profit entities, and most of them perform below the State average, suggesting that a failing charter school is automatically better than a successful traditional public school in the view

of that system. We, in Rhode Island, wouldn't want to see that system moved into Rhode Island or moved to a national level.

The second signal is when the charter school advocates fail to recognize—as I believe you have actually recognized—that there are ongoing costs and responsibilities that a traditional public school must continue to shoulder, even as students leave with their funding for charter schools. That is so clear a proposition now that the investment service, Moody's, has written about it and talked about the danger of a downward spiral because it actually adds cost when you have to maintain the public traditional school and the charter school until the system can adjust.

Can you assure us that your desire for charter schools is sincere, and that as the Secretary of Education you will steer away from efforts to deny traditional public schools the funding that they need to manage the charter school transition, and that you will make sure that charter schools have to live up to their promise and you're not just going after traditional public schools when they are failing?

Ms. DEVOS. Senator, thanks for that question. Let me just begin by, again, stating that my advocacy and my orientation is really around parents and students and their choosing the right education for their children. When parents choose charter schools, they're doing so because they think that it's a better spot for their children. You have my commitment that I will be an advocate for all great schools, no matter their form, their version. I will be an advocate for parents being able to make those choices, because they're the primary educator for their children.

Senator WHITEHOUSE. I get that. The question is do you understand that when the parent makes that choice and the child moves to the charter school and the funding moves with the child, that leaves a funding gap at the previous school that it can't instantaneously or magically fill, that that is a real problem that Moody's respects and has—

Ms. DEVOS. Indeed. This is a good example of an issue that is best addressed at the State level by each State, acknowledging that each State will have unique circumstances in that regard.

Senator WHITEHOUSE. The problem is that it will be hard to address that at the State level if you make the Federal Department of Education a crusader for moving kids to charter schools without any recognition of the legacy costs of the public school system. If it is your intention to create a downward spiral, that is not solved by different State policies. That's where we need you, as Secretary of Education, to commit to recognize that there is this problem and that you will keep in mind not only the charter schools and the parents going there, but the traditional schools and the parents staying there.

Ms. DEVOS. Certainly, as we spoke in your office, this is an issue, and it's probably unique to some States more than it is to others. Again, I will refer back to the implementation of the Every Student Succeeds Act and the opportunities that States have to address the unique challenges of their States. I will be a crusader for parents and students and the quality of their education, not for specific systems and not for specific arrangements of how school is delivered.

Senator WHITEHOUSE. Let me ask you just one other quick question. For 10 years, you served on the Board of the Acton Institute for the Study of Religion and Liberty, which calls climate change unfounded and of undue concern. You and your husband have contributed to the Thomas More Law Center, touting itself as the sword and shield for people of faith, which has repeatedly promoted fake science, even going so far as to represent the Dover Area School District of Pennsylvania in a lawsuit over the adoption of a biology textbook including intelligent design.

The S in STEM which everybody is for is science. If school districts around the country try to teach students junk science, will the Department of Education be with the students or with the political entities trying to force the junk science into the science programs?

Ms. DEVOS. Senator, it's pretty clear that the expectation is that science is taught in public schools, and I support the teaching of great science and especially science that allows students to exercise critical thinking and to really discover and examine in new ways. Science is to be supported at all levels.

Senator WHITEHOUSE. I would have liked, Mr. Chairman, to make some inquiries about Pell grants, to follow up on some of these answers which were directed toward the question but maybe not completely responsive to the question, and to ask about where the department will go on the nightmarish problem of college for-profits that have taken these kids and robbed them of their education, robbed them of their money, and set them loose with a piece of paper that isn't worth anything.

I believe this is—as I said, I'm very fond of you, and I'm very fond of this committee, and I don't recall ever being told that I could never have a second round in a hearing as a matter of principle before.

The CHAIRMAN. Thank you, Senator Whitehouse.

I'm going to take my 5-minute round now and go back to something that Ms. DeVos brought up and something that several Senators have brought up. I want to talk about the law that the President called the Christmas miracle that this committee produced which fixed No Child Left Behind. It was passed in December 2015.

Under the current administration, the plans are, under the law we call ESSA—Senator Franken may have been the first person to suggest that—but under the plan—

Senator FRANKEN. May I ask a question on that?

[Laughter.]

The CHAIRMAN. No.

Senator FRANKEN. That was a joke.

The CHAIRMAN. No. I should have known better. Yes, I know.

The department is planning—is on a path to say to States, “Go ahead and”—every State will have to get their new title I plan in to get their Federal money and their title II plan, which is really a tremendous opportunity to take advantage of the innovation States have wanted and the flexibility that we have given them.

The current administration is on a path to say to States,

“Get your plans in, and we'll approve them in the spring or in the summer, and you can then implement the plans in the school year that begins next year.”

Is it your intention to continue on that path, on that schedule?

Ms. DEVOS. Absolutely, Senator, and if there's any confusion or question around transition, rest assured it would be a high priority, if confirmed, for me to ensure that the plan is adhered to and that the law is implemented as you all intended it.

The CHAIRMAN. My guess is in most of our States, plans are being circulated among various groups, and people will—if you are confirmed—be looking for a signal from you to go ahead and get your plan in the spring and summer and we'll try to approve it or consider it so that you can get on in the next year.

A second question is—as you can tell, we have some considerable differences of opinion here in the committee, and we resolved them well enough to pass a bill that I think 85 of us voted for. We worked out some difficult issues. We even put what Senator Murray likes to call guardrails on the States, and we even put some guardrails on the Secretary of Education, which my colleagues on the Democratic side may now think better of, that we did that.

What is your attitude toward respecting the authority that Congress gives you and trying to implement the law according to the way it's written rather than trying to legislate from where you are? For example, you believe very strongly in giving low-income parents more choices of schools. We debated that and only got 45 votes for Senator Scott's bill and for my bill, so it's not in the law. Would you then try to write a regulation to implement that through the U.S. Department of Education even though Congress couldn't do it?

Ms. DEVOS. Senator, it would be my goal, if confirmed, to implement laws as you intended them. I acknowledge that it's your role to write laws and pass laws, and it would be the department's role to implement as intended, and that's my commitment.

The CHAIRMAN. No matter how strongly you feel about school choice, for example, you wouldn't be prepared to mandate Washington State or Tennessee to adopt a particular school choice plan.

Ms. DEVOS. No. I would hope I could convince you all of the merit of that in maybe some future legislation, but certainly not any kind of mandate from within the department.

The CHAIRMAN. The Scholarship for Kids legislation that I proposed that got 45 votes, which wasn't enough, and that Senator Scott proposed, a more limited version which had to do with students with disabilities, basically said that we could take the \$24 billion of Federal dollars we now spend—\$24 billion of the Federal dollars we now spend, and a State could choose to take its share of that money and turn it into \$2,100 scholarships and let it follow the students to the schools that the State chose. If the State did not approve of dollars going to private schools or religious schools that were accredited, it didn't have to do that. Or if a State did that, which I think 25 do, it could do that.

In that case, it would allow the States to make the decision and the parents to make the choice rather than Washington giving an order that you have to do school choice. Is that the kind of school choice proposal that you would support or not?

Ms. DEVOS. Yes, absolutely, and we've seen a wide variety of approaches to school choice, including private school choice, in the now 25 States in which programs exist. It would really be dependent on each State's political realities and culture and how they

wanted to approach that opportunity and that option. Or if they wanted to expand it, that would be another alternative as well.

The CHAIRMAN. Thank you.
Senator Baldwin.

STATEMENT OF SENATOR BALDWIN

Senator BALDWIN. Thank you, Mr. Chairman. I want to weigh in also that I hope that we will get additional opportunity to ask questions. I would like it to be not in writing but to give the American people a chance to hear the exchange and responses.

Mr. Chairman, I also associate myself with the concerns raised by our Ranking Member regarding the holding of this hearing prior to receipt of the Office of Government Ethics plan for elimination of possible conflicts of interest.

Ms. DeVos, you had the chance to answer questions already about your and your family's indirect investments in education-related, for-profit companies, including Social Finance and Performant, which I understand to be a collection agency that specializes in student debt collection. I won't repeat those. Let me get to that ethics agreement that will be forthcoming.

What decision you will need to make is whether to take advantage of Section 1043 of the Internal Revenue Code, which allows you to defer capital gains taxes on the sale of assets divested in order to comply with ethics rules. This provision can allow wealthy individuals to save hundreds of millions of dollars. It's why, when I became aware of this, that I joined Senators Whitehouse and Warren on this committee as well as our colleague, Senator Feinstein, in introducing a bill to close this loophole or at least limit the amount of capital gains that could be deferred to \$1 million.

Because we don't have your financial information yet from the Office of Government Ethics, my question to you is: Are you planning on taking advantage of this tax loophole?

Ms. DEVOS. Senator, thank you for that question. Let me just restate again that I look forward to the ethics agreement finalization with the Office of Government Ethics and am committed to ensuring that I have no conflicts and will go forward with no conflicts. With respect to your specific question, I do not intend to take advantage of that loophole. I've already made that conclusion, that decision. In fact, it probably would be useful to note here that, again, if confirmed, I will only take a salary of \$1 so I can be official, but I don't intend to take a salary, either.

Senator BALDWIN. I also listened carefully to your opening statement and your exchange with Senator Franken related to your sizable donations to a number of anti-LGBT organizations that have been associated with advocacy for the discredited practice of conversion therapy. I was heartened by your response, I will say. I would note that these same organizations, anti-LGBT organizations, also have been hostile to nondiscrimination protections, issues like adoption, marriage equality.

Given the alarm that parents have expressed to me about these donations to anti-LGBT organizations, I guess I want to ask—I assume that there are LGBT students and their parents watching tonight. What would you say to them to assure them that you're

going to use your position as Secretary to support LGBT students or students with LGBT parents?

Ms. DEVOS. Thank you, Senator. Let me just re-state again that I embrace equality, and I firmly believe in the intrinsic value of each individual, and that every student should have the assurance of a safe and discrimination-free place to become educated. I want to re-state those principles, those values for me.

Let me just comment to the contributions that you've referred to again and suggest that you may be confusing some other family members in some of those contributions and also looking at contributions from 18 or 20 years ago. I just want to again refer to what I just said about my approach. As a mom, I just can't imagine having a child that would feel discriminated against for any reason, and I would want my child in a safe environment.

Senator BALDWIN. I note that I have run out of time, and, Mr. Chairman, I have many more questions that I would like to pro- pound.

I will say, Ms. DeVos, if you think that there is—and we've been fairly general, given our restricted time, about the issue of char- itable contributions, if you will, or contributions to these anti-LGBT advocacy organizations. If you feel like there has been a family member who has contributed, and you're being identified, and that the public record is incorrect, please, in writing, followup. I have certainly seen information quite to the contrary.

The CHAIRMAN. Thank you, Senator Baldwin.
Senator Roberts.

STATEMENT OF SENATOR ROBERTS

Senator ROBERTS. Thank you, Mr. Chairman. Thank you for holding the hearing, and I thank the Ranking Member as well.

Ms. DeVos, thank you for being responsive, articulate, informed, and, in my view, specific.

I suppose, Mr. Chairman, all members could submit any specific questions they have for the record, and we could have a time period on that, and then if they have any concern, they could always speak on the Senate floor.

Thank you for coming by my office. We had a nice visit. I'll let you know that way back, I had the opportunity to teach also while trying to put out a newspaper on the west side of Phoenix, not Kansas, but Phoenix. At any rate, I know you fully understand that a one-size-fits-all education system just does not work. You just said that in your testimony.

I told you that I held a roundtable discussion in Kansas at Washburn University in Topeka with 12 college presidents—we got all of them except a few—and 12 business stakeholders very impor- tant to those universities to discuss higher education and workforce development, given the fact that we are going to attempt to pass a higher education bill. In particular, I heard from the higher edu- cation leaders about the impact of Federal programs, obviously, policies, obviously, but more especially regulations on Kansas insti- tutions of higher education.

During our meeting last month in my office, I shared with you an information chart—I need a bigger chart. It's like the guy who said he needed a bigger boat with a shark coming after him. Maybe

that's not a proper allegory. At any rate, these are 34 topics or areas of Federal regulations, some of them very, very, very important. The collective judgment was that they were so intrusive, so expensive, so time consuming that they had to get an Office of Compliance just to look at the Federal regulations, and then they assigned bad news bears to go tell all the various departments that make up the Johnson County Community College, which, by the way, has the highest enrollment of any college or university in Kansas, more than the Jayhawks, more than the Wildcats, and more than the Shockers.

These 34 areas of Federal regulations, so costly and impactful to the school, basically indicate that we need to work together to eliminate many of these burdensome regulations that hinder the institutions of higher education's main goal to educate our students effectively and efficiently. As you know—and I think I would have agreement on the other side of the dais as well—regulations are one of the key areas this committee will focus on as we work on reauthorization of the Higher Education Act.

Will you be a partner in addressing many of the time-consuming regulations?

Ms. DEVOS. Senator, thanks for that question, and thanks for the meeting in your office. I appreciate seeing the chart again. As I'm a visual learner, I really appreciate that one in particular. Yes, I can commit to you that, if confirmed, I will look forward to working with you and this committee on that act and on the regulations that you've referred to, and wanting to help free our institutions of higher learning to the greatest extent possible to do what they do best.

Senator ROBERTS. Being an ombudsman for Kansas education, along with my fellow Senator, it's tough when you try to go directly to the person who is in charge of that department, namely you. I tried that before, sitting down across from President Obama and complaining about regulations to learn of his Executive order to make sure every department ascribed to a cost-benefit yardstick, if you will, but that didn't happen. The person in charge who was supposed to get back to me was his top gun, his right arm, Dennis. Dennis was in charge of war and peace and other things.

I'm going to recommend that maybe we ought to do it regionally. Obviously, we've had people from rural areas, urban areas. It's going to be terribly important that we get to somebody that can actually see the problem and report back to you or to somebody else in your department. You can't do all this. I don't know anybody who can. At least, when we have a real problem with the 12 universities or, for that matter, 5, 6, or even 1, we could say, "Hey, here's a regulation that just doesn't make sense. Can we at least address it?" Maybe we can tweak it. Maybe we can get rid of it, or maybe we can do better.

I hope that you can work out some kind of SWAT team, if you will, with regards to over-regulation, because that really was the No. 1 issue that I heard. Thank you.

Ms. DEVOS. Thank you, Senator. That sounds like a great idea.

The CHAIRMAN. Thank you, Senator Roberts.

Senator Murphy.

STATEMENT OF SENATOR MURPHY

Senator MURPHY. Thank you, Mr. Chairman.

If Senator Alexander decided to allow us more than a meager 5 minutes of questions, Ms. DeVos, do you have anywhere to be tonight? Would you be able to stick around and answer those questions?

Ms. DEVOS. I am going to defer to the Chairman on this.

Senator MURPHY. I assume you probably don't have other obligations. Let me just count myself in. This is a real shame, this rush job, this inability to allow the public to see this debate, the imperative to get this hearing in before we have all the information. It really violates the best traditions of this committee, and it suggests that this committee is trying to protect this nominee from scrutiny, and I hope we would reconsider.

Ms. DeVos, let me try to rush through these questions in the time that I have. Your family has been investors in a company called K12. It's a for-profit online charter operator. It gets about 80 percent of its money from the Federal or State taxpayers, and it paid its CEO over a million dollars in the first year. It's made millions and millions of dollars in profit.

I could go through a long litany of examples in which people have made their fortune off of public education dollars—a charter school principal in Orlando who got a \$519,000 payout when her school was closed for poor performance. I guess my question is simple. Do you support companies and individuals profiting from public education dollars that is essentially taking money away from students to pay salaries for CEOs in return for investors?

Ms. DEVOS. Senator, thank you for that question. Let me just say that when it comes to education, what's important is what the outcomes are, what the achievements are, and I don't think the delivery mechanism is the issue as much as it is are students receiving the benefit of a great education.

Senator MURPHY. Have you met many principals in Detroit that say that they have enough, that they don't need more?

Ms. DEVOS. I can't really answer that question. I haven't asked them specifically if they have enough.

Senator MURPHY. If we can't agree that folks shouldn't get rich off of schools, then maybe we can agree that they shouldn't be getting rich off of terrible schools. You and I had the chance to talk in my office about the accountability regulations that were a big part of the underlying new Federal education law. The department has issued final regulations that incorporate comments of basically everyone in the education field to make sure that to the extent public dollars are flowing to private schools that they meet real standards. These accountability regulations are supported by the Council of Chief State School Officers, the School Superintendents Association, civil rights groups, teachers unions.

Can you assure this committee that you're going to implement those accountability regulations to make sure that all schools are performing and not throw ESSA implementation into chaos for States and districts around the country? Are you going to implement those accountability regulations?

Ms. DEVOS. Senator, let me just re-state again that accountability is highly important, and I support accountability for all schools, which is why I supported the most recent legislation in Michigan that is now holding all schools, including traditional public schools, accountable for performance. I will continue to support accountability, and I will continue to support the implementation of Every Student Succeeds Act as Congress has intended it.

Senator MURPHY. Let me ask you again. Are you going to support the implementation of the existing regulations, again, supported by a wide cross-section of the educational community, that requires schools to come up with their own accountability standards, State- and local-based, that will require that all schools meet some basic performance standards? I'm asking you a specific question about this existing regulation and whether you're willing to support it or whether you're going to use your position to undermine it or to change it.

Ms. DEVOS. As would be tradition with a change of administrations, I will look forward to reviewing that, and, again, I will re-state my orientation to pro-accountability and pro-responsibility to parents and taxpayers.

Senator MURPHY. That's going to raise a lot of questions for administrators and schools superintendents who are now trying to implement that regulation. One final question. Do you think that guns have any place in or around schools?

Ms. DEVOS. That's best left to locales and States to decide. If the underlying question is—

Senator MURPHY. You can't say definitively today that guns shouldn't be in schools?

Ms. DEVOS. I will refer back to Senator Enzi and the school that he was talking about in Wapiti, WY. Probably there—I would imagine that there's probably a gun in the school to protect from potential grizzlies.

Senator MURPHY. If President Trump moves forward with his plan to ban gun-free school zones, will you support that proposal?

Ms. DEVOS. I will support what the President-elect does. Senator, if the question is around gun violence and the results of that, please know that I—my heart bleeds and is broken for those families that have lost any individual due to gun violence.

Senator MURPHY. I look forward to working with you, but I also look forward to you coming to Connecticut and talking about the role of guns in schools.

The CHAIRMAN. Thank you, Senator Murphy.

Senator Scott.

Senator SCOTT. Thank you, Mr. Chairman.

Thank you, Ms. DeVos, for taking the time to be here and your willingness to serve. A couple of questions I have as it relates to kids who are consistently attending schools that are underperforming. If you look at the outcomes of the lives of the children, which is very important and should be a central part of this conversation that we're having, how is the education system that our kids are involved in preparing them for the future that we hope we all get to live, a future that includes achieving the American dream?

When we look at the underperforming schools, and specifically schools in the rural areas as well as in the inner cities, many schools are still underperforming. Kids that come from those underperforming schools consistently have significantly higher rates of incarceration. They have significantly higher rates of unemployment.

The importance of education can't be emphasized enough for the quality of life that the child will experience and the responsibilities that the government will bear because of that poor education system. What we can do to make sure that there's access to quality education in every zip code should be of paramount importance for this Nation, for this committee, as well as the entire Senate. I'd love to hear your thoughts on that before I get into the Perkins CTE Programs.

Ms. DEVOS. Senator, thank you for that question and for the thought and your observations and experience behind it. I couldn't agree more that we have continued to do a disservice to so many young people in our country by continuing to force them to attend schools that are simply not working for them or not working for many. The fact that 1.4 million students drop out of school every year—that's one every 42 seconds—it's a human tragedy when you think about the lost human potential and, as you've mentioned, essentially a pipeline to prison for so many of those students.

That's why I continue to be an advocate for allowing parents and empowering parents with the opportunity to make the right choices for their children, and I understand that there's a full range of those choices based on the realities of a State. That's why States really need to grapple with this issue in a meaningful way. If confirmed, I hope to be able to talk with Governors and legislators about opportunities and options that they have to address the needs of the students to whom you have referred.

Senator SCOTT. Thank you very much. There's another part of the education apparatus that doesn't get enough good attention. Often we think of technical schools as a subpar choice, as the place you go if you can't get into a 4-year school. It's as if we have this bachelor's of diction that may not be in the best interest of the student. I hope that you are committed to taking a serious look at encouraging and providing great support for high-quality technical schools.

I know in South Carolina, the importance of our technical schools can't be overemphasized. When we think about the high-tech manufacturing hub, it really, for us in South Carolina, starts in our technical schools that create the hub, in all honesty. The sectors that we benefit from, in the transportation sector, from the Boeing 9,000 jobs in Charleston, SC, to the BMWs, the Mercedes, the Michelins, the Bridgestones—our technical schools are the reason why we're succeeding on the high-tech manufacturing jobs.

One of the things I've noted is that we probably need to have a robust conversation about making sure that there's flexibility in the course work at some of the technical schools, because there's almost 6 million openings in this country. Seventy-five percent do not require a college degree, which means that if we can align what's available in the marketplace with the training in the technical schools, we might solve a major part of our unemployment.

Ms. DEVOS. Absolutely, Senator. Students, as they anticipate higher education, really need to have a full menu of options shared with them, and they need to know and understand where the opportunities are, what the costs are for the various avenues that they might take, and, certainly, technical schools, community colleges, apprenticeships—there’s really a wide variety of alternative pathways to a really great future if students are really made aware of them.

Senator SCOTT. I’m about out of time, Mr. Chairman.

Just to finish, you may be familiar with the 529 plans that provide—I think you can put about \$50,000 into an account for college education. Five-hundred and twenty-nine plans could be a wonderful apparatus to be able to pay for or subsidize some of the costs, even K through 12. I would love for us to have a longer conversation on that.

Ms. DEVOS. I would look forward to that, Senator. Thank you.

Senator SCOTT. Thank you, ma’am.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Scott.

Senator Warren.

STATEMENT OF SENATOR WARREN

Senator WARREN. Thank you, Mr. Chairman. As the only other party to the so-called precedent of we don’t have a second round, I asked my staff to actually pull the record from the hearing we had with King, and you said when you called on me, “I think we have time for a second round. Senator Warren, you can be the first in the second round.” It just turns out I was the only one who stayed and had questions.

The CHAIRMAN. That’s why we had time.

Senator WARREN. I understood that precedent meant that anybody who had questions for a second round could stay and ask them. While we’re doing precedents, I also understand that the precedent was that President Obama’s nominees that came before this committee had all filled out their ethics forms and that those were available before we had a hearing so that we would have a chance to ask questions about them in public. I’m a little confused about what precedent means here.

Ms. DeVos, many of my Democratic colleagues have pointed out your lack of experience in K–12 public schools. I’d like to ask you about your qualifications for leading the Nation on higher education. The Department of Education is in charge of making sure that the \$150 billion that we invest in students each year gets into the right hands and that students have the support they need to be able to pay back their student loans. The Secretary of Education is essentially responsible for managing a trillion-dollar student loan bank and distributing \$30 billion in Pell grants to students each year. The financial futures of an entire generation of young people depend on your department getting that right.

Ms. DeVos, do you have any direct experience in running a bank?

Ms. DEVOS. Senator, I do not.

Senator WARREN. Have you ever managed or overseen a trillion-dollar loan program?

Ms. DEVOS. I have not.

Senator WARREN. How about a billion-dollar loan program?

Ms. DEVOS. I have not.

Senator WARREN. OK. No experience managing a program like this. How about participating in one? It's important for the person who is in charge of our financial aid programs to understand what it's like for students and their families who are struggling to pay for college.

Ms. DeVos, have you ever taken out a student loan from the Federal Government to help pay for college?

Ms. DEVOS. I have not.

Senator WARREN. Have any of your children had to borrow money in order to go to college?

Ms. DEVOS. They have been fortunate not to.

Senator WARREN. Have you had any personal experience with the Pell grant?

Ms. DEVOS. Not personal experience, but certainly friends and students with whom I've worked that have—

Senator WARREN. You have no personal experience with college financial aid or management of higher education. Ms. DeVos, then, let's start with the basics. Do you support protecting Federal taxpayer dollars from waste, fraud, and abuse?

Ms. DEVOS. Absolutely.

Senator WARREN. Oh, good. Do I, because now we all know that President-elect Trump's experience with higher education was to create a fake university, which resulted in his paying \$25 million to students that he cheated. I'm curious about how the Trump administration would protect against waste, fraud, and abuse at similar for-profit colleges.

Here's my question. How do you plan to protect taxpayer dollars from waste, fraud, and abuse by colleges that take in millions of dollars in Federal student aid?

Ms. DEVOS. Senator, if confirmed, I will certainly be very vigilant in—

Senator WARREN. No, I'm asking how.

Ms. DEVOS. The individuals—

Senator WARREN. How are you going to do that? You said you're committed.

Ms. DEVOS. The individuals with whom I work in the department will ensure that Federal monies are used properly and appropriately, and I will look forward to working with—

Senator WARREN. You're going to subcontract making sure that what happened with universities that cheat students doesn't happen anymore.

Ms. DEVOS. No, I didn't say that.

Senator WARREN. You're going to give that to someone else to do? I just want to know what your ideas are for making sure we don't have problems with waste, fraud, and abuse.

Ms. DEVOS. I want to make sure we don't have problems with that as well, and, if confirmed, I will work diligently to ensure that we are addressing any of those issues.

Senator WARREN. Let me make a suggestion on this. It actually turns out that there are a whole group of rules that are already written and are there, and all you have to do is enforce them. What I want to know is will you commit to enforcing these rules to en-

sure that no career college receives Federal funds unless they can prove that they are actually preparing their students for gainful employment and not cheating them?

Ms. DEVOS. Senator, I will commit to ensuring that institutions which receive Federal funds are actually serving their students well.

Senator WARREN. You will enforce the gainful employment rule to make sure that these career colleges are not cheating students?

Ms. DEVOS. We will certainly review that rule and see that—

Senator WARREN. You will review it? You will not commit to enforce it?

Ms. DEVOS [continuing]. See that it is actually achieving what the intentions are.

Senator WARREN. I don't understand about reviewing it. We talked about this in my office. There are already rules in place to stop waste, fraud, and abuse, and I don't understand how you cannot be sure about enforcing them. Swindlers and crooks are out there doing back flips when they hear an answer like this. If confirmed, you will be the cop on the beat, and if you can't commit to use the tools that are already available to you in the Department of Education, then I don't see how you can be the Secretary of Education.

I look forward to having a second round of questions.

The CHAIRMAN. Thank you, Senator Warren.

Senator Collins.

STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman. Mr. Chairman, I could not help but think that if my friends on the other side of the aisle had used their time to ask questions rather than complaining about the lack of a second round, they each would have been able to get in a second question, and I now have just used 15 seconds of my time to make that point.

Ms. DeVos, first of all, let me say that I have no doubt that you care deeply about the education of all children, and I say that despite the fact that you and I do not agree on all the issues. Given your lifelong work and commitment to education, any suggestion such as was made earlier that your nomination is linked to your political contributions is really unfair and unwarranted, and I just wanted to say that for the record.

I now would like to move on to some questions about how you view the Federal role in education versus the State and local role. I want to put aside the D.C. Opportunity Scholarship Program, because Congress' relationship to the District of Columbia is unique, and I want to ask you at what level of government do you believe that decisions about charter schools and vouchers should be made. Is that a Federal role, or is that a State role?

Ms. DEVOS. Thank you, Senator, for that question. Let me just say I really enjoyed the conversation we had in your office. Let me respond to your question about Federal versus State and local role by saying I absolutely support the fact that it is a State role and State decision what kind of offering there might be with regard to choices in education.

As we discussed in your office, Maine has some unique—it has a unique situation with students attending school on islands and in rural areas, and to suggest that the right answer for Maine is the same as the right answer for Indiana or any other State is just not right, and I would not support a Federal mandate and a Federal role in dictating those.

Senator COLLINS. I'm glad to hear that. I have heard repeatedly from school officials, whether it's superintendents, teachers, or school board members, that the single most important action that the Federal Government could take would be to fulfill the promise of the 1975 Individuals with Disabilities Education Act to fund 40 percent of the additional cost of educating a special needs child. It's been many years since that law was passed. We have never come close to the 40 percent.

Would you commit to taking a look at the funding of the department to see if we could do a better job of moving toward fulfillment of that promise? That is an action that would help every single school district in this country.

Ms. DEVOS. Senator, absolutely, I would commit to that, if confirmed, and I actually think this is an area that could be considered for an approach that would be somewhat different in that maybe the money should follow individual students instead of going directly to the States. Again, that's something that we could discuss and that I would look forward to talking about with the members of this committee.

Senator COLLINS. Another of my concerns, having worked at a college level for a period of time, is the low rate of college completion. There's nothing worse than a student being saddled with educational debt and not earning the credential or the degree that would enable that student to pay off that debt. I'm a strong supporter of the Federal TRIO Program, which helps prepare students for higher education and helps to raise aspirations, particularly of children who come from families without experience in higher education.

Do you have any thoughts on how we can do a better job in supporting college success programs so that we can ensure that students are able to complete their degrees or earn their credentials?

Ms. DEVOS. Senator, thank you. I do think that we can do a better job with preparing students, informing them before they enter college, and I know the TRIO Program helps to mentor and prepare students that might not otherwise have an opportunity. That's a very important and valid one to look at—perhaps is there another and more effective way to advance that or to replicate that or use that in a new way to help increase the participation of students that may not otherwise pursue higher education and complete it.

Senator COLLINS. Thank you.

The CHAIRMAN. Thank you, Senator Collins.

Senator HASSAN.

STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chair and Ranking Member Murray. I certainly look forward to working on this committee with all of you and I appreciate the opportunity to participate.

Ms. DeVos, it's nice to see you again. Thank you for being here today and your family as well.

I think all of us here share a commitment to public education and understand the essential nature to our democracy. I would echo my colleagues' call for another round, at least, of questioning, because our job here is not just to talk about ideas, but actually to drill down to how things actually work in practice. I want to talk about one of those situations that we began to touch on in my office when we met. It echoes a little bit of what Senator Collins was just talking about in terms of a full commitment to our students with disabilities and what Senator Cassidy was talking about in terms of access to quality education for children with dyslexia.

My son, Ben, experiences very severe physical disabilities. He has cerebral palsy. He can't speak. He can't use his fingers for a keyboard. He doesn't walk. But he's smart and the best kid on Earth, if I do say so myself. He got a quality public education at our local school. He's a graduate of Exeter Area High School in Exeter, NH. The reason he got there was because countless advocates and champions, before the Hassan family, worked so hard to make sure that he had the right to that education.

I am concerned that when students who experience disabilities receive a publicly funded voucher to attend a private school, they often don't receive adequate resources and, in some cases, have to sign over their legal rights under the Individuals with Disabilities Education Act. Do you think that families should have a recourse in the courts if their child's education does not adequately meet his or her needs, whether it's at a school where they get a voucher or in a more traditional public school?

Ms. DEVOS. Thank you, Senator, for that question, and, again, I appreciated our meeting earlier last week. Let me begin by saying I appreciate and am thankful that you've had the opportunity with your son, Ben, to find the right setting for him, and I would advocate for all parents to be able to have that opportunity to choose the right school for their child and—

Senator HASSAN. I actually had the opportunity to send him to the same public school that my daughter went to, because the law required that school provide him resources that were never provided before that law was passed, because they're hard. The question is will you enforce the law with regard to kids with disabilities if a voucher program did allow them to go someplace else, and the school said, "It's just too expensive. We don't want to do it."

Ms. DEVOS. There are great examples of programs that are already underway in States. Ohio has a great program, and, in fact, Sam and his mom are here today, a beneficiary of the Jon Peterson Special Needs Scholarship Program.

Senator HASSAN. I understand that, and because my time is limited, excuse me for interrupting. What I'm asking you is—there is at least one voucher program in Florida, the McKay voucher program, which makes students sign away their rights before they can get that voucher. That is fundamentally wrong, and I think it will mean that students with disabilities cannot use a voucher system that a department under your leadership might start.

I want to know whether you will enforce and whether you will make sure that children with disabilities do not have to sign away

their legal rights in order to get a voucher should a voucher program be developed.

Ms. DEVOS. I'd love to comment to the McKay Scholarship Program in Florida, where I believe today, 31,000 students are taking advantage of it, and 93 percent of the parents that are utilizing that voucher are very, very pleased—

Senator HASSAN. I'm sorry—

Ms. DEVOS [continuing]. As opposed to 30-some percent that—

Senator HASSAN. I'm sorry, but that isn't the question I asked. For right now, I'm going to move on to one final question. I really do wish we had a second round, because there's a lot here that is critical to our children, especially with disabilities. With all due respect, Ms. DeVos has not answered my question.

The other question I had—again, because we don't have a second round, I'm trying to followup on an answer you gave earlier to some of my colleagues. I understand that there is a foundation, the Edgar and Elsa Prince Foundation, which I take it is a foundation named for your parents. Is that correct?

Ms. DEVOS. It's my mother's foundation, yes.

Senator HASSAN. It's your mother's foundation, and you sit on the board.

Ms. DEVOS. I do not.

Senator HASSAN. You do not?

Ms. DEVOS. No.

Senator HASSAN. OK. When it made its over \$5 million donation to Focus on the Family, you didn't know anything about it?

Ms. DEVOS. My mother makes the decisions for her foundation.

Senator HASSAN. Thank you.

The CHAIRMAN. Thank you, Senator Hassan.

Senator Burr.

STATEMENT OF SENATOR BURR

Senator BURR. Thank you, Mr. Chairman.

Ms. DeVos, thank you for agreeing to serve. A lot of Americans watch what goes on here and say, "Never me. I'll never go through it," and most of us say that after an election cycle. It's rare to find somebody who's full monty. You don't have to do this. That's apparent. You didn't have to choose education as your life's ambition, but you did.

I thank you for the investment that you made for all the kids that have been impacted, for the unbelievable statistics that you know about Florida or about wherever—and I'm sure you and the Senator from Minnesota can come to an agreement on what the numbers were that he was talking about. I've sat here, and I remember in my first election, I went in to get the support of educators, and I was 10 minutes into what looked to be a 30- or 45-minute question and answer, and after 10 minutes, I looked and said, "Are there any questions that deal with kids or outcomes?" And they said no. So I got up and left.

We can ask you all sorts of questions about you, personally, and what you've done. You came into my office, and before I ever asked a question, in several minutes, you convinced me that you were passionate about making sure that every child had the opportunity for a successful education, and from that, that every child that got

that education would have an opportunity to reach for the American Dream of a life that's unlimited, an opportunity that's unlimited. You convinced me without me asking a question.

I've only got one question today. Why is it so difficult for us to figure out how to focus on outcomes versus to get so hung up on process?

Ms. DEVOS. Senator, that's a very good question, and we could have a very robust debate in this room about that. Human tendency is to protect and guard what is, because change is difficult, and yet we see the fact that there are millions of students who are simply not getting an equal opportunity for a quality education. We try to tinker around from the top, and we try to fix things, but it becomes more about the system, I'm afraid, than it does about what's right for each child.

I thank you for your support and your encouragement around the notion that every child should have the opportunity—every parent should have the opportunity on behalf of their child to choose the right educational environment for them. I'm hopeful that if we can continue having a robust conversation about this that we will talk about the great schools that our children have the opportunity to go to 10 years from now, many of which may not even exist today or look very different than what exists today, because the opportunity to innovate in education is virtually unlimited and has been really untested to a large extent. I'm very hopeful that we'll have that opportunity and that opportunity for that kind of conversation.

Senator BURR. We will, and I hope that the committee sees it in their actions to make sure that you're at the helm of the Department of Education. As I look across America and as I look across the world, I see an age where technology is going to impact things that we didn't even dream about 5 years ago, that what we've seen happen to our PDAs is now going into healthcare. It's going to drive manufacturing.

I still remember my father at 90 years old looking at me just about 5 years ago, 6 years ago, and saying, "I don't understand how a fax machine works." You know what? I never was able to explain to him, but that didn't limit my use of it and my belief that it served an important purpose. Education is going to change drastically. What's most important is to have somebody passionate at the top, concerned about every child and every child's opportunity. For that, I'm grateful you're here.

I yield.

Ms. DEVOS. Thank you, Senator.

The CHAIRMAN. Thank you, Senator Burr.
Senator Kaine.

STATEMENT OF SENATOR KAINE

Senator KAINE. Thank you, our committee leadership, and thank you, Ms. DeVos.

How much information do you have about the finances of the President-elect, his family, or Trump-related organizations?

Ms. DEVOS. I don't have any of that information, Senator.

Senator KAINE. So, I take it that you won't have any way of knowing when asked by the President to take official action in your

capacity as Secretary how those actions might affect his personal financial situation.

Ms. DEVOS. I'm not sure I could comment on that.

Senator Kaine. This isn't theoretical. He owns a university. It's relevant to assessing the wisdom of an education policy proposal to know how that proposal might affect the President's personal finances. Do you disagree with me?

Ms. DEVOS. The President-elect has taken steps to ensure that his—

Senator Kaine. Can I ask—do you disagree with me?

Ms. DEVOS. Can you state your question again?

Senator Kaine. Yes. It's relevant to assessing the wisdom of an education policy proposal to know how the proposal might affect the President's personal finances. Do you disagree with me?

Ms. DEVOS. I don't disagree with you.

Senator Kaine. Thank you. The nation deserves a Secretary of Education who is a champion of kids, parents, State and local control, and outcomes, and I also think the Nation deserves a Secretary who is a champion of public education. In a 2015 speech on education, you were pretty blunt, "government really sucks," and you called the public school system a, "dead end." In order to clarify, you never attended a public school, K-12 school, did you?

Ms. DEVOS. Correct.

Senator Kaine. Your children did not, either, correct?

Ms. DEVOS. That's correct.

Senator Kaine. And you've never taught in a K-12 public school, correct?

Ms. DEVOS. I did not, but I've mentored in one.

Senator Kaine. I worry about the effect of a leader who believes government sucks on the morale of the workforce. Teachers and others do better when their morale is high. Would you agree with me?

Ms. DEVOS. Absolutely, and I support great teachers.

Senator Kaine. The attitude of a leader of an organization matters a lot to the morale of the workforce. Would you agree with me on that?

Ms. DEVOS. Absolutely, and just with reference to the quote that you made—

Senator Kaine. I would like to introduce that for the record. I don't have other questions about it, and I have a very limited amount of time.

I want to move on to another quote. You and your husband spoke at a conference a number of years ago, and your husband said—this is not attributed to you, but you were together at the conference, if what I read is correct—"the church has been displaced by the public school as the center for activity, the center of what goes on in the community." Thomas Jefferson didn't view public education as contrary to or competitive with church or religion. Do you?

Ms. DEVOS. I do not.

Senator Kaine. Do you think that K-12 schools that receive government funding should meet the same accountability standards, outcome standards?

Ms. DEVOS. All schools that receive public funding should be accountable, yes.

Senator Kaine. Should meet the same accountability standards.

Ms. DEVOS. Yes, although you have different accountability standards between traditional public schools and charter schools.

Senator Kaine. I'm really interested in this—should everybody be on a level playing field. Public, charter, or private K–12 schools, if they receive taxpayer funding, they should meet the same accountability standards.

Ms. DEVOS. Yes, they should be very transparent with the information, and parents should have that information first and foremost.

Senator Kaine. If confirmed, will you insist upon that equal accountability in any K–12 school or educational program that receives Federal funding, whether public, public charter, or private?

Ms. DEVOS. I support accountability.

Senator Kaine. Equal accountability for all schools that receive Federal funding.

Ms. DEVOS. I support accountability.

Senator Kaine. Is that a yes or a no?

Ms. DEVOS. I support accountability.

Senator Kaine. Do you not want to answer my question?

Ms. DEVOS. I support accountability.

Senator Kaine. OK. Let me ask you this. I think all schools that receive taxpayer funding should be equally accountable. Do you agree with me or not?

Ms. DEVOS. Well, they don't. They're not today.

Senator Kaine. I think they should. Do you agree with me or not?

Ms. DEVOS. No.

Senator Kaine. You don't agree with me. Let me move to my next question. Should all K–12 schools receiving governmental funding be required to meet the requirements of the Individuals with Disabilities Education Act?

Ms. DEVOS. I think they already are.

Senator Kaine. I'm asking you a should question. Whether they are or not, we'll get into that later. Should all schools that receive taxpayer funding be required to meet the requirements of the Individuals with Disabilities in Education?

Ms. DEVOS. That is a matter that's best left to the States.

Senator Kaine. States might—some States might be good to kids with disabilities and other States might not be so good, and then what? People can just move around the country if they don't like how their kids are being treated?

Ms. DEVOS. That's an issue that's best left to the States.

Senator Kaine. What about the Federal requirement? It's a Federal law, the Individuals with Disabilities Education Act. Let's limit it to Federal funding. If schools receive Federal funding, should they be required to follow Federal law, whether they're public, public charter, or private?

Ms. DEVOS. As the Senator referred to—

Senator Kaine. Just yes or no. I've only got one more question.

Ms. DEVOS [continuing]. In the Florida program, there's many parents that are very happy with the program there.

Senator Kaine. Let me state this. All schools that receive Federal funding, public, public charter, or private, should be required to meet the conditions of the Individuals with Disabilities in Education Act. Do you agree with me or not?

Ms. DeVos. That is certainly worth discussion, and I would look forward to—

Senator Kaine. So you cannot yet agree with me. And, finally, should all K–12 schools receiving governmental funding be required to report the same information regarding instances of harassment, discipline, or bullying, if they receive Federal funding?

Ms. DeVos. Federal funding certainly comes with strings attached.

Senator Kaine. All such schools should be required to report equally information about discipline, harassment, or bullying. Do you agree with me or not?

Ms. DeVos. I would look forward to reviewing that provision.

Senator Kaine. If it was a court, I would say to the court, “Let the judge direct the witness to answer the question.” It’s not a court. You’re not under oath. You’re not under a subpoena. But you’re trying to win my vote.

Thanks, Mr. Chairman.

The Chairman. Thanks, Senator Kaine.
Senator Murkowski.

STATEMENT OF SENATOR MURKOWSKI

Senator Murkowski. Thank you, Mr. Chairman.

Ms. DeVos, thank you for coming to my office. I had an opportunity to walk you through the map of Alaska and hopefully educate you some to some of the challenges that we face as a State in delivering education in what is not a rural State, but what has been described as a frontier State in many, many ways. Eighty-two percent of the communities in the State of Alaska are not attached by road. They are truly islanded in every sense of the word.

I had an opportunity on Saturday to meet with about 400 teachers from around the State, and I will tell you that they are concerned about your nomination. They’re concerned because they would love to have the choice that we’re talking about. When you are a small school in Buckland, when you are a small school in King Cove, when there is no way to get to an alternative option for your child, the best parent is left relying on a public school system that they demand to be there for their kids.

I want to make sure—and I think every one of those teachers that I met with on Saturday wants to make sure—that your commitment to public education, particularly for our rural students, who have no choices, is as strong and as robust as the passion that you have dedicated to advancing charter schools. I appreciated your responses to Senator Cassidy, because he was very direct, and you gave very reassuring answers there that you are not seeking to undermine or to erode public schools. I appreciated what you said in response to Senator Alexander’s, the Chair’s, questions about whether you would work to move toward a voucher type of a system if, in fact, we in the Congress said no, that is not the direction.

I tried to assure the teachers that I was talking to that there is not this—there are not sufficient votes to, what I call, voucherize

the system. I appreciated the inquiry that Senator Kaine has been making, though, about the level of accountability. This was something that was brought up in the Q and A section there in Anchorage, a concern that there would not be an effort to match that accountability to those schools that receive Federal funding either through a voucher program, a Federal match, through education saving account dollars, but that in addition to performance standards, that there would be true accountability with adhering to Federal laws for civil rights as well as students with disabilities.

I will ask for a continuation of that discussion. You have provided some very responsive comments that will help our teachers in Alaska, where, again, their options and their choices are very limited. How can you provide assurance to these teachers, these families, these students, for whom alternatives and options are severely limited, not because we don't want them, but our geography really isolates us?

Ms. DEVOS. Thank you, Senator, for that question, and I really appreciated our conversation and a review of the map, because it does remind us of these unique challenges that Alaska has. I would just say that I can assure you that, if confirmed, I will support Alaska and its approach to educating its youngsters. I have to say that the creativity and innovation that Alaska has employed through the traditional public system is one that other States could probably take note of and learn some lessons from, and I would hope that they would continue to feel that freedom and that drive to continue to educate and innovate.

Senator MURKOWSKI. We are quite proud of some of the innovations that we have made. We have a great deal of choice within our urban centers. For my colleagues' education and edification, Anchorage hosts six of the most ethnically diverse schools in the United States of America, and we're sitting in Anchorage, AK. I have that level of diversity. But then I have rural villages where I may have no more than 60 kids in a school, and in order for them to have the same benefits and opportunities—the dollars that flow, the commitment that flows to those families—there is that level of accountability throughout, that remains a very significant challenge.

I need to have a very clear and a very firm commitment that the focus that you will give to not only Alaska, but to States that have significant rural populations, that these students who will not have alternatives, that that public school system is not undermined, eroded, or ignored.

Ms. DEVOS. Absolutely, Senator. You have my commitment, and, in fact, as I said, there's so much that Alaska can share with others in terms of how to address challenges of a very widespread student population.

Senator MURKOWSKI. Thank you, Mr. Chair.

The CHAIRMAN. I'll now turn to Senator Murray.

Senator MURRAY. Mr. Chairman, I just have to start by saying—and I hope this doesn't count against my time on questions, but it's not a question, for questions sake. I have questions that I know all of our committee want to followup, including on the response I just heard on IDEA, sexual assault, and Pell grants, and a number of other questions.

Let me just say I'm really disappointed that you have preemptively cutoff our members from asking questions. It really is unprecedented, and you and I have worked together, and I appreciate that. I hope you change your mind. I don't know what you're trying to protect Ms. DeVos from. She should get robust scrutiny. She's going to oversee the education of all of our kids and what's happening in higher education and much more.

To be very clear, this is not what we have done in this committee. For Michael Leavitt, President Bush's second Secretary of Health and Human Services, five members participated in a second round. For Andrew Von Eschenbach, President Bush's third FDA Commissioner, three members participated in a second round.

For Hilda Solis, President Obama's first Secretary of Labor, three members participated in a second round. The hearing was actually over 4 hours. For Tom Daschle, President Obama's nominee to be Secretary of Health and Human Services, four members participated in a second round. For Alexis Herman, President Clinton's second Secretary of Labor, 3½-hour hearing, 10 minutes of questioning. For Rod Paige, as I mentioned, Secretary of Education, President Bush's nominee, 10 questions.

I hope we're not just cherry-picking Secretary Duncan and King, who had a long, broad history behind them when they came to this. I really would like to enter these transcripts that I have showing the actual precedent of this committee into the record. It's important for all of us to remember that.

[The information referred to may be found in the following printed Senate hearings: Michael Leavitt (2004)—S. Hrg. No. 109-56; Andrew Von Eschenbach (2006)—S. Hrg. No. 109-816; Hild Solis (2009)—S. Hrg. No. 11-319; Tom Daschle (2009)—S. Hrg. No. 111-469; Alexis Herman (1997)—S. Hrg. No. 105-25; Rod Paige (2001)—S. Hrg. No. 107-2; Kent Yoshiho Hirozawa and Nancy Jean Schiffer (2013)—S. Hrg. No. 113-808. Donna Shalala's information may be found @ www.congress.gov, #PN76-9—(1993) 103d Congress.]

Senator MURRAY. Given the lack of paperwork from the OGE and numerous outstanding questions that I know my members have—they're still sitting here. It's 8:15 at night. They wouldn't be sitting here if they didn't have additional questions. I'd like to call at least for a second hearing for this nominee.

The CHAIRMAN. Do you want me to respond to that now—

Senator MURRAY. I would like you to.

The CHAIRMAN [continuing]. Then will you have additional questions?

Senator MURRAY. I do have additional questions, yes.

The CHAIRMAN. Let me respond in this way. The respect I have for you and for each member of this committee and for how we've worked together. What you're asking me to do is to treat Ms. DeVos differently than we treated President Obama's two Education Secretaries, and I'm not going to do that. We're already at—this hearing started at 5:15. It's 8:15. That's 3 hours and 5 minutes of questions.

For Secretary Duncan, President Obama's first Secretary, the hearing was 2 hours and 2 minutes. For John King, President Obama's current Secretary, it was 2 hours and 16 minutes. This is already 3 hours, and we're not finished yet.

As far as questions go, each member of this committee has had an opportunity to visit with Ms. DeVos in their office, and I believe she has done that. Several members of this committee have already sent her written questions, which she will answer before we vote on her nomination. She has complied with all the rules of the committee. The committee rules do not require that the Office of Government Ethics report be in by the time we actually have a hearing. She submitted her information there on the 12th—I believe the 12th of—on the 4th of January.

Ms. DeVos, I understand you are working and will continue to work with the Office of Government Ethics and sign an ethics agreement. Is that correct?

Ms. DEVOS. That's correct, Mr. Chairman.

The CHAIRMAN. The purpose of that, just for those watching, is there's a designated government office that works with nominees and that comes to an agreement with them if there is any conflict of interests. If she, for example, needs to divest herself of something, that will be part of the agreement.

She has said that she will do whatever she needs to do to gain an agreement with the Office of Government Ethics so that the letter of agreement will say she has no conflicts of interest. I have said that that letter will be public, at least by Friday, before we vote on her nomination by next Tuesday.

You will have the opportunity to question her in your office, to question her today as extensively as you did either of President Obama's nominees. You have an opportunity to submit additional written questions after this hearing for up to 2 days. When we had Secretary Perez before the committee, Senator Harkin only gave us 1 day. I would say 2 days. That's by the close of Thursday.

Then you will have 3 or 4 days after the Office of Government Ethics letter of agreement saying she has no conflicts of interest is public to decide how to vote. That seems to me to be entirely reasonable. I've already agreed to move the hearing 1 week at the request of the Democratic and Republican leadership so they could consider other nominations.

And, finally, on the tax returns issue, it is not a requirement of this committee that nominees provide us with their tax returns. They provide us with their financial information, just as Senators provide publicly their financial information. It is not a law that she provide her tax return. She's doing everything that the rules of the committee say she should do, and I'm treating her in terms of questions in the same way that we treated President Obama's two Education Secretaries.

I'm not going to have a second round. I'll be happy to extend to you, if you would like, a chance to ask questions, and then I will do the same, which is consistent with what we did with the two previous Obama secretaries.

Senator MURRAY. Mr. Chairman, with all due respect, this nominee is the only one to not submit OGE paperwork before our hearing. Our members have not had a chance to review it or to ask questions about it. I appreciate private meetings. I'm sure we all do, but all of our constituents want to hear what this nominee has to say, too, because of a vast history on the issue of education that concerns a lot of people.

The CHAIRMAN. If I may—

Senator MURRAY. Let me just say that Tillerson had three rounds of hearing, Sessions had two rounds, Carson had two rounds, Zinke had three rounds. I'm unclear why education is not just as important as these others.

The CHAIRMAN. If it's important under Trump, it's important under Obama. I don't know why, suddenly, we have this sudden interest as far as—several people have mentioned Secretary Paige here tonight. He didn't have his Office of Government Ethics letter in before his hearing. It came in after his hearing. The same was true with Elaine Chao when she became a Cabinet member. That's not been a consistent pattern, either.

I've tried to be as fair as I can in following what I believe to be the Golden Rule, and we've gone for more than 3 hours in an extensive hearing, which is simply part of a discussion as you evaluate how you're going to vote when it comes up before the committee.

Senator CASEY. Mr. Chairman.

The CHAIRMAN. Yes, Senator Casey.

Senator CASEY. If the request is reasonable—we're only asking for 5 minutes per member on a set of issues that are this important at the beginning of a new administration, which is a change in party. It's a new—a lot of new policies coming forward, and as Senator Murray said, we did have time in our office. Most of us probably had half an hour. Our constituents weren't there for half an hour. Asking for another 5 minutes I don't think is in any way unreasonable.

The CHAIRMAN. Senator Casey, I have enormous respect for you, but the Obama administration was also a change in administration, and I didn't hear any great cry for a second round of questions.

Senator CASEY. Mr. Chairman—

The CHAIRMAN. This is a 3-hour hearing, 3 hours and 10 minutes now, in addition to all the other information that's there, and I don't think it's fair to expect that we'll treat a Republican president's Education nominee differently than we treated a Democratic president's Education nominee.

Senator Bennet.

Senator BENNET. Mr. Chairman, I think you're one of the fairest people in this town.

The CHAIRMAN. I thank you for that.

Senator BENNET. No, you've earned that. You really are. To me, the fact that Republican members of the Senate did not want to ask a second round of questions for the Obama nominees in the Senate—the idea that that should be a precedent for the Democrats, eight of whom are here tonight, to ask questions, even followups to questions that we've heard tonight, is really unfair and uncharacteristic.

I hope that if we can't have this hearing, that we will have—if we can't have the questions here, that we'll have another hearing. If we can't have another hearing, that we'll have an assurance that every single question asked by every single member of this panel submitted in writing is answered before this vote can go forward on the floor, and that the paperwork is submitted before we can go

forward on the vote. I don't think that's a satisfactory result. If we can't ask the questions today, I hope you and the majority leader will consider that.

The CHAIRMAN. I've already said that members will have an opportunity to ask questions in writing, which they already have—many of you have already done that—and to ask additional questions in writing, if you have them in by 5 p.m. on Thursday. I also said that's one more day than Senator Harkin gave us when Perez was Labor Secretary. I'd say that's fair.

I said, second, that we will schedule an executive session on next Tuesday, when we'll be glad to discuss the tax return issue, whether we want to apply tax returns to future nominees who come before this committee, and we'll vote on Ms. DeVos, but only if the letter agreement with the Office of Government Ethics is complete by this Friday and made available to all members of the committee so you have 3 or 4 days to see how that might affect your vote.

Senator FRANKEN. Mr. Chairman, a very short question.

The CHAIRMAN. Senator Franken.

Senator FRANKEN. Are we assured that before this vote on Tuesday that we will have the answers to these questions? Because what I've heard is that we can submit the questions, but here, at least the nominee has to answer them. Are you assuring us that before the vote on Tuesday, our questions will have been answered?

The CHAIRMAN. The number of questions needs to be reasonable and the answers need to be reasonable, and that's in the eye of the beholder sometimes. The number of questions—the most number of questions that was ever asked a nominee before this committee, I'm told, was 191 to Secretary Perez. I won't say there's a certain number that is reasonable. Then I'm confident that Ms. DeVos will make every effort to give a reasonable and as complete an answer to the question as she can.

Senator FRANKEN. The answer is no, we won't be assured of that.

The CHAIRMAN. Well, yes, you'll be assured that—Ms. DeVos, what would your answer to that be? Will you do your best to answer the questions that you will receive by after 5 o'clock on Thursday before the possibility of a vote on next Tuesday?

Ms. DEVOS. I will certainly endeavor to have all the questions responded to.

The CHAIRMAN. Senator Baldwin.

Senator BALDWIN. Mr. Chairman, did you make any announcements about whether there will be more than one round of questions tomorrow when we convene to hear Mr. Price's, Representative Price's—

The CHAIRMAN. I was not planning on more than one.

Senator BALDWIN. Because I heard various members who have done the research during the course of this proceeding indicate that there have been additional rounds for witnesses who have—or nominees who have come before this committee for other departments than Education. I can tell you that perhaps half—I perhaps got a chance to propound half of my questions today. Tomorrow, given the breadth of that department, I have many, many more.

The CHAIRMAN. Since I'm talking a lot about precedent tonight, let me look at the precedent and see what that says. I told Dr. Price that, in my experience, one round of questions would pretty

well do it, except, usually, we had—Senator Murray and I followed up, and occasionally Senator Warren does, as a diligent member of the committee and is often here. I congratulate her for that. Let me think about that.

Senator WARREN. Mr. Chairman, can I just ask about the precedent, just because I want to make sure I understand it. When we go back and examine the record, will we find instances where people asked for a second round of questions and were refused?

The CHAIRMAN. Will you find instances where they were asked and refused? I don't know the answer to that. If you go back to President Obama's two Education Secretaries, there was one round of 5-minute questions, and then the chairman asked a question and one other Senator asked a question, and that's what we're doing tonight.

Senator WARREN. As you said in that hearing, "I think we have time for a second round." Those were your words. Then you said, "Senator Warren, you can be the first in the second round," which I believe to mean had there been anyone else who wanted to ask a question, they could have, that no one was refused the opportunity to ask. It's just that people were satisfied with the nominee and had no further questions.

The CHAIRMAN. I can guarantee you that many of us were not satisfied with the last nominee, but out of deference to the President and the institution thought that it would be appropriate for us to defer to the President and that it was important to have a Secretary in place. You're a very exceptional law professor, and I don't want to get into that kind of discussion with you. My guess is that I looked over there and saw you, and you asked if there could be a second round, and I said yes. I think we were the only ones still in the room.

We have to bring this to a conclusion. Ms. DeVos has—we're not going to have a second round of questions tonight.

Senator WARREN. Mr. Chairman, I just want to be clear, then. Then this is the first time ever that someone has asked for a second round and been refused?

The CHAIRMAN. No, no, no. No one ever said that except you.

[Laughter.]

Senator WARREN. But you haven't said otherwise—

The CHAIRMAN. That's an Alice—Lewis Carroll would be proud of that. That's a little exceptional.

Senator WARREN. I'm sorry. Did you say that you had refused anyone a second round?

The CHAIRMAN. I said Lewis Carroll would be proud of that kind of reasoning. What I am saying is I looked straightforwardly at the process that we had with President Obama's Education Secretaries and determined that we would do the same thing for President-elect Trump's nominee.

If I were to be even more careful, I would point out that she's now spent 50 percent more time here in this hearing than either Secretary Duncan or Secretary King did for President Obama. She has visited every one of your offices. She asked to go in December. Nobody made time to see her in December, so she came in January. I believe that's correct. And then she's received questions from you, which she's going to answer.

We have said that she's completed the FBI background. She's followed every rule the committee has. I've said we will consider the tax return question at an executive session next week, about whether we want to change the rules and require that of future nominees. You can decide to do that if you wish to do that. We Senators don't do it for ourselves, and we don't do it for our nominees, so we can talk about that.

You'll have 2 days to ask additional written questions—a reasonable number of them. She'll do her best to give you reasonable answers to them, and that we will not go forward with a vote on next Tuesday unless her letter agreement is public by Friday and available for you to review it.

That's my decision and that's what we'll do tonight. We'll conclude the hearing by inviting Senator Murray if she has any additional questions to ask to do that, and I'll ask some, and then we'll be finished.

Senator MURRAY. Mr. Chairman, I take that as a definitive answer?

The CHAIRMAN. That's as definitive as I can be.

Senator MURRAY. Since I only have one question, I'll ask one you probably won't like.

Ms. DeVos, President-elect Trump was recorded bragging about kissing and groping and trying to have sex with women without their consent. He said on tape that when you're a star, they let you do it. You can do anything. I was, and I remain, very outraged by those comments, and that outrage grew following the release of that recording as a series of women came forward to publicly accuse President-elect Trump of exactly the type of behavior he bragged about on that tape.

I take accusations of this type of behavior very seriously. If this behavior, kissing and touching women and girls without their consent, happened in a school, would you consider it a sexual assault?

Ms. DEVOS. Yes.

Senator MURRAY. One in five young women will experience sexual assault while in college. We are joined tonight by several sexual assault survivors, who are brave enough to come here tonight because this issue is so important to them. Can you promise them and me that you will not, as has been in the press, consider, "reining in the Office for Civil Rights and the department's work to protect students from campus sexual assault?"

Ms. DEVOS. Senator, if confirmed, I commit that I will be looking very closely at how this has been regulated and handled, with great sensitivity to those who are victims and also considering perpetrators as well. Please know that I am very sensitive to this as a—

Senator MURRAY. I have heard you say that, but you will not take back the words that you will reign in the Office for Civil Rights?

Ms. DEVOS. I don't believe that those were the words that I used.

Senator MURRAY. That is a quote that has been attributed to you. We've spent—I thank Senator Casey on this as well. This is extremely important to women and men across the country, and I hope that you will take back the words of reigning in the Office of Civil Rights and the department's work on sexual assault.

Mr. Chairman, I'm going to turn to Senator Hassan for the last part of my questions.

Senator HASSAN. Thank you, Senator Murray.

Just two quick things, Ms. DeVos. I just wanted to clarify the issue about whether you were on the Board of your mother's foundation. I have 1990s up through 2013 where you're listed as the vice president and a Board member. Was that just a mistake on your part?

Ms. DEVOS. That was a clerical error. I can assure you I have never made decisions on my mother's behalf on her foundation Board.

Senator HASSAN. So the listing that you were the vice president of the Board is incorrect.

Ms. DEVOS. Yes, that is incorrect.

Senator HASSAN. Thank you. The other thing I just wanted to circle back to—I want to go back to the Individuals with Disabilities in Education Act. That's a Federal civil rights law. You stand by your statement a few minutes ago that it should be up to the States whether to follow it?

Ms. DEVOS. The law must be—Federal law must be followed where Federal dollars are in play.

Senator HASSAN. Were you unaware of what I just asked you about the IDEA, that it was a Federal law?

Ms. DEVOS. I may have confused it.

Senator HASSAN. It guarantees absolutely basic protections to students with disabilities to ensure that they are afforded a high-quality education with their peers. One of the reasons that it is difficult to have this hearing and feel that we fully understand your perspective is because we do know that children with disabilities in at least some of the voucher programs that you have supported have gone with a voucher to a school, because of their disability, had to leave the school, and the school keeps the money, and they go back to public schools that now have even less resources to deal with them.

Many of us see this as the potential for turning our public schools into warehouses for the most challenging kids with disabilities or other kinds of particular issues, or the kids whose parents can't afford to make up the difference between the voucher and the cost of private school tuition. I just would urge you to become familiar, should you be nominated, with the Individuals with Disabilities Education Act, and I do have to say I'm concerned that you seem so unfamiliar with it and that you seem to support voucher schools that have not honored—have made students sign away their rights to make sure that the law is enforced. That's very troubling to me.

Ms. DEVOS. Senator, I assure you that, if confirmed, I will be very sensitive to the needs of special needs students and the policies surrounding that.

Senator HASSAN. With all due respect, it's not about sensitivity, although that helps. It's about being willing to enforce the law to make sure that my child and every child has the same access to public education, high-quality public education, and the reality is that the way the voucher systems that you have supported work

don't always come out that way. That's why it's something we need to continue to explore.

Thank you.

Ms. DEVOS. Certainly.

The CHAIRMAN. Thank you, Senator Hassan, Senator Murray.

Thank you, Ms. DeVos, for being here. I appreciate your being here for 3 hours and 15 minutes and giving us a chance to ask you questions. You've set a record in terms of the last three Education Secretaries, in any event.

I'm going to put in the record with consent a letter from the Log Cabin Republicans, who wrote to me, as chairman of the committee, about a suggestion that you might be anti-gay.

[The information referred to may be found in Additional Materials.]

The CHAIRMAN. According to Gregory T. Angelo, president, he said,

“Far from being an anti-gay fire breather, Ms. DeVos actually has a history of working with and supporting gay individuals. When her senior adviser, Greg McNeilly, was accosted by a Michigan State Senator who threatened to make his sexual orientation a matter of public record because of his opposition to a constitutional amendment banning marriage equality, Ms. DeVos put an end to the bullying and harassment.

“Furthermore, in 2013, Ms. DeVos called for the resignation of then-Republican National Committeeman Dave Agema for posting erroneous and vitriolic anti-gay statements online. Ms. DeVos should be commended for proving that differences of opinion related to marriage equality do not equate to anti-gay animus. Log Cabin Republicans stands in support of her nomination for Secretary of Education and encourages her swift confirmation.”

Senators who wish to ask additional questions of our nominee—those are due——

Senator WARREN. Mr. Chairman.

The CHAIRMAN [continuing]. By the close of business on Thursday, January 19. For all other matters, the hearing record will remain open for 10 days. Members may submit additional information for the record within that time.

The next hearing of our committee will be tomorrow morning at 10 o'clock on the nomination of Tom Price for the United States Secretary of Health and Human Services.

Thank you for being here today.

Senator WARREN. Mr. Chairman, I also have a letter I'd just like to have put in the record as well from the Massachusetts Charter Public School Association raising questions about accountability. They're strong supporters of charter schools, but they are very concerned about Ms. DeVos' record with accountability for charter schools in Michigan.

The CHAIRMAN. Thank you, Senator Warren. It will be included in the record.

[The information referred to was not available at time of press.]

The CHAIRMAN. The committee will stand adjourned.

Senator BENNET. Mr. Chairman.

Senator MURRAY. Mr. Chairman, Senator Bennet has——

The CHAIRMAN. Let me adjourn the committee for a moment. Were you trying to get my attention?

Senator BENNET. I had a suggestion that I hope might resolve the problem earlier, which is my understanding is that under Rule 26 of the standing rules of the Senate, three of us have the right to ask you to call minority witnesses before the committee to whom we could address questions. Maybe that's a way through this. I'd make that request assuming——

The CHAIRMAN. That request has been made earlier, and I've denied it. We've not done that in my experience. Our tradition is to invite the nominee, ask the nominee questions, which we've done. They go through the process, which I've described at length. I appreciate your request, but I'm not going to agree to it.

The committee is adjourned.

[Additional Material follows.]

ADDITIONAL MATERIAL

LETTERS OF SUPPORT

U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC 20515-2202,
January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Senate Dirksen Office Building,
Washington, DC. 20510.

DEAR CHAIRMAN ALEXANDER: I write to support Betsy DeVos, President-elect Trump's nominee to serve as the next Secretary for the Department of Education.

Betsy DeVos has been at the forefront of the effort to ensure every child in America has access to a quality education no matter their zip code. I believe that Secretary-designate DeVos will be a tremendous advocate for students and parents. She has the knowledge and skill set to improve education by cutting bureaucratic red tape, restoring local control, and empowering parents to have a greater say in their children's education.

As the U.S. Representative for Michigan's Second congressional district, I have watched Betsy dedicate her life to fighting for Michigan's children. She disrupted the status quo in the Michigan education system, helping to reform school districts where too many at-risk children were not receiving the kind of education they deserved. Because of her efforts, children in Michigan now have access to quality and accountable schools that can meet their needs. Even more, Secretary-designate DeVos championed Michigan charter schools. They were recently named the "most improved" in the country by the National Association of Charter School Authorizers, an independent group that advocates for effective charter schools.

I witnessed Betsy's passion and discipline firsthand when we served together on the board of the Compass College of Cinematic Arts, a Grand Rapids-based film and media production college, where we implemented strict standards that set compass up for accreditation. She is a passionate and dedicated servant with a big heart. I know that Betsy is up to the challenge of ensuring our kids are prepared to compete and thrive in a global economy and urge the committee to swiftly approve her appointment.

Sincerely,

BILL HUIZENGA,
Member of Congress.

U.S. SENATE,
WASHINGTON, DC 20515,
January 10, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Senate Dirksen Office Building,
Washington, DC 20510.

Re: Nomination of Betsy DeVos for U.S. Secretary of Education

DEAR CHAIRMAN ALEXANDER: In advance of Mrs. DeVos's January 17 confirmation hearing in your committee, I share my strong support for her confirmation as our next U.S. Secretary of Education.

Young people in America today are entering a workforce that is the most competitive we have seen in our lifetime. Our economy is truly global, and how well our students are learning is being measured on an international scale.

We also know that, in too many communities across our country, students are receiving an education that is leaving them unprepared for next steps after high school—a reality that has a deep impact on the success and future of our citizens.

I devoted much of my post-U.S. Senate career to improving public education in Tennessee in an effort to jump start long-term educational change in our State and ensure that every child graduates high school prepared for college or a career. As a surgeon, I also know that education impacts all aspects of our life, including health. Studies I led for the Robert Wood Johnson Foundation found that education is one of the best predictors of health outcomes from life expectancy to the infant mortality rate.

It is for these reasons that I am both excited and hopeful about the nomination of Betsy DeVos as the next U.S. Secretary of Education. I have known Mrs. DeVos for many years, and I know firsthand that her passion for education comes from a deep desire to do what's best for our Nation's children.

In Tennessee, we have shown what is possible in improving public education. Tennessee has gone from 46th in the Nation to 25th in 4th grade math in just 4 years.

We now rank 19th in the country in 4th grade science. More Tennessee students are enrolling in and completing education beyond high school—education that will help them secure a bright future for themselves and their children.

This progress has been made due to the reforms Tennessee has committed to—stronger teacher evaluations, higher expectations for students, teacher tenure reform, and expanding high-quality school choices for parents, among others—and those reforms must continue in order to ensure success for all students. As the center of gravity in education moves away from the Federal Government and into locals' hands, we need a secretary of education who can both safeguard the flexibility States need to advance these reforms and inspire innovation that will challenge the status quo. I believe Betsy DeVos is that leader.

She has more than 28 years of experience advocating for policies that are good for students, policies like more choices for parents, ensuring high-quality teachers in the classroom, and protecting the right for every child to receive an excellent publicly funded education. With a devotion to transforming our K–12 education system that has received wide-ranging bipartisan support at the local and national levels, Mrs. DeVos fits the bill for the trailblazer needed at the helm of Federal education policy.

Most importantly, she puts children at the forefront of her advocacy efforts. As a mother and grandmother who, together with her husband, helped start a high-performing public charter school in Michigan, Mrs. DeVos is intimately familiar with education policy from all angles. In fact, West Michigan Aviation Academy is the top-rated public charter high school in the State of Michigan.

Betsy DeVos will bring a renewed sense of urgency and focus to improving schools in neighborhoods across America. As someone who has worked with Mrs. DeVos for years, I urge the U.S. Senate to confirm her nomination. She is the public servant our country needs leading the U.S. Department of Education.

Sincerely,

WILLIAM H. FRIST, M.D.,
U.S. Senator.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE GOVERNOR,
FRANKFORT, KY 40601,
January 17, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER: From our past conversations, I know that both you and I care deeply about the education of our Nation's children. As Governor of the Commonwealth of Kentucky, I also know that State and local governments bear the chief responsibility for funding our K–12 systems. Nonetheless, the Federal Government often imposes mandates on States which serve little purpose but to cause unnecessary burden on the educational process.

This is why I am writing to express my strong support for President-elect Trump's Secretary of Education nominee, Betsy DeVos. She is intelligent, principled, articulate and gracious. She is a proven thought leader in education and a proven champion of all children seeking educational opportunity. I believe that she will work to streamline the Federal education bureaucracy, return authority back to States and local school boards, and ensure that more dollars reach the classroom unfettered by layers of red tape. This is exactly what America needs.

Betsy DeVos is also a passionate advocate for increasing the role of parent engagement in their children's education. She believes in harnessing the power of competition to drive school improvement in all schools, whether they be public or private. Again, this is exactly what America needs.

I am confident that Betsy DeVos, as Secretary of Education, will work with Governors as well as State and local policymakers to craft innovative solutions for ensuring that our children receive the knowledge and skills needed to succeed in today's workforce.

There is no doubt in my mind, that Betsy DeVos will fight to ensure better educational opportunities for every child. The results will empower all of America's children to become the best possible version of themselves. This, too, is exactly what America needs.

Sincerely,

MATTHEW G. BEVIN,
Governor.

STATE OF OHIO,
OFFICE OF THE GOVERNOR,
COLUMBUS, OH 43215-6117,
January 24, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC. 20510

DEAR CHAIRMAN ALEXANDER: I am writing to urge the members of the U.S. Senate Committee on Health, Education, Labor, and Pensions (HELP) to confirm Betsy DeVos to be our next Secretary of Education.

Mrs. DeVos has built two of the most successful education reform organizations in America, the Great Lakes Education Project and American Federation for Children. Her advocacy for school choice, parental control of schools and accountability standards has made a difference in the lives of thousands of school children. She is well-qualified to serve as education secretary and she has the compassion for children that this job demands.

I believe we are truly measured by how we treat the most vulnerable among us. Betsy DeVos has met this character test. She has long been a leader in the mentoring movement, serving as a mentor and helping to find role models for at-risk children. You can see her love for learning and commitment to kids throughout her 28-year fight for education reform.

Mrs. DeVos understands the proper role for the Federal Government is limited. In education, she knows that States, local school boards, educators and parents should be the drivers of reform, not the Federal Government. As a Governor, I am excited about the prospects of working with a U.S. Secretary of Education who is committed to unleashing the power of the State laboratories of democracy. I believe Betsy DeVos has the potential to usher in an era of real and meaningful education reforms in our country. She is a strong leader with the right vision and leadership skills to raise the bar on education in America and help ensure that our children are receiving the skills they need to compete in the global economy.

Sincerely,

JOHN R. KASICH,
Governor.

STATE OF MICHIGAN, EXECUTIVE OFFICE,
LANSING, MI 48909,
January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: I'm proud to support the nomination of Michigan native, Betsy DeVos, to be the next Secretary of Education.

I've had the opportunity to meet with and work on education reform ideas during my time in public service. Betsy has always put the interest of children first and that mindset to make sure every single child has access to the best educational opportunities available to them will help elevate the education system in our Nation.

I have seen her passion and energy for children on display in my home, west Michigan. Betsy and her family are strong supporters of both public and charter schools, making sure the students of our great State receive the best possible education.

Their commitment to higher education is obvious by the sheer number of higher education institutions and scholarships they support.

I'm excited for the opportunities for our children in the future with a strong advocate for them as our next Secretary of Education. Our future is brighter because Betsy DeVos has accepted the call to serve our country.

Sincerely,

BRIAN CALLEY,
Lt. Governor.

JANUARY 16, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: We are writing to express our strong support for Betsy DeVos to be our next Secretary of Education. Mrs. DeVos is one of the most dedicated and successful education reformers in America.

For the past 28 years, Betsy has been on the frontlines fighting to expand school choice and to give parents a greater voice in how and where their children are educated. Thanks to her advocacy, thousands of at-risk children have gained access to better schools.

We need a leader who is willing to challenge the education establishment in our Nation. The reality is our K–12 system is failing far short of what children deserve and what our Nation requires to remain an economic power. Today, America ranks 40th in math education and 25th in science, and less than 40 percent of high school graduates are college- or career-ready. This is unacceptable.

Betsy DeVos will be a forceful advocate for the interests of school children and their parents, and she will fight to curtail Federal overreach into our classroom, and ensure more authority and money is sent back to the States. She is a woman of immense character and determination who has the leadership skills and vision to bring about real change in our education system.

We enthusiastically endorse her nomination and respectfully ask the members of the U.S. Senate Committee on Health, Education, Labor and Pensions (HELP) to confirm her promptly.

Sincerely,

DICK CHENEY,
LYNNE CHENEY.

MICHIGAN HOUSE OF REPRESENTATIVES,
SPEAKER OF THE HOUSE,
January 6, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

CHAIRMAN ALEXANDER AND MEMBERS OF THE COMMITTEE: I would like to take this opportunity to express my unwavering support for Betsy DeVos in her nomination as our Nation's next Secretary of Education. I have been heavily involved in Michigan government and politics for many years, and I have truly learned the impact Betsy has made in our State. In November, I was selected to serve as Speaker of the Michigan House of Representatives for my final 2-year term in the House, and while I am disheartened that during my tenure as Speaker we may not have Betsy's full drive and expertise in Michigan when it comes to education reform, I am happy to think about all she can do for the rest of the country in her new role.

Betsy DeVos is a true fighter for the children of Michigan and for common sense education reform. She has bravely served on the frontlines of the education reform movement, and I know she will continue that incredible effort for our entire nation as our Secretary of Education. Most importantly, she has been consistently committed to expanding access to a quality education for every child in the United States, regardless of their parents' income or the quality of their family's local traditional school district. She believes—as do I—that the best way to do that is by equipping parents with as many options and as much control as possible, including public schools, charter public schools, home schooling, online education, and more.

In Michigan, we have seen first-hand how important education options can be, especially in communities like Detroit, where the local public school system is consistently rated among the lowest performing districts in the entire Nation. Thanks in

large part to the leadership and efforts of Betsy DeVos, families in Detroit now have access to more options than ever before, and roughly half of the students in the city currently attend a school other than their neighborhood public school, including many high quality charter public schools.

Helping children is Betsy's passion, and I cannot imagine a better quality for someone in her role to have. Betsy will make a tremendous Secretary of Education, and I urge you to confirm her as soon as possible.

Sincerely,

TOM LEONARD,
State Representative, 93d District.

MICHIGAN HOUSE OF REPRESENTATIVES,
LAWTON, MI 49065,
January 6, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: I am writing in support of the nomination of Betsy DeVos for Secretary of Education and encourage you and your colleagues to swiftly approve her nomination for the post. As a west Michigan native, former legislative leader, and an advocate for school reform, I know that she will follow through with what Americans demanded on November 8, 2016: empowering the individual over the State. And that is exactly what Ms. DeVos will take the lead on—ensuring that our families have the power to choose the education that best fits the needs of our children.

Ms. DeVos has served as a tireless advocate for reform over the past several decades. She's a reformist that has the best interest of the child at heart. She ignores the bureaucrats and union bosses and even political leaders in her own party to fight for what experience has shown is best for the child: family empowerment. Time and time again, her efforts around the Nation have shown that you can stand up to the education establishment and win.

It is evident through President-elect Donald Trump's nomination of Ms. DeVos that he wants a change agent to lead the U.S. Department of Education. And that is what we will get, somebody who will work tirelessly to defend the best interest of the child over the interest of bureaucrats.

I hope after the hearings you will find what I see in Ms. DeVos—a tireless advocate, a good administrator, and a reform agent for our children.

With warmest regard,

ARIC NESBITT,
Former Member,
Michigan House of Representatives.

ATTORNEY GENERAL,
STATE OF MICHIGAN,
LANSING, MI 48909,
January 11, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: We are writing to express our support for President-elect Donald Trump's selection of Betsy DeVos to serve as Secretary of the U.S. Department of Education.

Like the President-elect, Betsy DeVos is a champion of change and reform. The incoming President has made it clear he expects America to win again, and the place to start is in America's classrooms. Providing a quality education where students can safely learn to read, write and think creatively is the No. 1 goal for the new Secretary of Education.

Furthermore, Betsy DeVos is committed to excellence across the board. She realizes the best way in which to pursue excellence is to empower students and parents, so that children are able to attend the school that best suits their needs.

In addition, Betsy DeVos is committed to ensuring that children across the country can read. This may be the single most powerful reform of all—raising the rates of literacy so all students have a chance to achieve the American Dream.

James Madison wrote,

“Knowledge will forever govern ignorance; And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives”

Betsy DeVos understands the challenge, and with almost 30 years as a passionate advocate for children and education, she is uniquely qualified to lead the U.S. Department of Education.

Sincerely,

BILL SCHUETTE,
*Attorney General,
State of Michigan.*

ALAN WILSON,
*Attorney General,
State of South Carolina.*

BRAD D. SCHIMEL,
*Attorney General,
State of Wisconsin.*

PATRICK MORRISSEY,
*Attorney General,
State of West Virginia.*

LESLIE RUTLEDGE,
*Attorney General,
State of Arkansas.*

ARIZONA CHARTER SCHOOLS ASSOCIATION,
PHOENIX, AZ 85032,
January 10, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
Washington, DC. 20510.

DEAR SEN. ALEXANDER: As you and your committee colleagues undertake the many important tasks before you in Congress, we write on behalf of the Arizona Charter Schools Association, as unanimously resolved by its Board of Directors, to enthusiastically endorse President-elect Donald J. Trump’s nomination for U.S. Secretary of Education, Betsy DeVos.

Betsy DeVos has dedicated her considerable intellect, determined energies and material resources for long years in the effort to renew and advance American education. We believe that Betsy DeVos is well-chosen by President-elect Trump as America’s next Secretary of Education. She has demonstrated a commitment to school choice and public charter schools. She brings passion, energy and a skill set to the process which gives those working so hard to raise the level of education for all students across America the hope that our schools will once again lead the world, and our children will grow to be lifelong learners, with a sustaining sense of both their heritage and their future.

This nomination signals to our Nation, and indeed the world, that President-elect Trump is serious about the continuing improvement of American education. Mrs. DeVos’ nomination does not signal an “anti-public school” agenda, but rather, follows the great work of both of President-elect Trump’s immediate predecessors, President George W. Bush and President Barack Obama, in committing to quality school choices for every American child.

The Arizona Charter Schools Association represents one of the largest public charter school movements in the country, with student achievement results outpacing States across the country. On the Nation’s Report Card, Arizona charter schools, if measured as a State, outperformed nearly all other States in the recent National Assessment of Educational Progress exams in English, Math and Science. In addition, Arizona charter students are also outperforming their peers on statewide exams. About 30 percent of Arizona public schools are charters, with more than 180,000 students choosing this quality option.

Over the past decade, Arizona has produced a number of rapidly growing, high-achieving public school models in the charter sector, which have lengthy wait-lists

in Arizona and have now been recruited and begun to replicate in States across America. The promising developments that school choice is revealing in diverse communities across our country are still in their early stages. If access to public charter schools is sustained and accelerated in Federal and State policy, the opportunity exists to lift student achievement, educational attainment and life outcomes for all students.

The Arizona Charter Schools Association urges the Senate to expeditiously confirm Betsy DeVos as U.S. Secretary of Education.

Sincerely,

JAY HEILER,
Chairman.

EILEEN SIGMUND,
Chief Executive Officer.

ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL (ACSI),
WASHINGTON, DC 20005,
January 17, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Senate Dirksen Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: The Association of Christian Schools International (ACSI) would like to express its support for the nomination of Betsy DeVos as Secretary of Education. We encourage the committee and the full Senate to confirm the nomination.

Mrs. DeVos is an inspired choice for the position. She is a creative thinker who will bring new approaches to the field of education. She is a proven bipartisan advocate for policies which benefit all students and has stayed true to her conviction that “education should be non-partisan”. This commitment to all students—in the well-known formula: “no matter their zip code”—brings a fresh breath to Washington policy debates. All Americans can appreciate her commitment to the widest possible diversity of education options.

In her statement upon nomination, the Secretary-designate stated that, “the status quo is not acceptable. I am committed to transforming our education system into the best in the world.” Given her lifetime of implementing creative policies which give multiple education options to parents, this commitment on her part is certain and a strong point in her favor. She offers a unique perspective with a proven track record of openness to all voices in crafting solutions to benefit all students.

It may help Senators to know that the Association of Christian Schools International (ACSI) is a nonprofit, non-denominational, religious association providing support services to nearly 24,000 Christian schools in over 100 countries. ACSI is the world’s largest association of Protestant schools; our members educate 5.5 million children worldwide. In the United States, we serve nearly 3,000 Christian preschools, elementary and secondary schools, and 90 post-secondary institutions. ACSI accredits pre-K–12 schools, provides professional development and teacher certification, and offers curricula, student testing and student activities. Member-schools advance the common good by providing quality education and spiritual formation to their students. ACSI thanks you for your consideration.

Respectfully submitted,

P. GEORGE TRYFIATES,
Director for Government Affairs.

THE CENTER FOR EDUCATION REFORM,
WASHINGTON, DC 20036,
January 6, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR MR. CHAIRMAN: I write to express the strong support of the Center for Education Reform for Betsy DeVos, whose nomination to be Secretary of Education will be taken up by your committee on January 11.

The Education Department needs a fresh thinker, a leader who is not beholden to any membership organization. At a time when barely 40 percent of our students

can read or write or do math at even basic levels, our Nation needs someone who can see beyond the day to day of a multitude of Federal programs and ensure that all efforts are driving in the direction of the very purpose of that work—the education of our youth.

Betsy DeVos has devoted much of her adult life to the cause of finding and supporting efforts to eradicate illiteracy, to equalize education options for children, and to ensure that those who do not have what she has been fortunate to have in life have just as many opportunities.

I have had the pleasure of working with Betsy in many places where we've shared the ramparts in a common battle for education reform, choice and innovation. Most importantly, parents everywhere, especially those who despair at finding their children locked into failing schools and robbed of hope for their futures, will find that they have a true friend in Betsy DeVos.

It is time to break through political barriers to opportunity for all learners, at all levels. We at the Center know that education opportunity, combined with the ability to expose our schools to unprecedented innovations in teaching and learning, are together, the key to the American Dream.

I urge you and all of your colleagues to look past the political posturing and understand that a fresh, worldly, bold thinker is precisely what we need today as the helm of the U.S. Department of Education.

Best Regards,

JEANNE ALLEN,
Founder and CEO.

CHARTER SCHOOLS USA,
FT. LAUDERDALE, FL,
January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Office Building,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER: I am writing you in support of the nomination of Betsy DeVos for the position of Secretary of Education. I am the founder, president & CEO of Charter Schools USA. Charter Schools USA is one of the oldest, largest and fastest-growing education management companies in the United States. In AdvancEd awarded CSUSA the first Southern Association of Colleges and Schools (SACS) district accreditation for an education management company in the United States. CSUSA has successfully completed re-accreditation through 2021. We successfully manage high performing schools in seven States from pre-Kindergarten through grade 12. Every one of the schools we manage has increased its academic performance over time and closed the achievement gap, especially for low-income students.

I am thrilled that Betsy DeVos has been nominated to be Secretary of Education. I know Betsy, and I know that what motivates her is to see public education work for all children—not just children from families with means. Betsy has worked tirelessly for over 20 years to bring more educational options to low-income children. I also know that she believes in accountability and that it should be applied to all schools. Her dedication, drive and innovative spirit will benefit the Department, but more importantly the children of our country.

Sincerely,

JONATHAN K. HAGE,
President & CEO.

FOUNDATION FOR EXCELLENCE IN EDUCATION,
TALLAHASSEE, FL 32302,
January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
154 Russell Senate Office Building,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER AND RANKING MEMBER MURRAY: It is a privilege to support the nomination of Betsy DeVos as Secretary of the U.S. Department of Education.

I have known Betsy for more than 20 years. She started out in education at the grassroots level, one person making a difference for children in one school—The Potter's House in Grand Rapids.

That experience touched her personally, and she made the commitment to become informed, and to make a difference as much with knowledge, ideas and leadership as with generous charitable support.

Her efforts on behalf of families expanded throughout Michigan and then the Nation.

Simply put, Betsy believes deeply that each child should be equipped with the knowledge required to succeed in life. And her passion runs deepest when it comes to extending this opportunity to disadvantaged children, those who struggle and fail in classrooms that don't meet their needs while parents look on helpless to do anything about it.

Betsy has become the voice of mothers and fathers who for too long have lacked one in America's education system.

Two false narratives about the parental choice movement are pertinent to this nomination and to the future of our education system.

One narrative says those who support school choice are hostile to traditional public schools. Such simply is not the case. Rather, the choice movement seeks flexibility for putting children in the right learning environment, embracing all high-quality providers. I can tell you that Betsy celebrates every child who succeeds in the public school system and supports increasing the choices given to parents within this system.

The second narrative says choice weakens traditional public schools. Here in Florida, public schools have improved dramatically over the past 16 years, even when a vast increase in options were given to parents, including charter schools and private school scholarships. And notably, those student groups that have traditionally struggled in school made the greatest gains, be it on the fourth grade NAEP reading results or successful participation in Advanced Placement and industry certification courses in high school. Instead of diminishing student outcomes in Florida, choice has been a positive game changer.

Betsy is a champion of families, not institutions. For her, local control of education decisions means local control. She trusts parents to choose what is in their unique child's best interests, and she believes in providing every parent with the resources to pursue those decisions.

I'm confident that, as Secretary, Betsy will pursue every opportunity to improve all of our Nation's schools and empower States, districts and parents to maximize the number of high-quality learning opportunities available to our kids.

In my almost 30 years of involvement in education reform, I have never met a person better versed in policy or more effective in pursuing reforms that benefit children.

There is no one more qualified to lead the U.S. Department of Education. I encourage the swift confirmation of Betsy DeVos.

Sincerely,

JEB BUSH,
Chairman.

FERRIS STATE UNIVERSITY,
BIG RAPIDS, MI 49307-2747,
January 12, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER AND COMMITTEE MEMBERS: It is a pleasure to provide this letter of strong support for Mrs. Betsy DeVos, who has been nominated to be the next Secretary of Education. During my 14 years as a university president in Michigan it has been my honor and privilege to observe, and to be encouraged and supported by the extraordinary educational commitment of Mrs. DeVos. I believe it would be difficult to find a major institution of higher education in west Michigan that has not benefited from her support and determination to make a difference for our students and their education experience.

Beyond higher education, it is clear that Mrs. DeVos has unwavering interest and desire to help children receive the best possible education. Her commitment to choice for students and their parents exemplifies an approach that students and their future is of the highest priority and utmost importance.

Mrs. DeVos is a trustee emeritus of our Kendall College of Art and Design in Grand Rapids. When this institution needed increased and better space to accommodate its growth, she was quick to support our renovation of the historic Federal Building and make this dream a reality for our students and faculty there. During my 41 years of higher education experience I have observed many in the public sector. Few people have demonstrated Mrs. DeVos' passion for educational excellence and for helping students have access to the education that will shape their future success.

Education needs a leader who will put students first. I believe that Betsy DeVos will be that leader for the Department of Education. Thank you for considering these thoughts in support of her nomination.

Sincerely,

DAVID L. EISLER,
President.

FOCUS ON THE FAMILY,
COLORADO SPRINGS, CO 80920,
January 12, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Senate Dirksen Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: It's my privilege to write and offer my unreserved support of Betsy DeVos to serve as U.S. Secretary of Education. I'm familiar with Mrs. DeVos' expertise in this field and her wholehearted commitment to ensuring that every child is given the opportunity to receive a first-class education. America's children need more passionate champions like Mrs. DeVos, and I'm confident her tenure as Education Secretary would be marked by excellence, effectiveness, and a tireless dedication to advocating for our schoolchildren. I trust she will be given all due consideration by your committee.

Again, I'm honored to add my voice to the many who have come forward to testify to Mrs. DeVos' qualifications that make her an excellent choice for this vital role. All the best to you and your fellow committee members in the days ahead.

Sincerely,

JIM DALY,
President.

IDAHO CHARTER SCHOOL NETWORK,
BOISE, ID 83702,
January 3, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: President-elect Donald Trump should be commended for nominating Betsy DeVos to be our next Secretary of Education.

Mrs. DeVos is one of the most dedicated and effective education reformers in America. In fact, few citizens have done more in our Nation to fight for the interests of students, especially at-risk children that are often trapped in failing schools because of their zip code.

In Idaho and Ohio, two States where I have worked on education reform issues and have had children in public and charter schools, Mrs. DeVos has worked side-by-side with advocates for school choice to create greater parental control and drive improvements in all K–12 schools, whether they be public, private or virtual. She has repeatedly taken on powerful teachers' unions and an education establishment that too often accepts failure to protect the interests of adults.

As Education Secretary, Mrs. DeVos will fight to return decisionmaking back to State and local government, and empower parents to choose better schools for their children. There is a reason that the Nation's teachers' unions and education establishment are nervous about Mrs. DeVos nomination. They know she will upend a failed status quo.

Sincerely,

TERRY RYAN,
President.

LOG CABIN REPUBLICANS,
WASHINGTON, DC 20005,
January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

CHAIRMAN ALEXANDER: This week the Senate Committee on Health, Education, Labor, and Pensions will consider the nomination of Betsy DeVos for Secretary of the U.S. Department of Education. Log Cabin Republicans, the country's original and largest organization of LGBT conservatives and straight allies, strongly encourages her confirmation.

Ms. DeVos has been maligned in the media as an "anti-gay" activist—allegations directly stemming from her personal views on marriage (which are now immaterial in the aftermath of the Supreme Court's 2015 *Obergefell* ruling), and contributions from her family foundation (to which she was not a direct party).

Far from an "anti-gay" firebreather, Ms. DeVos actually has a history of working with and supporting gay individuals.

When Ms. DeVos' Senior Advisor Greg McNeilly was accosted by a Michigan State Senator who threatened to make his sexual orientation a matter of public record because of his opposition to a constitutional amendment banning marriage equality, Ms. DeVos put an end to the bullying and harassment (*Prominent Gay Republican Said DeVos Stood Up for Him, Detroit News, December 3, 2016*).

Furthermore, in 2013, Ms. DeVos called for the resignation of then-Republican national committeeman Dave Agema for posting erroneous and vitriolic anti-gay statements online ("*Filthy homosexuals*": *Michigan GOP Leader Dave Agema's Facebook Post Sparks Furor, M Live, March 28, 2013*).

Ms. DeVos should be commended for proving that differences of opinion related to marriage equality do not equate to anti-gay animus. Log Cabin Republicans stands in support of her nomination for Secretary of Education, and encourages her swift confirmation.

GREGORY T. ANGELO,
President.

MICHIGAN ASSOCIATION OF NON-PUBLIC SCHOOLS (MANS),
LANSING, MI 48933,
January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: President-elect Donald Trump should be commended for nominating Betsy DeVos to be the next Secretary of Education. Ms. DeVos brings with her excellent credentials and a passion for children that will enable the U.S. Department of Education to be an effective advocate for all students in America.

Her passion for educational reform is rooted in her strong belief that parents must be empowered to select a school that positions their children for long-term success and as contributing members of families, the workforce, communities, and society. She recognizes that *all* schools are called to ensure that students achieve at the highest level. Most importantly Ms. DeVos understands that education policy should be driven by State and local officials, not handed down from Washington, DC. The States are the true laboratories for education reform and she understands that the role the Federal Government can play to support States in pursuing reform is critical.

Ms. DeVos fully recognizes that our K–12 schools must improve their performance, particularly in math, science, engineering and technology (STEM) education. I am confident that Mrs. DeVos, through her support of expanded school choice, parental control and tougher accountability measures, can drive real gains in student achievement, helping to make the next generation ready to compete and win in the global economy.

Betsy DeVos values the importance of high-performing schools and the role that parents must play in the education of their children. I am confident that she will be successful in ushering in an era of reform that will give America's current generation of school children the skills to compete and succeed. I wholeheartedly encourage her confirmation as the next Secretary of Education.

Sincerely,

BRIAN D. BRODERICK,
Executive Director.

MICHIGAN STATE UNIVERSITY,
EAST LANSING, MI 48824,
January 12, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR SENATOR ALEXANDER: It is a great honor to write in support of the nomination of Betsy DeVos to serve as the next Secretary of Education.

I have known Betsy for many years and am familiar with her lifelong commitment to education at all levels. Though Betsy's great passion focuses on the education of young people from pre-Kindergarten through their high school years, I can attest to her commitment to the education of all people at all levels.

As a member of the Michigan State University Board of Trustees for over 12 years, having served both as chair of the finance committee and vice-chairperson of the board, I have directly witnessed Betsy's impact on higher education. Betsy has a deep understanding of how the cost of an education can affect accessibility and can directly impact student success. She has a unique commitment to low-income, minority and under-served students and their struggle to achieve a college degree and she has directed much of her energy toward making that happen.

In addition to her policy and advocacy, Betsy has also been directly involved in education with a "hands-on" approach. She has mentored students, she has gone into classrooms and tutored students, and she has invited students into her home to work with them personally. In short, Betsy's commitment to education goes well beyond the theoretical; it is real and it is personal. Betsy wants all members of our society to have the skills they need to succeed and she appreciates that so often education is one of the most critical elements driving that success.

In addition to her years of experience and her passionate commitment to education for all, Betsy is a thoughtful doer who can effectively lead the Department of Education. Betsy will be able to effectively build upon your work represented by the Report of the Task Force on Federal Regulation of Higher Education, working to lessen the regulatory burdens on institutions of higher education and the students who attend them and, in doing so, decrease the cost of and increase accessibility to a college degree.

In sum, it is hard to imagine an individual more committed to education as a mechanism to create a more robust, productive and peaceful society than Betsy DeVos. And it is hard to imagine a person more capable of fulfilling that promise, of actually doing the work, than Betsy DeVos.

I appreciate the opportunity to provide the committee with this recommendation and thank you for allowing me to do so.

Sincerely,

MELANIE FOSTER.

LETTERS OF CONCERN AND OPPOSITION

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC 20515,
January 12, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Senate Committee on Health, Education, Labor, and Pensions,
455 Dirksen Senate Office Building,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Senate Committee on Health, Education, Labor, and Pensions,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER AND RANKING MEMBER MURRAY: As co-chairs of the congressional LGBT Equality Caucus, we write to express our deep concern with President-elect Donald Trump's nominee for the Secretary of the U.S. Department of Education, Betsy DeVos. While Ms. DeVos' stances on a number of public education issues raise concerns, we cannot hold our silence regarding her opposition to the rights of lesbian, gay, bisexual, and transgender (LGBT) students.

Betsy DeVos' career has been marked by repeated attempts to undermine the rights of the LGBT community. She and her family have donated extensively to groups which promote the idea that students who identify as LGBT must undergo "conversion" therapy and have also affiliated with groups that oppose anti-bullying legislation. **The next Secretary of Education must represent all students in our country. Anyone who promotes such fervently anti-LGBT viewpoints is wholly unqualified to serve as the Secretary of Education.**

Since 1998, Betsy DeVos and her family's foundations have donated at least \$6.1 million to Focus on the Family, a right-wing organization which has spent millions of dollars attempting to defeat marriage equality amendments at the State level. Even more troubling, this organization supported by the DeVos family promotes "conversion therapy," opposes the right of LGBT parents to adopt children, and has referred to transgender individuals as "mentally ill." This organization has even gone so far as to oppose anti-bullying policies and opposes basic workplace protections for LGBT individuals. The DeVos family's support for anti-LGBT groups and policies extends beyond just this organization to many other groups known for their anti-LGBT activities, such as:

- \$1,000,000 to the Institute for Marriage and Public Policy, which has claimed that the overturning of the Defense of Marriage Act amounted to a "fatwa;"
- \$15,000 to the Becket Fund for Religious Liberty, which has opposed adoption with same-sex couples;
- \$433,750 to the Council for National Policy, a highly secretive group that is led by extremists like Focus on the Family's James Dobson among other extremists; and
- \$13,498,000 to the Heritage Foundation, which has stated that "Despite activist judges' opinions, the majority of Americans continue to affirm the reasonable conclusion that marriage is the union of one man and one woman."

The DeVos family does not stop with contributions to intolerant organizations as they also support anti-LGBT politicians. For example, the DeVos family—including Ms. DeVos—were top contributors to Michigan State Representative Andrea LaFon-

taine, who sponsored legislation allowing adoption agencies to discriminate against LGBT parents and deny them the ability to adopt a child.

The LGBT community has made significant and long overdue advancements when it comes to equality in education. During President Obama's tenure in office, the Department of Education took important steps to combat bullying and ensure that title IX, which prohibits discrimination based on sex, appropriately reflects the rights of transgender students. It is imperative that the rights of LGBT students are adequately protected moving forward.

As you move to consider the nomination of Betsy DeVos, we strongly encourage you to seek out answers regarding Ms. DeVos' stance on important education equity issues, including her views on protecting LGBT students from bullying and discrimination in K-12 and higher education spaces. We are particularly troubled by Betsy DeVos' past support for inhumane "conversion therapy" treatments and believe it is imperative that any Secretary of Education nominee denounce such practices before being confirmed.

As Members of the LGBT community, we know our schools must be a safe place for all children. As you consider the nomination of Betsy DeVos for Secretary of Education, we strongly encourage you to stand up for the civil rights of LGBT students and ensure the next Secretary opposes any action to roll back our progress toward equality.

Sincerely,

MARK POCAN,
Member of Congress.

DAVID CICILLINE,
Member of Congress.

SEAN PATRICK MALONEY,
Member of Congress.

JARED POLIS,
Member of Congress.

MARK TAKANO,
Member of Congress.

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC 20515,
January 17, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Senate HELP Committee,
428 Dirksen Senate Office Building,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Senate HELP Committee,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER AND RANKING MEMBER MURRAY: As Members of the Congressional Tri-Caucus—composed of the Congressional Asian Pacific American Caucus, the Congressional Black Caucus, and the Congressional Hispanic Caucus—we are dedicated to ensuring that all children, particularly children most at-risk in our society, such as children of color, low-income children, children with a disability, children of migrant and seasonal farmworkers, and children learning English, have access to a high quality education. A child's educational opportunities should not be determined by their zip code, what language they speak at home, or the income of their parents. We are committed to advancing a nominee for the Secretary of Education who will continue the progress we have made to improve outcomes for these children and will enforce education and civil rights laws with fidelity. Unfortunately, Betsy DeVos is committed to moving us in the opposite direction.

Betsy DeVos is a billionaire who has spent her career advocating for the privatization of vital government services, which has adversely impacted the rights and opportunities of historically disadvantaged students and families. She advocates for moving taxpayer dollars away from public schools and toward unaccountable for-profit and non-public schools. DeVos was a key architect of Michigan's 1993 charter school law, which allows almost anyone to open a charter school or run a failing

school for years without providing any recourse for action.¹ In Michigan, where 8 out of 10 charter schools are for-profit,² the State's irresponsible charter school law allows such schools to secure revenue, even while failing to serve children and families. Despite a clear mandate to improve this system, DeVos advocated against increasing accountability and transparency for Michigan's failing charter school sector, even at the request of a broad, bipartisan coalition of community members.

DeVos's privatization agenda has been devastating for the people of Michigan, and particularly for children of color in urban areas like Detroit and Flint.³ Privatization of public education is a failed approach, allowing for-profit corporations to maximize value to shareholders rather than students. Introducing incentives to make money by exploiting the needs of poor students and families is a failing strategy that undermines core civil rights protections and jeopardizes educational opportunity for our most vulnerable children. The failure of privatization in Michigan is staggering—according to the National Assessment of Education Progress, Detroit is the lowest performing urban school system in the country.⁴ DeVos's advocacy for private school vouchers and for-profit charter schools has led to increased segregation within Detroit and across Michigan.⁵ Instead of using her fortune to support Detroit and Michigan public schools to provide an excellent education for all children, DeVos has worked to dismantle and defund already cash-strapped school districts to line the pockets of profit-seeking corporations. The ideology to which the nominee subscribes ultimately treats vulnerable children as a means to a profit-seeking end. This worldview is counter to the charge of the U.S. Department of Education and has no place in public education.

Additionally, DeVos has advocated against Federal involvement in education. The Supreme Court case's decision in *Brown v. Board of Education* affirmed that the Federal Government has a unique and important role to play in protecting and promoting civil rights and advancing an equitable education system and society. The Elementary and Secondary Education Act is fundamentally a civil rights law, aimed at ensuring that every American child had access to a quality education and the American dream. Tri-Caucus Members were proud to play an important role in preserving the Elementary and Secondary Education Act's key guardrails for educational equity last year during negotiations leading to enactment of the Every Student Succeeds Act. However, these guardrails are only as good as their implementation. It will be up to the new Secretary of Education to enforce these guardrails, and DeVos is clearly not up to this task.

At a time in which children and families in our districts and across the country are concerned about their safety, their rights, and their opportunities, the last thing we need is a billionaire Secretary of Education with no experience in public schools who has worked to turn public education into a windfall for shareholders. We strongly urge the Senate Health, Education, Labor, and Pensions Committee to vote no on her nomination and instead confirm a Secretary of Education who champions civil rights protections and will advance the goal of quality education for each and every child.

Sincerely,

Cedric L. Richmond, *Chair, Congressional Black Caucus (CBC)*;
Michelle Lujan Grisham, *Chair, Congressional Hispanic Caucus (CHC)*;
Judy Chu, *Chair, Congressional Asian Pacific American Caucus (CAPAC)*;
Members of Congress: Adam B. Schiff, Adriano Espaillat,
Alan S. Lowenthal, Albio Sires, Ben Ray Lujan, Alma S. Adams,
Bonnie Watson Coleman, André Carson, Brenda L. Lawrence, Barbara

¹Hall, Austin. "Issue Brief: President-elect Trump's Education Secretary Selection." *Washington Partners*, November 20, 2016, <http://wpllc.net/wp-content/uploads/2016/12/DeVos-Bio-Brief.pdf>; and Prothero, Arianna. "Betsy DeVos Helped Create Michigan's Charter Sector. Here's How it's Doing." *Education Week*, December 7, 2016, http://blogs.edweek.org/edweek/charterschools/2016/12/betsy_devos_helped_create_michigan_charter_sector_how_its_doing.html.

²Gross, Allie. "Did Michigan waste \$3.5 Million on Charter Schools with Questionable Futures?" *Detroit Metro Times*, November 18, 2015, <http://www.metrotimes.com/detroit/did-the-michigan-department-of-education-waste-35-million-on-charter-schools-with-questionable-futures/Content?oid=2381723>.

³Dawsey, Chastity Pratt and Ron French. "Betsy DeVos's Michigan Legacy." *Bridge Magazine*, December 6, 2016, <http://bridgemi.com/2016/12/betsy-devos-michigan-legacy/>.

⁴Lewis, Shawn D. "Detroit Worst in Math, Reading Scores among Big Cities." *The Detroit News*, October 28, 2015, <http://www.detroitnews.com/story/news/local/detroit-city/2015/10/28/national-assessment-educational-progress-detroit-math-reading-results/74718372/>.

⁵Wilkinson, Michael. "Betsy DeVos and the Segregation of School Choice." *Bridge Magazine*, November 29, 2016, <http://bridgemi.com/2016/11/betsy-devos-and-the-segregation-of-school-choice/>.

Lee, Colleen Hanabusa, Joyce Beatty, Danny K. Davis, Dwight Evans, G. K. Butterfield, Eddie Bernice Johnson, Grace F. Napolitano, Eleanor Holmes Norton, Grace Meng, Elijah E. Cummings, Gwen Moore, Frederica S. Wilson, Hakeem S. Jeffries, Alcee L. Hastings, John Conyers, Jr, Henry C. "Hank" Johnson, Jr., John Lewis, Jackie Speier, José E. Serrano, Janice D. Schakowsky, Juan Vargas, Joaquin Castro, Karen Bass Keith Ellison, Marc A. Veasey, Raja Krishnamoorthi, Marcia L. Fudge, Linda T. Sanchez, Mark Takano, Lucille Roybal-Allard, Maxine Waters, Luis V. Gutierrez, Bennie G. Thompson, Norma J. Torres, Ro Khanna, Nydia M. Velázquez, Robert C. "Bobby" Scott, Pete Aguilar, Robin L. Kelly, Pramila Jayapal, Ruben Gallego, Raúl M. Grijalv, Ruben Kihuen, Salud O. Carbajal, Val Butler Demings, Sheila Jackson Lee, Wm. Lacy Clay, Ted Lieu, Yvette D. Clarke, Terri A. Sewell, A. Donald McEachin, Tony Cárdenas, Donald M. Payne, Jr., Jerrold Nadler, and Doris O. Matsui,

AFSCME,
WASHINGTON, DC 20036-5687,
January 9, 2017.

DEAR SENATOR: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our strong opposition to the nomination of Betsy DeVos to be the next U.S. Secretary of Education .

The Department of Education plays an essential role for our country, "to promote student achievement and preparation for global competitiveness by fostering academic excellence and ensuring equal access." AFSCME recognizes that high quality, accessible public education is a lynchpin for individuals to pursue and achieve the American dream and to maintain our country's role as a world leader. America needs an experienced, qualified Secretary of Education committed to upholding the Department's mission to foster, monitor and ensure equal access to public education and to continue successful efforts to improve underperforming public schools and increase the number of students graduating high school and college.

Betsy DeVos, however, lacks the necessary qualifications. She has no public education experience or training. Unlike any previous Education Secretary, she has never been a teacher or school administrator, served on any board of education, directed any public education or higher education programs, attended a public school or even had her own children attend a public school.

Rather, DeVos' only experience in the education sector is as a lobbyist and political donor, where her family's wealth has bought influence to push for the transfer of public resources to private schools, including through voucher programs. Yet, voucher programs have been proven ineffective, failing to improve student achievement and deprive students of civil rights protections ensured by law to public school students. Vouchers also divert the limited resources available to public schools away from public schools serving all children to fund the education of a few, select voucher students.

DeVos, through her Great Lakes Education Project PAC, was unsuccessful at funding efforts to create private school voucher programs with public funding in her home State of Michigan. She pushed for the widespread expansion of for-profit charter schools and opposed efforts to hold these schools accountable. The results in Michigan are devastating. Michigan now diverts \$1 billion in public education funds to charter schools, 70 percent of which are run by for-profit organizations and the majority of which perform below the State average. As a result, Michigan's national rankings are now lower in math and reading tests than 20 years ago before this failed experiment.

Betsy DeVos lacks the experience, qualifications and commitment to improving public education that Americans expect and deserve from their Secretary of Education. AFSCME strongly urges you to continue to fulfill your constitutional responsibility to thoroughly review and assess her qualifications, commitment to public education, any potential conflicts and impact on public education. AFSCME is strongly opposed to the nomination of Betsy DeVos to be U.S. Secretary of Education.

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

AMERICAN FEDERATION OF TEACHERS (AFT),
JANUARY 6, 2017.

Hon. PATTY MURRAY, *Ranking Member,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
Washington, DC. 20015.

DEAR RANKING MEMBER MURRAY: On behalf of the 1.6 million members of the American Federation of Teachers, I strongly urge you to oppose the nomination of Betsy DeVos to be secretary of education. DeVos has neither the qualifications nor the experience to serve as the Nation's secretary of education, and her record clearly demonstrates that, if confirmed, she will undermine and seek to privatize public education.

AFT members are committed to protecting and expanding a public education system that reinforces our country's promise of economic opportunity, democratic values rooted in pluralism, and equality; that nurtures children in a safe learning environment that is adequately supported, not defunded or privatized; and that includes public higher education that is affordable and inclusive and promotes free inquiry.

And AFT members are not alone. In a recent poll conducted by Hart Research Associates, American voters said they believe we need a secretary of education whose priority is strengthening and improving all public schools (78 percent) rather than someone whose priority is helping parents send their children to private and nontraditional public schools (8 percent). Seventy-three percent of voters want a secretary of education who will ensure every child has access to a good public school in his or her community that provides safe conditions, an enriching curriculum with both academics and extras such as music and art, and effective teachers.

DeVos' education agenda is antithetical to the direction Americans want the next secretary of education to take. First, she is simply not qualified to serve as America's secretary of education. She has no public education experience or training of any kind; she has never been a teacher or school administrator, served on any public board of education, or even attended a public school.

Indeed, DeVos' only involvement in education has been funding efforts to undermine and privatize our public schools. The job of the secretary of education is to support and strengthen America's public education system. Voters want strong neighborhood public schools that are available to all children, not private school vouchers and for-profit charters. However, DeVos and her family for decades have wielded their billions to undermine public education, while promoting private, for-profit schooling with little or no regulation, transparency, accountability or respect for civil rights or the Constitution's separation of church and State.

To this end, DeVos has made private school vouchers a priority. In 2000, she and her husband funded a multimillion-dollar and ultimately unsuccessful ballot initiative to create school vouchers in Michigan. Voters rejected the plan to shift public dollars to private schools by a margin of 69 to 31 percent.

Michigan voters knew then, as we know now, that voucher programs have proven ineffective, lack accountability to taxpayers, and deprive students of rights provided to public school students. Sixty-eight percent of those polled in the recent Hart Research survey stated that DeVos should be opposed because of her support for vouchers. Vouchers divert desperately needed resources away from public schools, which serve all children, to fund the education of a few select voucher students. In addition, private school vouchers violate the fundamental guarantee of religious freedom by funding religious schools with public money.

DeVos has used her influence to push an anti-public education agenda that defunds and destabilizes public schools and communities. It is clear that DeVos, who has never had any experience in public education or even attended or sent her children to public schools, and who seeks to undermine public schools, is not qualified to be the head of the U.S. Department of Education.

Again, I urge you to vote no on the confirmation of Betsy DeVos.
Sincerely,

RANDI WEINGARTEN,
President.

AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE,
 WASHINGTON, DC 20005,
 January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Senate HELP Committee,
428 Dirksen Senate Office Building,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Senate HELP Committee,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER AND RANKING MEMBER MURRAY: Americans United for Separation of Church and State writes to voice our strong opposition to the nomination of Betsy DeVos for Secretary of Education. We oppose taxpayer-funded private school vouchers because they drain funds from our public schools to support private, religious schools. Accordingly, we oppose Ms. DeVos, who has been a champion for private school vouchers for many years, and has said she will advocate for “school choice,” including vouchers, as the Secretary of Education.¹

Ms. DeVos has pushed for States across the country to adopt private school vouchers, in large part to promote her specific religious viewpoint. She has stated that private school vouchers are a means “to confront the culture in which we all live today in ways which will continue to help advance God’s kingdom,” and a way to let families choose to “educate their children in a school that reflects their world view.”²

Indeed, vouchers primarily flow to private religious schools.³ This threatens one of the most dearly held principles of religious liberty: government should not compel any citizen to furnish funds in support of a religion with which he or she disagrees, or even a religion with which he or she does agree. Vouchers also threaten the autonomy of religious schools by opening them up to government audits, control, and interference. Parents certainly may choose a religious education for their children, but they may not insist that the taxpayers pay for it.

Private school vouchers have numerous other flaws as well. They undermine public schools, fail to improve educational outcomes,⁴ and lack accountability and oversight. Private school vouchers also fail to provide the same rights and protections to students that they would otherwise have in public school, including those in Titles VI and IX of the Civil Rights Act, the Individuals with Disabilities Education Act, Title II of the Americans with Disabilities Act, and the Every Student Succeeds Act.

Private school vouchers hide under the umbrella of school choice, yet paradoxically do not provide any actual choice to parents or students in the program; rather, they funnel taxpayer funds to private schools that, unlike public schools, have the ability to accept or reject students based on a number of characteristics including sex, religion, sexual orientation and gender identity, economic status, and academic achievement.

Ms. DeVos’ nomination is deeply troubling because she has been selected to serve as head of the Department of Education, but has repeatedly sought to undermine the public school system through her advocacy for private school vouchers. Therefore, we oppose Ms. DeVos’ nomination to be Secretary of Education. During the committee hearing on her nomination, we urge you to question her on her long-

¹Alyson Klen, *Trump, DeVos Call for Ending Common Core at Michigan Rally*, Educ. Week (Dec. 11, 2016), http://biogs.edweek.org/edweek/campaign-k-12/2016/12/trump_devos_call_for_ending_co.html.

²Benjamin Wermund, *Trump’s Education Pick Says Reform Can “Advance God’s Kingdom”*, *Politico* (Dec. 2, 2016).

³See, e.g., U.S. Dep’t of Ed., *Evaluation of the D.C. Scholarship Program: Final Report*, 17–18 (June 2010) (finding that approximately 80 percent of the students participating in the DC voucher program attend religious schools).

⁴Recent studies of both the Louisiana and Ohio voucher programs revealed that students who used vouchers actually performed worse on standardized tests than their peers who are not in the voucher programs. Morgan Winsor, *Louisiana’s Controversial Voucher Program Harms Poor Students, Lowers Grades, New Study Finds*, *Int’l Bus. Times*, (Jan. 10, 2016), <http://www.ibtimes.com/louisianas-controversial-voucher-program-harms-poor-students-lowers-grades-new-study-2258417>; David Figlio and Krzysztof Karbownik, *Evaluation of Ohio’s EdChoice Scholarship Program: Selection, Competition, and Performance Effects* 32 (Fordham Institute 2016), available at https://edex.s3-us-west-2.amazonaws.com/publication/pdfs/FORDHAM%20Ed%20Choice%20Evaluation%20Report_online_percent20edition.pdf.

standing support for private school vouchers and her plans to continue pursuing policies that would undercut the very education system she is meant to lead.

Sincerely,

MAGGIE GARRETT,
Legislative Director.

ELISE HELGESEN AGUILAR,
Federal Legislative Counsel.

THE LEADERSHIP CONFERENCE ON CIVIL AND
HUMAN RIGHTS,
WASHINGTON, DC 20036,
January 9, 2017.

DEAR SENATOR: On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promote and protect the civil and human rights of all persons in the United States, we are writing to express our strong opposition to the confirmation of Betsy DeVos to be the next U.S. Secretary of Education. All parents and students in this country—a majority of whom are of color or are low-income¹—want the best education, support and dignity for their own children. We stand with them and cannot support a nominee who has demonstrated that she seeks to undermine bedrock American principles of equal opportunity, nondiscrimination and public education itself.

DeVos argues her opposition to public education serves students, especially students who are the most vulnerable.² We reject the notion that children are well-served by the dismantling of a public school system that serves 90 percent of all American students³ or by the elimination of civil rights protections that require the Federal Government to intervene when students are discriminated against.⁴ The civil rights community has served as agitator and critic of schools and school systems that failed to meet the needs of students of color and low-income students since long before Thurgood Marshall successfully argued the *Brown v. Board of Education* decision.

Opportunity and achievement gaps that demonstrate longstanding bias against students of color, English learners, Native Americans, girls, students with disabilities, low-income students and other marginalized students are indefensible and unacceptable and we have fought at the Federal, State, local and classroom level to ensure every student the quality education to which they are entitled by law and birth. Rather than joining with us in support of accountability, oversight and intervention, DeVos instead argues for an unaccountable education system which serves only to exacerbate inequality of opportunity.⁵

While parent frustration with schools failing to meet their child's need is real and parents have waited far too long for meaningful action by policymakers, the result of anti-public education agendas such as DeVos' has often, as in Louisiana⁶ been worse outcomes for vulnerable students. The Michigan example, where DeVos' impact on education policy and the proliferation of unregulated and for-profit charter schools is considerable, demonstrates clearly that this agenda does not result in the improved outcomes students, parents and communities deserve.⁷

Equal access to education is a cornerstone of the civil rights movement. The Secretary of Education's role as the enforcer of education and civil rights laws⁸ is central to advancing our shared vision of an inclusive and diverse system of high-quality public education that enables every student to live up to their potential. DeVos has demonstrated no previous commitment to ensuring equal educational opportunity in schools.

While she is entitled to her personal views as a private citizen, government officials are charged with enforcing our laws equally. DeVos' connections to anti-LGBTQ organizations including those that promote dangerous and discredited "con-

¹ See: <http://www.southerneducation.org/Our-Strategies/Research-and-Publicationss/New-Majority-Diverse-Majority-Report-Series/A-New-Majority-2015-Update-Low-Income-Students-Now>.

² See: <http://www.federationforchildren.org/wp-content/uploads/2015/03/Betsy-SXSWedu-speech-final-remarks.pdf?e40fe9>.

³ See: <https://nces.ed.gov/fastfacts/display.asp?id=372>.

⁴ See: http://c.ymcdn.com/sites/www.copaa.org/resource/resmgr/2016_Conference/COPAA_Voucher_paper_final_R6.pdf.

⁵ See: <http://www.politico.com/story/2016/12/betsy-devos-michigan-school-experiment-232399>.

⁶ See: <http://www.nber.org/papers/w21839>.

⁷ See: <http://bridgemi.com/2016/12/betsy-devos-michigan-legacy/>.

⁸ Department of Education Organization Act (Public Law 96-88).

version therapy”⁹ groups that seek to limit a woman’s right to health care¹⁰ and civil rights protections for survivors of violence,¹¹ and her opposition to affirmative action policies¹² demonstrate a lack of respect and appreciation for the diversity of our Nation’s classrooms and fail to recognize a long and pernicious history of discrimination against groups of students. While we have heard little of DeVos’ record with regard to the rights and interests of English learners, immigrant students, students with disabilities and religious minorities, we are deeply troubled by the unacceptable rhetoric of the President-elect during his campaign and the absence of a record of DeVos’ support for these students.

When compared with Secretaries of Education through the history of the department, DeVos’ lack of experience stands out.¹³ She has never been an educator or worked directly with children and families in public schools. She has never led a school, district or State agency tasked with educating students. She has never been a public school parent or a public school student. This lack of experience makes her uniquely unfamiliar with the challenges and opportunities facing the Nation’s students, families, educators and schools.

The U.S. Department of Education is responsible for implementing and enforcing laws protecting students from discrimination on the basis of race, color, national origin, sex and disability and those laws that provide for educational opportunity from early childhood through graduate school. The person responsible for leading that department must absolutely be committed to respecting, valuing and protecting every single student in this country—without regard to LGBTQI status, family income, race, home language, gender, religion, disability or immigration status. Our nation’s laws, economy, future and children deserve no less.

Sincerely,

WADE HENDERSON,
President & CEO.

NANCY ZIRKIN,
Executive Vice President.

LEGAL AID AT WORK,
SAN FRANCISCO, CA 94104-4244,
January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER AND RANKING MEMBER MURRAY: We write to strenuously oppose the confirmation of Betsy DeVos as Secretary of Education. Legal Aid at Work (formerly Legal Aid Society-Employment Law Center) is a 100-year-old nonprofit providing free legal services across California to low-income individuals and their families who face unlawful discrimination and other injustices. We advance equality and access in the workplace, schools, and other community and public facilities, including through enforcement of title IX.

Given Ms. DeVos’ long-running record of hostility toward public schools and the rights of those who are most vulnerable in our educational systems, we believe she is unfit to serve as the Nation’s overseer of public education. Further, Ms. DeVos has a history of supporting causes that promote diversion of public funding toward religious and private education, effectively rendering many schools exempt from title IX’s crucial civil rights protections.

⁹See: <http://www.politico.com/story/2016/11/betsy-devos-education-secretary-civil-rights-gay-transgender-students-231837>.

¹⁰See: <https://rewire.news/article/2016/03/21/devos-family-promoting-christian-orthodoxy-political-donations/>.

¹¹See: <https://www.insidehighered.com/news/2016/11/28/betsy-devos-trumps-choice-education-secretary-has-unclear-higher-ed-priorities>.

¹²See: <http://www.insidephilanthropy.com/home/2016/3/1/school-choice-but-much-more-making-sense-of-devos-family-phi.html>.

¹³See: http://blogs.edweek.org/edweek/campaign-k-12/2016/12/betsy_devos_would_be_first_ed.html.

America's schoolchildren, teachers and administrators deserve an Education Secretary who is deeply committed to protecting and serving all students—regardless of their gender, religion, race, class, or sexual orientation and one who will strengthen the public school system while ensuring that every person has quality educational access. However, Ms. DeVos' record includes the following troubling actions, suggesting her lack of fitness with respect to protecting and enforcing civil rights in the educational context.

- Establishing the DeVos Center for Religion and Civil Society, within the Heritage Foundation, which funds research and publications opposed to same-sex marriage and transgender rights;
- Financially supporting a number of organizations that oppose LGBT equality;
- Funding groups that seek to limit women's reproductive freedom, and;
- Supporting school vouchers in a manner risking discrimination and lower educational outcomes.

Furthermore, both the lacking transparency and inadequacy of Ms. DeVos' responses to the committee's questionnaire reflect red flags regarding her capacity to serve.

For these reasons, we believe Ms. DeVos is unqualified to serve as Education Secretary and we urge you to oppose her confirmation.

Sincerely,

KIM TURNER,
Senior Staff Attorney.

NATIONAL COUNCIL OF JEWISH WOMEN (NCJW),
January 11, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Committee on Health, Education, Labor, and Pensions,
U.S. Senate,
Washington, DC 20510.

DEAR CHAIRMAN ALEXANDER AND RANKING MEMBER MURRAY: On behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW), I write to urge you to reject the nomination of Betsy DeVos to be Secretary of the U.S. Department of Education.

Betsy DeVos has spent most of her adult life promoting charter schools at the expense of public education and pushing for publicly funded vouchers for religious schools. She has used her considerable family wealth in her home State of Michigan to denigrate public education, shift funds from public school budgets to vouchers and charter schools, and undermine the very idea of public education, which she terms a "government monopoly."

Government funding of religious institutions threatens the First Amendment by putting the government in the position of endorsing or rejecting religious groups when deciding how to award scarce humans-needs funding. NCJW vigorously opposes Federal funding for faith-based institutions that discriminate in their hiring policies. Religious liberty and the separation of religion and State are constitutional principles that must be protected and preserved in order to maintain a democratic society.

In addition to her support of school vouchers, DeVos has donated millions of dollars to anti-LGBTQ causes under the auspices of her family's charities. DeVos' own foundation donated hundreds of thousands of dollars to Focus on the Family, an organization that labels transgender people "broken." The Department of Education is responsible for implementing and enforcing laws protecting students from discrimination on the basis of race, color, national origin, sex and disability and those laws that provide for educational opportunity from early childhood through graduate school. The person responsible for leading that department must absolutely be committed to respecting, valuing and protecting every single student in this country—without regard to LGBTQ status, family income, race, home language, gender, religion, disability or immigration status. DeVos' history raises doubts as to whether she will protect the safety of LGBTQ students in our schools.

If confirmed, DeVos would undermine one of the crowning achievements of American democracy—free public education for all students through high school. We urge you to reject her confirmation.

Sincerely,

NANCY K. KAUFMAN,
CEO, *National Council of Jewish Women.*

NATIONAL EDUCATION ASSOCIATION (NEA),
WASHINGTON, DC 20036,
January 9, 2017.

U.S. SENATE,
Health, Education, Labor, and Pensions Committee,
428 Senate Dirksen Office Building,
Washington, DC 20510.

DEAR SENATOR(S): 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.¹ 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.² 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.

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

¹ *Philanthropy Roundtable, Spring 2013.*

² *Politico, November 29, 2016.*

academic achievement below the State average in both reading and math, according to the Center for Research on Educational Outcomes.³ 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.⁴ 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.⁵ The situation constructed by DeVos has been described by charter *advocates* as the biggest school reform disaster in the country.⁶

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,⁷ 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.⁸ We are deeply troubled by her support of organizations like these with a history of discriminatory positions and are 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,

MARC EGAN,
Director of Government Relations.

NATIONAL ORGANIZATION FOR WOMEN (NOW),
WASHINGTON, DC 20005,
January 16, 2017.

Hon. LAMAR ALEXANDER, *Chair,*
Senate HELP Committee,
428 Dirksen Senate Office Building,
Washington, DC 20510.

Hon. PATTY MURRAY, *Ranking Member,*
Senate HELP Committee,
428 Dirksen Senate Office Building,
Washington, DC 20510.

DEAR CHAIR ALEXANDER, RANKING MEMBER MURRAY AND COMMITTEE MEMBERS: On behalf of the National Organization for Women (NOW), the largest grassroots feminist activist organization in the United States with hundreds of chapters in every State and the District of Columbia and hundreds of thousands of members and contributing supporters, we wish to state our strong opposition to the confirma-

³ *Center for Research on Educational Outcomes, January 1, 2013.*

⁴ *New York Times, December 12, 2016.*

⁵ *New York Times, June 28, 2016.*

⁶ *New York Times, November 25, 2016.*

⁷ *Conservativetransparency.org, accessed January 8, 2017.*

⁸ *Politico, November 28, 2016.*

tion of Ms. Betsy DeVos as Secretary of the Department of Education (DoEd). There is nothing in Ms. DeVos's education, training or experience that indicates she is qualified for a position of leadership in what is one of our Nation's most important Federal agencies—an agency whose primary mission is strengthening public education and assuring that all students are treated fairly and have access to a quality education.

Strong public support exists for locally controlled, accountable public schools which follow the law, and which strive to serve all students. Public education must remain the central concern for the Department of Education and its resources should not be diverted to for-profit private schools or to vouchers for religiously affiliated schools or for-profit online schools. Our organization is deeply concerned that Ms. DeVos may use her position as secretary to undermine longstanding programs and policies on which States and local districts depend. And we fear that if confirmed she would pursue her vision of using taxpayer money to promote schools which teach religious dogma and to attempt to move the Nation's education system closer to sectarianism and privatization. Ms. DeVos is reported to have described her work as a way to "advance God's kingdom."

Remarkably, Ms. DeVos has no experience with the public school system, not as a student, an educator, an administrator or as a parent. Neither has she experience with early childhood education programs or higher education—both important to helping economically disadvantaged students achieve. The nominee's well-financed efforts over many years to divert taxpayer funding from public schools to vouchers is well-documented. In many cases, this diversion has undermined States' and local districts' capacity to adequately fund public schools.

A billionaire, DeVos's activities have financed numerous organizations and campaigns that promote the privatization of education. Reportedly, Ms. DeVos has attacked political adversaries who do not support her efforts and deployed substantial funds through aggressive political action committees to pressure education policy-makers, spending millions to elect and lobby State legislators. She has also provided financial support to organizations that work to undermine protections for survivors of sexual harassment and sexual assault, including important protections for LGBTQIA students.

Students who use vouchers are deprived of the rights and protections all other students receive in public schools; voucher-supported schools are often not subject to the same accountability and transparency standards that public schools have to meet. There have been numerous reports from various States of financial mismanagement by voucher-supported school administrators, often resulting in the loss or theft of substantial sums of taxpayer dollars. Education historian Diane Ravitch reports that corruption becomes a problem when for-profit charter school operators have purchased property for their schools and then rented it to themselves at a rate that is up to 10 times the market rate, making a tremendous profit at public expense.

In California, an investigation by the San Jose Mercury News revealed that K12 Inc., the Nation's largest operator of for-profit charter and online schools which receives hundreds of millions of dollars in State funds, had a dismal record of academic achievement. After several State agency investigations and lawsuit against K12 Inc., a \$168.5 million settlement agreement with K12 Inc. was reached in July 2016. According to a statement by California Attorney General Kamala D. Harris,

"K12 and its schools misled parents and the State of California by claiming taxpayer dollars for questionable student attendances, misstating student success and parent satisfaction, and loading nonprofit charities with debt."

Betsy DeVos and her husband, Dick DeVos, are investors in K12 Inc. The company pays its executives millions, gets most of its funding from taxpayer funds to operate "virtual" schools and pays millions to lobby State legislators and donate to their campaigns. Education Week reported in November 2016 that political influence and cash overwhelms any accountability for online charter schools' poor performance, as noted by People for the American Way (PFAW—<http://www.pfaw.org/media-center/publications/betsy-devos-nomination-new-high-water-mark-right-wing-s-long-war-public-ed>). A 2015 national study by economists at the Center for Research and Educational Outcomes, Stanford University, found that "math scores for online schools were so low, it was almost as if the students didn't attend school," (<https://credo.stanford.edu/pdfs/Online%20Charter%20Study%20Final.pdf>)

There is little evidence that voucher-supported schools and for-profit charter schools result in improved student achievement. Of the 20 studies conducted by the Friedman Foundation for Educational Choice, an advocacy organization for school vouchers, half of those "found vouchers had no effect on participants' tests scores" at all, "according to a report by Libby Nelson of *www.vox.com*. Recent studies of

voucher programs in Louisiana and Ohio found that students who use vouchers to attend private schools, on average, score lower on standardized tests than demographically similar students who do not use vouchers, according to education writer and *New York Times* best-selling author Dana Goldstein. In Michigan, where Ms. DeVos has focused much energy over two decades, more than \$10 billion in education funds are sent to charter schools annually, 80 percent of which are for-profit organizations; the State's rank on national reading and math tests has fallen. As a report in the *New York Times* noted, most charter schools in Michigan perform below the State average. A November 2016 report by the Economic Policy Institute on the effects of charter school expansion in cities across the U.S. cited increased stress on public schools along with numerous problems with conflicts of interest and financial malfeasance among private school managers and charter school management companies.

The emphasis on evidence-based policy which has become more fully embraced in recent years has helped the Department and education leaders to revise counter-productive educational reforms based on standardized test results. Hopefully, this more productive focus will help increase investment in effective teacher training, combined with a clearer determination of the needs of students—especially students of color in free and reduced lunch schools—and in helping States and local district access the necessary resources. An effective Secretary of Education must continue on that path and provide informed leadership as this is the most promising process for closing a yawning achievement gap between students from mostly white, wealthier school districts and poorly resourced schools whose students are mainly African American and Hispanic. An effective Secretary must also be dedicated to strengthening public education policies and programs at every level, must be committed to equal educational opportunity for all and to transparency and accountability in education programs. The Secretary should be well-informed of the progress made in the last few years in adjusting policies and programs to adequately support teachers and focus more effectively on the educational challenges of at-risk students, rather than exacting punishment when schools do not improve student test scores.

We have found nothing in Ms. DeVos's record to reassure us that she would do so.

The National Organization for Women maintains a primary interest in the continuing effective implementation of equal educational access under Title IX of the Education Amendments of 1972 [Public Law No. 92-318, 86 Stat. 235, codified at 20 U.S.C. 1681-1688] for girls and young women, boys and young men to academic and athletic programs at all grade levels, as well as in post-secondary institutions. Sex discriminatory practices, unfortunately, remain a factor at all grade levels and both sexual harassment and sexual assault serve to deter girls and young women, especially at secondary and post-secondary institutions, from equal education opportunities. Additionally, LGBTQIA students, students with disabilities and girls of color bear the brunt of discriminatory, neglectful and often punishing practices in schools. Students—many of whom experience violence and economic insecurity in their lives—suffer from depression, anxiety, eating disorders, withdrawal from school activities and increased absences. As a result, they frequently fail to graduate, have encounters with law enforcement and the juvenile justice system, and suffer from a lifetime of under- and unemployment, among numerous other negative outcomes. It is the responsibility of schools to protect all students and to assure that they receive equal educational opportunity as title IX requires.

A critical concern for the National Organization for Women is the continuation of the important work of the Department's Office of Civil rights (OCR) in ensuring that schools meet their obligations to prevent sexual harassment and violence on campus. We urge that the Secretary uphold the principles outlined in the Department's 2011 Dear Colleague Letter (DCL) on Sexual Violence (<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>) and 2014 Guidance Documents Clarifying Schools' legal responsibilities to prevent and address sexual harassment under title IX (<https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>). Sexual violence and forms of sexual harassment threaten students' ability to learn and remain in school and for those institutions which receive Federal funding, they are required to take certain actions under title IX and the Clery Act of 1990 [Public Law 101-542, codified at 20 U.S.C. 1092]. We believe that it is essential that every effort be made in accordance with the law to protect survivors, provide a fair and equitable process for complainants and respondents in school grievance procedures and to prevent, respond to, and address the effects of sexual harassment within all of the recipient's educational programs and activities. We have seen scant evidence that Ms. DeVos would prioritize these goals over her stated commitment to "advance[ing] God's kingdom."

The Education Department's 2011 Dear Colleague Letter made clear that schools must promptly respond when rape or sexual assault occurs in that these types of sex-based harassment constitutes a hostile environment that constrains a survivor's civil right to equal education access. This principle was affirmed by the courts a decade prior and has been repeatedly reaffirmed in case law. However, because many schools have ignored their obligations under that law or failed to understand the law, gender-based sexual harassment and sexual assault was pervasive on campus. The law and the 2011 DCL provides schools with a useful framework to meet their legal obligations and provides tools needed to comply with the law, while affording students the information they need to defend their rights. The Department's role in assuring that schools meet these legal responsibilities is critically important for the post-secondary education success of young women and LGBTQIA persons, in particular, as they are most often the targets of gender-based harassment and violence.

A key factor in assuring protection for students is the maintenance of transparency in title IX enforcement. Accordingly, the Department regularly publishes a list of higher education institutions under investigation for mishandling gender violence complaints. In addition, schools that had requested and received religious exemptions from legal requirements not to discriminate against students on the basis of pregnancy, reproductive health decisions, sexual orientation or gender identity are listed. The exemptions allow schools to punish, refuse to admit or even expel pregnant students or those who identify as LGBT. Continuing disclosure of the identity of exempted schools must be assured to allow for students and parents to make informed decisions. We can find no basis for hoping, let alone believing, that Ms. DeVos would honor this critical practice.

The Department of Education's 2015 Dear Colleague Letter on Transgender Students (<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>) is an important guide in helping schools better protect transgender and non-conforming students who suffer from high rates of harassment, bullying and violence. It is essential that schools develop policies and practices which will better protect transgender students who face severe mistreatment and are at a higher risk of leaving school. Both the Department of Education and the Department of Justice agree that harassing a student for not conforming to the sex they were assigned at birth is clearly discrimination on the basis of sex.

The Fourth Circuit Court of Appeals recently granted a preliminary injunction ordering a school board to allow a transgender student to use a restroom facility that correlates with his gender identity. It is important to note that for more than 15 years, courts have held that Federal laws prohibiting sex discrimination protect transgender people from discrimination on the basis of gender identity. Federal appeals courts for the First, Sixth, Ninth and Eleventh Circuits have made this same determination. This important protective policy must be sustained. We are deeply concerned that if confirmed Ms. DeVos would not do so.

In closing, much important work remains to fully achieve equal educational access for all. We know that girls and young women—though excelling at school in many ways—encounter bias and barriers. For girls of color, their educational challenges are very similar to those of boys of color and, in some ways, are even more daunting. Well-trained teachers and counselors who can provide appropriate interventions are key for at-risk students to stay in school and to thrive. Better access to science, technology, engineering and mathematics (STEM) programs as well as to an array of advanced placement opportunities should be available for every student who aspires. Full equality for girls and young women to participate in athletic programs, including access to playing fields, equipment and competitive opportunities has not yet been achieved in all schools and remains an important title IX equal education objective.

NOW believes that the progress that has been made over many decades to advance equality in public education and the very foundation of our public education system will suffer a serious setback under Ms. DeVos and urges committee members to reject this nominee.

Sincerely,

TERRY O'NEILL,
President.

NATIONAL WOMEN'S LAW CENTER,
 WASHINGTON, DC 20036,
 January 9, 2017.

Hon. LAMAR ALEXANDER, *Chairman,*
Committee on Health, Education, Labor, and Pensions,
428 Dirksen Senate Office Building,
Washington, DC 20515.

Hon. PATTY MURRAY, *Ranking Member,*
Committee on Health, Education, Labor, and Pensions,
525 Dirksen Senate Office Building,
Washington, DC 20515.

DEAR CHAIRMAN ALEXANDER & RANKING MEMBER MURRAY: The National Women's Law Center has worked for 45 years to advance and protect equality and opportunity for women and girls and, from its founding in 1972, has had a focus on title IX and its importance in ensuring all girls and women have equal access to a quality education. Given the centrality of educational opportunity to the lives and futures of women, the Center strongly opposes the confirmation of Betsy DeVos to be Secretary of Education.

The Secretary of Education has the responsibility of ensuring that all students have equal access to a quality education. Key to that work is the enforcement of the Federal statutes that prohibit discrimination in education, including title IX. Over the last 8 years, the Department's Office for Civil Rights (OCR), has resolved 66,000 civil rights cases and proactively investigated 204 cases. OCR's work is especially important in light of the uptick in hate crimes after the election, with the majority of those incidents occurring in schools.¹ The Secretary is also responsible for enforcing and implementing the Every Student Succeeds Act. Effective implementation of this law will be critical to ensuring that all students are prepared for college and careers, including requirements that State and districts intervene in schools that repeatedly fail to close the achievement gap and important transparency requirements around student performance, resource disparities, exclusionary discipline and harassment.

Ms. DeVos' record stands in stark contrast to the Department's crucial function of ensuring equal access to high-quality education for all students. Her strong and vocal opposition to commonsense oversight of charter schools and her efforts to dramatically expand vouchers would threaten the Department's goal of providing a quality education that provides a pathway to economic stability and prosperity. Just last summer, Ms. DeVos aggressively lobbied State legislators and spent \$1.45 million to derail provisions that would have provided more oversight of Detroit charter schools, including one that would "stop failing charter operators from creating new schools."² Shielding charter schools from oversight hardly better serves students, but rather removes accountability, including with regard to civil rights principles of equality of opportunity.

Moreover, many of the provisions proposed in Michigan are common in many States and accepted by many charter school proponents, but Ms. DeVos' stance appears to go beyond that of many charter school proponents. She has reportedly "pushed back on any regulation as too much regulation"³—a stance that has contributed to Detroit's charter system being recognized as one of the greatest school reform failures in the country.⁴

Furthermore, Ms. DeVos has a history of supporting controversial organizations whose work undermines the protections of students, often those most at need. For instance, through her foundation—the Dick and Betsy DeVos Foundation—Ms.

¹ Southern Poverty Law Center, *Update: 1,094 Bias-Related Incidents In the Month Following the Election*, HATEWATCH, Dec. 16, 2016, <https://www.splcenter.org/hatewatch/2016/12/16/update-1094-bias-related-incidents-month-following-election>.

² Kate Zernike, *How Trump's Education Nominee Bent Detroit to Her Will on Charter Schools*, N.Y. TIMES, Dec. 12, 2016, <http://www.nytimes.com/2016/12/12/us/politics/betsy-devos-how-trumps-education-nominee-bent-detroit-to-her-will-on-charter-schools.html>.

³ *Id.*

⁴ Douglas N. Harris, *Betsy DeVos and the Wrong Way to Fix Schools*, N.Y. TIMES, Nov. 25, 2016, http://www.nytimes.com/2016/11/25/opinion/betsy-devos-and-the-wrong-way-to-fix-schools.html?_r=0; see also Erin Einhorn, *Why Detroit Is an Education-Funding Vacuum*, THE ATLANTIC, July 31, 2016, <http://www.theatlantic.com/education/archive/2016/07/why-detroit-is-an-education-funding-vacuum/493589/> (noting how Detroit's charter system has resulted in a lack of infrastructure, decreased school quality, which is one of many reasons philanthropies have slowed investment in the city's school reform efforts).

DeVos has contributed to the Foundation for Individual Rights (FIRE),⁵ which has fought efforts to enforce title IX and protect students because they are subjected to gender violence. FIRE has lobbied to eliminate schools' obligation to address sexual assault, as required by title IX, which is crucial for survivors' continued education in the wake of violence and to prevent others from being subjected to such harassment and assault. FIRE also supports bills that would force police to intervene in student incidents, even when the victims do not want to pursue criminal prosecution but would prefer school accommodations so they can continue their education free from harassment or continued trauma. In fact, the Department's recent work has contributed to increased awareness and understanding by educational institutions of gender-based violence and has started to correct unfair processes and responses that for too long pushed survivors out of school. Ms. DeVos' support for a group aggressively seeking to undermine that work and the protections afforded by one of the laws she would be charged with enforcing reinforces why she is not suited to fulfilling the obligations that would be entrusted to her as Secretary.

Ms. DeVos has also given millions of dollars to anti-choice causes and organizations, including "crisis pregnancy centers."⁶ Reports show that the primary goal of crisis pregnancy centers is to dissuade pregnant individuals from having an abortion, often by using misleading marketing practices and providing anti-abortion propaganda and misinformation about abortion and birth control.⁷ At least two of the centers⁸ to which Ms. DeVos donated have inaccurate information about abortion on their websites. In addition, Ms. DeVos has given \$6.5 million to "pass-through" organizations, which have in turn donated to groups that promote policies and legislation to restrict access to reproductive health in the States.⁹ This support raises concerns about Ms. DeVos' ability to be the lead enforcer of title IX's ban on discrimination against students and teachers who have had an abortion or who use contraceptives, or even unmarried students who are pregnant.

Additionally, Ms. DeVos has poured millions into anti-LGBTQ efforts, including the campaign against marriage equality and an organization that supports "conversion therapy."¹⁰ Conversion therapy is a practice that has been widely discredited as ineffective, and those who are subject to it are almost nine times more likely than their peers to consider or attempt suicide.¹¹ One of the recipients of this support, Focus on the Family, even opposed efforts to combat bullying against LGBTQ students. Ms. DeVos' support of anti-LGBTQ organizations further underpins why she is not suited to fulfill the Secretary's responsibility as the lead Federal enforcer of the rights of girls and women who are LGBTQ students.

While what we do know about Ms. DeVos is deeply troubling, we also emphasize the need for a thorough and comprehensive hearing and process to inform Americans of Ms. DeVos' other qualifications—or lack thereof—for Education Secretary. She does not have a record of general engagement in the educational system at every level. Little is known about her stance on a host of many educational issues in general, and with respect to students most in need of the Department of Education's programs. Further exploration is essential of her positions on the rights and interests of students of color, English learners, immigrant students, students with disabilities and religious minorities.

⁵Financial Record Search on FIRE & the DeVos Family Foundation, <http://conservativetransparency.org> (follow "By Donor" hyperlink; then select "Dick and Betsy DeVos Family Foundation" from dropdown menu; then search "Enter Search Query" by "Foundation for Individual Rights in Education"; then follow "Submit" hyperlink; see also, Dan Berret, et al., *What Does Betsy DeVos Have in Mind for Higher Ed?*, THE CHRONICLE OF HIGHER EDUC., Nov. 23, 2016, <http://www.chronicle.com/article/What-Does-Betsy-DeVos-Have-in/238514>.

⁶Ally Boguhn, *The DeVos Family: Promoting Conservative Religious Values Through Political Donations*, REWIRE, Mar. 21, 2016, <https://rewire.news/article/2016/03/21/devos-family-promoting-christian-orthodoxy-political-donations/>.

⁷See, e.g., U.S. HOUSE OF REPRESENTATIVES COMM. ON GOV'T REFORM, FALSE AND MISLEADING HEALTH INFORMATION PROVIDED BY FEDERALLY FUNDED PREGNANCY RESOURCE CENTERS (2006), at <http://www.chsourcebook.com/articles/waxman2.pdf>.

⁸See PREGNANCY RESOURCE CENTER OF MID-MICHIGAN—RISKS OF ABORTION, <http://www.premidland.org/Pregnancy/What-Are-My-Options/Abortion/Risks-of-Abortion> (last visited Jan. 9, 2017); see also ABORTION PILL REVERSAL—PREGNANCY RESOURCE CENTER, <http://www.pregn.org/abortion-pill-reversal/> (last visited Jan. 9, 2017).

⁹See Boguhn, *supra* note 6.

¹⁰Benjamin Wemund, *Trump's education secretary pick supported anti-gay causes*, POLITICO, Nov. 25, 2016, <http://www.politico.com/story/2016/11/betsy-devos-education-secretary-civil-rights-gay-transgender-students-231837>.

¹¹Zach Stafford, *Gay conversion therapy ruins lives. We cannot afford to keep it legal*, THE GUARDIAN, May 28, 2015, <https://www.theguardian.com/commentisfree/2015/may/28/gay-conversion-therapy-ruins-lives-lgbt-rights>.

Time for a thorough public inquiry into issues affecting civil rights, early childhood education, K–12 schools, higher education, and career and technical education programs is necessary. Additionally, the lack of transparency and adequacy in the nominee's responses to the committee's questionnaire makes going forward now unacceptable. Failure to provide copies of published op-eds she has written or to indicate potential conflicts of interests—despite media reports indicating a potential conflict in student lending¹²—are prime examples. To ensure members have a complete record from which to draw questions, we urge you to delay the hearing until the nominee discloses potential conflicts and makes her previous writings publicly accessible.

Given Ms. DeVos' record, the Center urges you to reject Betsy DeVos' nomination to be Secretary of the Department of Education, and to delay hearings on her nomination until a complete record on her conflicts and public statements are produced.

Sincerely,

MARCIA GREENBERGER,
Co-President.

NANCY DUFF CAMPBELL,
Co-President.

OCA—ASIAN PACIFIC AMERICAN ADVOCATES,
WASHINGTON, DC 20036,
January 5, 2017.

EMBRACING THE HOPES AND ASPIRATIONS OF ASIAN PACIFIC AMERICANS

Chairman Alexander, Ranking member Murray, members of the committee, on behalf of OCA—Asian Pacific American Advocates and our 100 chapters and affiliates around the country, we thank you for the opportunity to submit this statement for inclusion in the record for today's hearing.

Since its inception in 1979 by President Jimmy Carter, the Department of Education's mission has been to "promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access."¹ The Secretary of Education is tasked with ensuring that this promise is upheld in all of America's classrooms. The current nominee, Betsy DeVos, lacks the experience necessary for the position having no professional experience as an educator, having never attended public schools, and having never sent her children to public schools. The extent of her exposure to education is as a lobbyist that advocates for the use of public dollars to support private schools and the privatization of public school systems. Both of these systems tout themselves as an innovative solution to provide social mobility to title I students, but instead have problematic effects for civil rights.

Diverting public funds to private schools through vouchers will hinder our efforts to provide a quality education for all students. Theoretically, vouchers are seen as a system to assist low-income students transfer out of struggling public schools. In practice, data indicates that students who traditionally are able to use vouchers are less likely to be low-income than their counterparts in the public schools, and are also less likely to come from low performing schools.² Moreover, school vouchers rarely cover the full cost of private school tuition, which limits the utility of vouchers for truly low-income students.³ From 2007 to 2011, the number of Asian Americans in poverty increased by 37 percent and Pacific Islander poverty increased by 60 percent, which far surpasses the national average of 27 percent.⁴ School accessibility is a top concern for the AAPI community and Betsy DeVos' commitment to these school systems call into question her ability to analyze the exclusionary affects of voucher models to our community.

When schools accept publicly funded vouchers they are not obligated to comply with all Federal anti-discrimination laws.⁵ Private schools have the right to deny entrance to students with high-cost special needs like limited English proficiency. A U.S. Department of Education report found that 85 percent of large central city

¹² Anupreeta Das & Peter Rudegeair, *Trump Education Secretary Pick Has Indirect Stake in Student Lender*, WALL ST. J., Dec. 5, 2016, <http://www.wsj.com/articles/trump-education-secretary-pick-has-indirect-stake-in-student-lender-1480977577>.

¹ <https://www2.ed.gov/about/overview/mission/mission.html>.

² <http://www.policymattersohio.org/wp-content/uploads/2011/09/ClevelandVouchers.pdf>.

³ <http://www.edchoice.org/wp-content/uploads/2016/02/2016-ABCs-WEB-2.pdf>.

⁴ <https://cdn.americanprogress.org/wp-content/uploads/2014/08/AAPI-IncomePoverty.pdf>.

⁵ http://www.aclu-md.org/uploaded_files/0000/0484/non-public_schools_discrim_factsheet.pdf.

private schools would “definitely or probably” not be willing to participate in a voucher program if they were required to accept students with special needs, including limited English proficiency.⁶ Limited English proficient children are twice as likely to live in poor families compared to children who speak only English very well and 1 in 3 AAPI individuals are limited English proficient; therefore, the AAPI students that need vouchers the most are the most likely to be discriminated against by schools accepting vouchers.⁷ AAPI students deserve to have a Secretary of Education with experience in schools systems that have a working infrastructure to prevent systemic discrimination.

The United States must continue to support innovation in school systems to allow increased social mobility for America’s most disadvantaged students. However, the privatization of public school systems and voucher models that DeVos purports as beneficial to disadvantaged students and their families is damaging in a financial and civil rights aspect. OCA strongly recommends that the committee solely confirm a Secretary of Education that has experience with many models of innovative school systems and further, understands the ramification of privatizing schools and allowing voucher systems on the Asian American and Pacific Islander community.

OUTRIGHT VERMONT,
BURLINGTON, VT 05401.

Hon. LAMAR ALEXANDER, *Chair,*
Committee on Health, Education, Labor, and Pensions,
428 Dirksen Senate Office Building,
Washington, DC 20510.

HON. LAMAR ALEXANDER: The confirmation hearing of Ms. Betsy DeVos as education secretary is of utmost concern to the lesbian, gay, bisexual, transgender, and queer youth we are dedicated to serving at Outright Vermont. Ms. DeVos’s utter lack of professional experience with public schools, coupled with her enthusiastic promotion of charter schools and tax-funded vouchers for private and religious schools, pose unique and intersectional risks to marginalized youth.

The school policies Ms. DeVos has a record of championing disproportionately impact the most vulnerable youth by funneling public dollars to institutions who have no obligation to accommodate youth with learning disabilities, behavioral challenges, or marginalized gender and sexual identities. Such policies, actively endorsed by Ms. DeVos in Michigan, will push youth into private institutions with no obligation to ensure equal access to public accommodations. This will put the emotional and physical safety of LGBTQ youth directly in harm’s way, all in the interest of promoting a religious agenda by leveraging the full clout of the Federal Government.

Ms. DeVos’s overwhelming financial support of religious organizations who proselytize conversion therapy for LGBTQ youth compounds that concern. While such interventions have recently been made illegal in the State of Vermont, youth across the country remain in jeopardy of this dangerous, damaging practice. Ms. DeVos’s nomination begs a very serious question: Will she use the office to bolster religious and private institutions at the direct expense of LGBTQ and other marginalized youth?

Outright Vermont has been dedicated to building safe, healthy, supportive environments for lesbian, gay, bisexual, transgender, queer, and questioning youth in Vermont since 1989. We ask that you continue that work on the national level by strenuously objecting to the confirmation of Ms. DeVos.

With gratitude,

AMANDA ROHDENBURG,
Director of Advocacy, Outright Vermont

⁶ https://www.pfaw.org/sites/default/files/file_186.pdf.

⁷ <http://www.migrationpolicy.org/article/spotlight-limited-english-proficient-students-united-states#9>.

PEOPLE FOR THE AMERICAN WAY,
 WASHINGTON, DC 20005,
 December 9, 2016.

U.S. Senate,
 Washington, DC 20510.

DEAR SENATOR: On behalf of the hundreds of thousands of members and activists of People For the American Way, I write to urge you to reject the nomination of Betsy DeVos to be Secretary of the U.S. Department of Education.

American students deserve a Secretary of Education who is committed to helping public schools deliver an excellent education, not one who has worked relentlessly to undermine public education. As *a report on DeVos's nomination in The New York Times* noted, "It is hard to find anyone more passionate about the idea of steering public dollars away from traditional public schools than Betsy DeVos."

The nomination of DeVos, who has been called "*the four-star general of the voucher movement*," is a fox-guarding-the-chicken-coop moment if ever there were one. After voters rejected a series of voucher initiatives around the country, she turned her efforts to buying legislators and legislation with aggressive political spending and lobbying. DeVos and her family have used their considerable financial resources to target and defeat legislators who support public education and replace them with others who are willing to assist in the dismantling of public education through vouchers, tax schemes, and other projects.

From the perspective of using money to buy political influence, DeVos's efforts have been impressive. But the results are less impressive from the point of view of students. For example, DeVos and her family have been the biggest political and financial supporters of a major experiment with school choice in her home State of Michigan, where 80 percent of charter schools are run by for-profit organizations and where *the DeVos family spent nearly \$1.5 million* to prevent Michigan from strengthening charter school oversight.

But, as *The New York Times* has noted,

"If Michigan is a center of school choice, it is also among the worst places to argue that choice has made schools better. As the State embraced and then expanded charters over the past two decades, its rank has fallen on national reading and math tests. Most charter schools perform below the State average."

As one of the architects of Detroit's charter school system, DeVos "*is partly responsible for what even charter advocates acknowledge is the biggest school reform disaster in the country*," according to Tulane University professor Douglas Harris, founding director of the Education Research Alliance for New Orleans. And while charter schools have provided mixed educational results, the outcomes are even worse for the kind of unregulated vouchers DeVos has championed, making her nomination, in Harris's words, "*a triumph of ideology over evidence that should worry anyone who wants to improve results for children.*"

As an editorial from the Madison, WI *Capital Times* said in describing DeVos as a "*horrible*" choice for Secretary of Education:

Michigan billionaire Betsy DeVos has sought for years to undermine public education as an advocate for irresponsible and discredited schemes to steer money away from the programs and the public school students that need them most.

She's a special-interest power player who has used her money to warp the politics of Wisconsin and States across the country in order to advance an education agenda that is as unworkable as it is irresponsible. . . . Trump could not have chosen a worse nominee than DeVos. . . .

In short, Betsy DeVos is one of the leading figures in a decades-long campaign by Religious Right leaders and anti-government ideologues to divert public education funds into religious schools and replace public education with a profit-maximizing marketplace model.

People For the American Way believes that public education is a core democratic institution, one that has provided generations of Americans with the tools to become productive members of society, and has helped integrate generations of immigrants more fully into our communities.

We believe that a thorough review of Betsy DeVos's record will make it clear that she is unfit to serve as U.S. Secretary of Education.

Sincerely,

MARGE BAKER,
 Executive Vice President for Policy and Program,

YOUTH CARE,
SEATTLE, WA 98105,
January 9, 2017.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC 20510.

DEAR SENATOR MURRAY: On behalf of YouthCare, I'm writing to express our alarm regarding President-elect Trump's cabinet nominees. As one of the largest service providers for homeless youth and young adults in King County, we are particularly concerned about the nomination of Ben Carson to head the Department of Housing and Urban Development and Tom Price to head the Department of Health and Human Services.

In the past 6 months, we've partnered with attorneys from the Legal Counsel for Youth and Children who provide free, legal aid to youth in our drop-in center. **The No. 1 request made by youth is help signing up for medical benefits.**

On Fridays, YouthCare's James W. Ray Orion Center runs a health clinic where young people can meet with a doctor. Their needs are many: blood infections, back problems, diabetes, abscesses, cellulitis, MRSA, pneumonia, broken bones, foot necrosis, seizure disorders, Hepatitis C, HIV/AIDS, kidney/liver damage from substance abuse, mental health disorders, and drug treatment. The Patient Protection and Affordable Care Act has **been essential** for paying for tests and lab work that are not available in our clinic, such as MRIs, X-rays, and CT imaging. Indeed, of the 6–8 young people who visit the clinic each Friday, between 1–2 young people are referred to the hospital following their visit. It is hard to stay healthy without a home. Our clinic has been a lifesaver.

For example, we recently had a young man visit the clinic because of an injury that caused him to pass out. The clinic doctor was able to call the hospital and order imaging. The results showed that he was also suffering from a heart condition and complex migraines. He was able to get treatment and his health has improved. Without the ACA, we would not have been able to get him this care.

Repealing the ACA would have a devastating impact on youth who have regular prescriptions, are pregnant, and are having serious medical problems—which, over the course of the year, includes many of the young people we serve.

Additionally, YouthCare serves a disproportionately high rate of youth who identify as LGBTQ as well youth who have been trafficked. Approximately 20–40 percent of the youth we serve identify as LGBTQ. The anti-women and anti-LGBTQ rhetoric of both Mr. Carson and Mr. Price scares us. These are our most vulnerable youth. They need support, not further marginalization.

YouthCare also serves over 200 unaccompanied, undocumented minors per year through our Casa De Los Amigos program. This program is supported almost entirely by the Office of Refugee Resettlement. Because Casa De Los Amigos is the only residential shelter services program in the Seattle area for undocumented minors, and the least restrictive residence in western Washington, it fulfills an important need in the regional ORR continuum of care for unaccompanied children. We are very worried about the sustainability of this program and our ability to serve these youth under Mr. Price's leadership.

Finally, we'd like to express our concern about the nomination of:

- Jefferson Sessions for Attorney General due to his racist record and staunch anti-immigrant, anti-Muslim, and anti-LGBTQ positions.
- Andrew Puzder for the Department of Labor due to his opposition to a higher minimum wage, paid overtime, and paid sick leave, and his hostility toward unionization and government assistance.
- Betsy DeVos for the Department of Education due to her lack of experience in both public office and education, and her advocacy of school choice and unregulated, free-market charter schools.

We thank Senator Murray for her steadfast support of our most vulnerable youth. We respectfully urge her to oppose these confirmations.

Sincerely,

MELINDA A. GIOVENGO, PH.D.,
Executive Director.

RESPONSE BY BETSY DEVOS TO QUESTIONS OF SENATOR MURRAY, SENATOR COLLINS, SENATOR YOUNG, SENATOR ROBERTS, SENATOR MURKOWSKI, SENATOR SANDERS, SENATOR CASEY, SENATOR FRANKEN, SENATOR BENNET, SENATOR WHITEHOUSE, SENATOR BALDWIN, SENATOR MURPHY, SENATOR WARREN, SENATOR KAINE, AND SENATOR HASSAN

SENATOR MURRAY

Question 1. The President-elect who has nominated you has promised to “end Common Core.” ESSA prohibits the Secretary or Department from encouraging the adoption of any set of standards. As his Education Secretary, what specifically would you do to deliver on that promise while also complying with the law?

Answer 1. If confirmed, I will implement the statutory requirements of the Every Student Succeeds Act (ESSA), including by adhering to the prohibitions on the Secretary interfering with decisions concerning the academic standards States choose to adopt. I believe in high standards of excellence and achievement and it is the job of States to set those standards. While the Federal Government can highlight their successes, Congress was explicit that there be no Federal role in determining standards.

Question 2. We have to measure what all students learn in order to ensure that all students receive an equitable education. In fact, before the 95 percent testing participation rate required by the No Child Left Behind Act, schools could engage in unscrupulous practices that kept low performing students from taking required tests. Keeping students with disabilities or English Learners from taking these tests made school’s performance look better and hid achievement gaps. It was not until the 95 percent testing rate requirements of No Child Left Behind that we had data to prove the achievement gap existed on a national scale. Requiring testing participation is an important lever to ensure that all students are taught at high standards. Given this important lever for equity, and the Federal Government’s role in ensuring equity, do you intend to allow opt-out to continue and overlook the law’s requirement requiring that 95 percent of all students and each group of students participate in annual tests?

Answer 2. If confirmed, I will implement the statutory requirements of Every Student Succeeds Act (ESSA) including ensuring compliance with the requirement that States must annually measure not less than 95 percent of students on annual reading and math assessments. At the same time, I will respect the intent of Congress under ESSA to defer to State and local laws and decisions concerning both parents’ determinations about whether their children participate in such assessments and State approaches to holding schools accountable where less than 95 percent of students or students within subgroups are assessed.

Question 3. The regulations implementing ESSA incorporate the valuable feedback that the Department received through the public comment process, while maintaining the focus on providing States with new flexibility to ensure that every child gets a high-quality and well-rounded education, and enhancing equity and preserving critical civil rights protections for all students. Do you agree to fully and faithfully execute the existing ESSA regulation concerning accountability, State plan approval, data requirements and the ESSA regulation concerning assessments and any other regulations from the day you would assume office? Are there any current regulations you would seek to modify or change? If there are regulations you would seek to modify or change, please list the regulations and provide the statutory authority, legislative history, and public policy reasons to support a change.

Answer 3. If confirmed, I will carefully review all existing regulations to ensure they adhere to the law.

Question 4. The Every Student Succeeds Act requires States to identify schools for targeted intervention if they have a consistently underperforming subgroup of students. ESSA and the accountability regulations issued under the Obama administration allow States to define what it means to be “consistently underperforming,” and also allows districts and schools to determine what interventions will be implemented when schools are identified. As Secretary, how will you work with States to ensure they define the term “consistently underperforming” rigorously and implement effective interventions to ensure that all students have the opportunity to graduate from high school prepared for post-secondary education?

Answer 4. If confirmed, I will implement the requirements of the Every Student Succeeds Act (ESSA) as Congress intended, including allowing States to define what it means to be a “consistently underperforming” subgroup of students when identifying schools for intervention in their State-designed accountability systems. While

it is necessary and critical for States to have flexibility to determine how to identify and improve schools, the Department has an important role to play in providing States and local educational agencies with technical assistance and guidance to aid with successful implementation of the law.

Question 5. On September 22, 2016, House Education and Workforce Ranking Member Bobby Scott and I sent a letter to the Secretary of Education, Dr. John King, asking him to prioritize the critical issue of addressing teacher shortages as the U.S. Department of Education works to help States implement the Every Student Succeeds Act (ESSA). Later that fall, the title II guidance outlined ways that States and districts could use their title II funds to eliminate teacher shortages by recruiting excellent teachers, providing meaningful evaluation and support, and creating teacher leadership structures. Do you plan to maintain this guidance? What other guidance do you think needs to be issued to ensure successful implementation of the Every Student Succeeds Act? Will you commit to transparency and commit to having the Department's previously issued guidance being readily available online for the students, families and schools who rely on it?

Answer 5. If confirmed, and in keeping with past practice when there is a shift to a new administration, I will carefully review the guidance and confirm it serves as a helpful tool to States, local school districts, teachers, school personnel, and others charged with implementation. I support great schools—in all forms—and great teachers and school leaders who dedicate their lives to help students achieve and succeed.

Congress took steps under the Every Student Succeeds Act (ESSA) to provide States and local school districts with more flexibility in how they use Federal funds, including under the title II–A program, to improve the quality and effectiveness of teachers, principals, and other school leaders. I intend to adhere to that flexibility and provide appropriate guidance to ensure successful implementation of the law.

Question 6. Will you commit to holding schools accountable by continuing to publish the list of schools with title IX investigations?

Answer 6. Yes, schools that violate civil rights statutes will be held accountable. But let's be clear, we are a rule of law nation. Opening a complaint for investigation in no way implies that the Office for Civil Rights (OCR) has made a determination about the merits of the complaint. Any decision to release information must balance the desire for transparency with mechanisms needed to conduct an appropriate investigation. If confirmed, I look forward to discussing this with the OCR leadership to understand how the release of information addresses its mission.

Question 7. To identify and prevent discrimination, OCR has provided technical assistance to school districts through the release of policy guidance documents, which, unlike the law and regulations are not legally binding, but play a significant role in helping administrative personnel understand the law and regulations, and how to apply it. How would you utilize these policy documents to advise State and local educational recipients of Federal funds on how to comply with civil rights laws?

Answer 7. Technical assistance and policy guidance are important tools to prevent discrimination and respond to policies and procedures that may have an impact on protecting civil rights in our Nation's schools. If confirmed, I will continue to examine opportunities to provide guidance as has been the practice of previous administrations to facilitate compliance with the laws that the Department is charged to enforce.

Question 8. Do you think it's important for OCR to continue to investigate complaints alleging violations of title VI's disparate impact provisions? Do you think there continues to be a need for laws prohibiting policies and practices that have a disparate impact on minority students? Why or why not?

Answer 8. The Office for Civil Rights (OCR) has been charged with enforcing Title VI of the Civil Rights Act of 1964. If confirmed, I will support OCR fulfilling that responsibility, including investigating and responding to evidence alleging disparate impact on students.

Question 9. OCR has provided vigorous legal defense of improvements to gender equity in schools and on college campuses across the country and at the U.S. Supreme Court. Would you withdraw from any current civil rights litigation pending before any court in which the Department of Education, any of its agencies, or employees acting in the scope of their employment are listed? Please list those cases and provide relevant case law, legislative history and statutory authority, as well as the public policy purpose served by withdrawing from those cases.

Answer 9. If confirmed, I will work with the Office of General Counsel as well as the Department of Justice to receive their advice and counsel on this matter and decide on a case-by-case basis.

Question 10. Office for Civil Rights (OCR) also is directed to receive and act upon the complaints of families when student's civil rights are not being upheld. In your role at ED, how will you assure that OCR continues to provide an effective system of checks and balances when State systems of monitoring and compliance fail?

Answer 10. If confirmed, the Office for Civil Rights (OCR) would have my strong and continued support in carrying out its statutory obligations to enforce the civil rights laws under its jurisdiction.

Question 11. If you are confirmed as Secretary of Education, would you change the structure or role in enforcing title IX complaints (including claims regarding admissions, athletics, different treatment/exclusion/denial of benefits, discipline, dissemination of policy, employment discrimination, financial assistance/scholarships, grading, pregnancy/parenting, procedural requirements, retaliation, sexual/gender harassment/sexual violence)? Please be specific in how you would change the role and please include in your answer relevant legislative history and statutory authority, as well as the public policy purpose served by structural or role changes.

Answer 11. The Office for Civil Rights' (OCR) investigations of allegations of violations of the statutes it enforces, including title IX, are guided by principles and processes outlined in its Case Processing Manual. If confirmed, I would look forward to working with—and receiving the advice and recommendations from—OCR with respect to any changes proposed to be undertaken which may impact enforcement procedures, structures or roles.

Question 12. Given the high volume of complaints related to education received by the U.S. Department of Justice in recent years, do you believe that there continues to be a need for the OCR to investigate complaints of discrimination in our Nation's public schools? Why or why not?

Answer 12. The Office for Civil Rights (OCR) is statutorily charged with enforcing civil rights laws in our Nation's schools, colleges and universities. Unless that obligation is statutorily revised it remains an affirmative obligation of the Department and the Office for Civil Rights, which I will vigorously enforce if confirmed.

Question 13. Given the enormity of the job, what qualifications, experience, and skills will you be looking for when you nominate your Assistant Secretary for Civil Rights to lead the Office for Civil Rights? Do you anticipate any changes to the role of the Assistant Secretary for Civil Rights or the Office for Civil Rights under your leadership?

Answer 13. The Assistant Secretary for Civil Rights should be a person of integrity, knowledge, and commitment to public service capable of leading and managing a large organization with multiple offices throughout the United States. Knowledge of legal processes, appreciation of the need for fair and efficient enforcement of the laws that protect our Nation's students, and a desire to work with a team dedicated to analysis and application of the rule of law are additional desired qualities.

Question 14. Do you believe that the rights of a victim of sexual violence to continue his or her education is just as important as the right of an accused student to continue his or her education? Will you commit to continuing to catalog the complaints by types listed above so the public and Congress can have a clear picture about trends in title IX enforcement? Will you commit to providing this report annually and making it available publicly on the website and to Congress?

Answer 14. Students have a right to feel safe and protected in their learning environment. Sexual violence is particularly disturbing as its victims often are reluctant to pursue action by the criminal justice system. Protecting the victim's right to privacy and right to decide how and whether to pursue all the legal avenues afforded him/her must be respected.

Sexual violence can impact a student in profound ways, destroying trust and potentially re-victimizing the victim as the most private of relationships is on display for judgment, ridicule and challenge. Innocent victims and survivors of sexual violence who want to continue their education deserve our strong, and unrelenting support. Alleged perpetrators of this violence are also entitled to certain protections, including the right to be considered innocent until proven guilty.

In a non-criminal context, many schools have a zero-tolerance policy for violence as well as honor codes that set these expectations for the entire student body. It is expected that schools will have in place mechanisms to respond to allegations of violence, and processes to fully investigate and respond to allegations of criminal ac-

tivity, including sexual violence, on their campuses. Those procedures must be fair, accessible, and consistent. If confirmed, I will work to ensure robust enforcement of laws that protect students from violence and commit to working with the leadership at the Department to examine mechanisms that improve public access to information and empower students, parents, and others to ensure a safe environment.

Question 15. Do you have any experience working with adult learners or adult basic education programs? If so, please describe this experience, what it has taught you, and how you will use that experience in your oversight of these programs.

Answer 15. Too many Americans are suffering in the current economy. President-elect Trump made improving the employment opportunities of these Americans a cornerstone of his campaign, and his administration will work to improve the prospects of those forgotten individuals.

Reforms enacted in the Adult Education and Family Literacy Act, which was reauthorized in 2014 as part of the Workforce Innovation and Opportunity Act, were meant to help States and communities improve services for adult learners to better provide them the education and skills they need to obtain employment and increase self-sufficiency. If confirmed, I will work through the Office of Career, Technical, and Adult Education to implement these reforms to improve outcomes for adult learners. Combined with other efforts across the government, we have an opportunity to restore the American Dream for all Americans.

I have had personal experience mentoring students in our local public school system. I became very well acquainted with one student's mother, and encouraged her to pursue her GED. Her experience made me realize how difficult the system made this for a single working mother. Many courses were only available during routine business hours, creating an additional hardship for her and her family. The lack of flexibility and adaptability in the system itself is all too often a barrier to success for nontraditional students.

Question 16. What role do you believe the U.S. Department of Education should play to disseminate, promote, or incentivize the policies, practices, initiatives, or programs that you believe contribute to creating a high-quality, accountable, autonomous charter school sector? How would you use your funds for National Activities under the Federal Charter Schools Program program to do so?

Answer 16. I believe the primary responsibility for creating a high-quality, accountable, and autonomous charter school sector rests with States, local communities, and the broader charter school sector itself, not with the Federal Government or the U.S. Department of Education.

At the same time, I support high quality, accountability, autonomy, and transparency. If confirmed, I look forward to working with you to discuss how funds for National Activities under the Federal Charter Schools Program can most effectively be used to disseminate technical assistance and best practices to States, local school districts, charter schools, and charter school authorizers to help improve quality, strengthen accountability, and protect the autonomy of charter schools.

Question 17. At a 2015 South by Southwest education conference, you told a story about Aviation Academy, the charter school you and your husband founded. You said,

“There’s also, you know a contract that parents will sign—parents and students will sign—that talks about what the expectations are for personal behavior and commitment to one’s education and so forth.”

And you said that, “some students self-disqualify based on what expectations are communicated.” Based on this statement, should we conclude that you believe that charter schools do not have an obligation to serve all students—that is that some students—maybe, using your example, students with challenging behaviors do not need to be served by public charter schools?

Answer 17. To your first question, no, you should not conclude anything other than what I said. To correct the record further, the school you reference—the West Michigan Aviation Academy—was founded by my husband.

Parents may choose not to enroll their children in a charter school or a student may decide that a particular charter school is not right for them. These scenarios are perfectly acceptable and, in no way, suggest that charter schools are unwilling to serve all students. Hopefully local communities encourage school cultures where transparency around expectations and culture are communicated honestly, openly and freely.

Public charter schools serve all children.

Question 18. Will you continue Federal data collection efforts to link charter schools with their management entities; specifically, will you continue collecting information on Charter Management Organizations and Charter Contracts listed in the SY2016–17 EDFacts files C196, C197, and C198?

Answer 18. If confirmed, I will review these data collection efforts and determine what is necessary for effective charter school management. As well, I will look forward to working with charter school officials, management organizations and other stakeholders.

Question 19. In a report released by the Office of the Inspector General for the U.S. Department of Education on September 29, 2016, the U.S. Department of Education outlined ways it intends to help Federal agencies and States assess and mitigate the financial risks posed by charter schools with Charter Management Organizations (CMO) relationships. This included providing guidance and technical assistance to States, convening a formal oversight group within the U.S. Department of Education, and working with external partners and interest groups like charter schools and charter school authorizers. Under your tenure, what actions will the Department of Education take to honor these commitments?

Answer 19. If confirmed, I will review the Inspector General’s report and issues raised. I am committed to giving parents high quality educational options from which to choose the right learning environment for their children. I will work with States, local communities, charter management organizations, charter schools, and other stakeholders to hold schools accountable for educating students and providing them the skills and knowledge they will need to be successful.

Question 20. Your record speaks to being a big believer in free markets and competition, but the record of for-profit virtual schools shows that they operate in anything but a “free” market. K–12, Inc.—where you and your husband were previously investors—spends millions of dollars lobbying in State capitals around the country to weaken accountability for virtual schools. Kevin Huffman, an education reformer who served as education commissioner for a Republican Governor in Tennessee, described his unsuccessful efforts to close the failing virtual school there as one of his biggest regrets during his tenure as commissioner. The value-added scores measuring how much students learn were dead last for that K–12, Inc. school out of 1,600 schools in the State in its first year and in the lowest level of performance in subsequent years. Yet through intense lobbying pressure the school has remained open. In a true free market, this school would have closed down long ago. As Secretary, how would you support State leaders wanting to hold these failing schools accountable for results?

Answer 20. I have not had a financial interest in K12, Inc. in nearly a decade. I believe States have the obligation to set accountability standards and if schools consistently fall below those standards, they should be closed whether they are virtual, place-based, traditional, or charter schools. I will certainly support States in their efforts to hold all schools accountable and will provide technical assistance, training, or other support as appropriate.

Question 21. You’ve been on the record supporting full-time virtual schools. But recent studies of virtual charter schools funded by the charter-supporting Walton Family Foundation, the conservative Fordham Foundation, reports published by the National Alliance for Public Charter Schools and National Association of Charter School Authorizers, and an investigation by Education Week painted a very concerning portrait of their performance. In particular, the Walton funded study from CREDO found that students in virtual charter schools had far less growth in math and reading compared to similar students in traditional public schools. Those gaps equate to 72 fewer days of growth in reading and 180 days—a full school year—in math. Given those results, do you think it is appropriate to continue to advocate for virtual schools? Why do you think their performance is so poor?

Answer 21. I support great schools in all forms—public, private, magnet, home, religious and virtual. Unlike other public schools, charter schools can—and should—be closed when they fail to meet the obligations outlined in their charters. We need to bring traditional neighborhood schools up to the same high-level of accountability as public charter schools.

High quality virtual charter schools provide valuable options to families, particularly those who live in rural areas where brick-and-mortar schools might not have the capacity to provide the range of courses or other educational experiences for students. Because of this, we must be careful not to brand an entire category of schools as failing students. For example, the following virtual academies have 4-year cohort graduation rates at or above 90 percent:

Idaho Virtual Academy (IDVA): 90 percent,
 Nevada Virtual Academy (NVVA): 100 percent,
 Ohio Virtual Academy (OHVA): 92 percent,
 Oklahoma Virtual Charter Academy (OVCA): 91 percent,
 Texas Virtual Academy (TXVA): 96 percent,
 Utah Virtual Academy (UTVA): 96 percent, and
 Wisconsin Virtual Academy (WIVA): 96 percent.

As the Chairman of the Senate Committee on Health, Education, Labor, and Pensions has said, "Washington, DC should not be a national school board." We need to respect the differences between rural, urban and suburban communities and help ensure every community has the tools to succeed.

If confirmed, I will implement each Federal program under my jurisdiction consistent with the requirements spelled out by Congress to ensure that taxpayer funds are spent well and students are well-served.

Question 22. The White House Initiative on Educational Excellence for Hispanics is critical in shedding light on the educational disparities facing Hispanic students. What are your plans for WHIEEH? The White House Initiative on Educational Excellence for African Americans is critical in shedding light on the educational disparities facing African American students. What are your plans for WHIEEAA? The White House Initiative on Asian American and Pacific Islanders is critical in shedding light on the income and educational disparities facing the AAPI community. What are your plans for WHIAAPI and other affinity groups that contribute to monitoring the needs of AAPIs?

Answer 22. If confirmed, I look forward to reviewing these initiatives and their outcomes on behalf of Hispanics, African Americans, and Asian Americans and Pacific Islanders. All students deserve to have access to high-quality educational environments where they can learn, thrive and succeed.

Question 23a. The U.S. Department of Education Office for Civil Rights' mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our Nation's schools.

Under your leadership, how will students, parents, educators and other community stakeholders access important data and information to interpret civil rights laws set forth by Congress, promote accountability and transparency, and ensure equal educational opportunity?

Answer 23a. In addition to several large data sets and collections maintained by the Department of Education, the Office for Civil Rights (OCR) is statutorily authorized to collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of OCR.

Additionally, the Assistant Secretary for Civil Rights is required to make an annual report to the Secretary, the President-elect, and the Congress summarizing the compliance and enforcement activities of OCR and identify significant civil rights or compliance problems on which, in the judgment of the Assistant Secretary, adequate progress is not being made. If confirmed, I will continue to support this information being made available as required by law.

Question 23b. Will you prioritize funding for Civil Rights Data Collection?

Answer 23b. The Civil Rights Data Collection is an important, longstanding tool of the Department. If confirmed, it will continue to have my support.

Question 23c. Will you provide resources for technical assistance to districts seeking to address student discipline, racial and gender diversity, accommodations for students with disabilities, and pregnant and parenting students?

Answer 23c. Yes. If confirmed, I will work to ensure schools, colleges and universities have access to the information and technical assistance needed to address these issues.

Question 23d. Between fiscal year 2009 and fiscal year 2016, OCR resolved over 66,000 civil rights cases. Will you prioritize funding for investigations into potential civil rights violations?

Answer 23d. If confirmed, I will work to ensure that the Office for Civil Rights has the requisite resources to fulfill its statutory mission.

Question 24a. OCR has issued a number of guidance documents on the topic of rethinking discipline to address disparities on the basis of race, sex, and disability and reduce the use of exclusionary discipline practices.

Do you intend to maintain these documents and enforce the protections and support the approaches outlined in them?

Answer 24a. If confirmed, I will look forward to reviewing those documents and encouraging all stakeholders to dialog on the right next steps.

Question 24b. Exclusionary discipline practices (e.g., suspensions, expulsions, referrals to law enforcement, and school-based arrests) disproportionately impact Black and Latino students, students with disabilities, and students who identify as lesbian, gay, bisexual, transgender, or queer (LGBTQ) in both traditional public schools and charter schools. What should be done to address this problem?

Answer 24b. Ensuring that schools are safe learning environments for all students—as well as safe work environments for all staff—is an important shared priority. If confirmed, I look forward to exploring this important issue with State Education agencies, local education agencies and other key stakeholders and to examining ways to disseminate effective best practices.

Question 25. While 39 percent of White girls tested at or above proficient on the science portion of the 8th grade National Assessment of Educational Progress (NAEP) exam in 2011, only 9 percent of Black girls, 13 percent of Hispanic girls, and 15 percent of American Indian and Alaska Native girls achieved proficiency. Similar disparities exist across multiple subjects and multiple grade levels. What will you do to close the STEM gender and racial gap?

Answer 25. A strong pipeline of students interested in pursuing STEM careers, including research in these subject areas, is important to our Nation's success. And this strong pipeline would not be complete if we do not work to dramatically increase the number of girls and minorities who pursue STEM careers. If confirmed, I will work closely with other agencies, including the NSF, to improve coordination of STEM education and research initiatives and to highlight best practices related to engaging more girls and minorities in these fields of study.

Question 26. Many hoped ESSA would require disaggregation of student data for all AAPI subgroups. While there is no Federal statutory requirement in ESSA, States and school districts can (and do) disaggregate their student data by AAPI subgroups. Will the Department continue grant programs such as the Asian American and Pacific Islander Data Disaggregation Initiative (the "D2 Program"), issue guidance, and provide technical assistance to help and encourage States and local school districts to obtain and evaluate disaggregated data on AAPI subpopulations?

Answer 26. It is critical for all parents, including Asian American and Pacific Islander (AAPI) parents, to know their children are learning and how schools are performing. If confirmed, I will look carefully at these grant programs to ensure States and local school districts have the information they need to serve all populations well and provide high-quality educational environments that encourage all children to learn, thrive, and succeed.

Question 27. If you claim to support accountability and transparency, why do the model voucher policies from the American Federation for Children that you chaired fail to require students in private schools receiving vouchers to take the same assessments and report the same data as those in public schools?

Answer 27. The model voucher policies include strong accountability provisions. I've included the language below for your review:

(C) Academic Accountability Standards. There must be sufficient information about the academic impact Parental Choice Scholarships have on participating students in order to allow parents and taxpayers to measure the achievements of the program, and therefore:

(1) participating schools shall:

(a) annually administer either the State achievement tests or nationally norm-referenced tests that measure learning gains in math and language arts, and provide for value-added assessment, to all participating students in grades that require testing under the State's accountability testing laws for public schools;

(b) provide the parents of each student with a copy of the results of the tests on an annual basis, beginning with the first year of testing;

(c) provide the test results to the State or an organization chosen by the State on an annual basis, beginning with the first year of testing;

(d) report student information that would allow the State to aggregate data by grade level, gender, family-income level, and race; and

(e) provide rates of high school graduation, college attendance and college graduation for participating students to the Department or an organization chosen by the State in a manner consistent with nationally recognized standards.

Question 28. Since our Nation's Federal Government continues to face tightening budgets and growing demand for services, we need to invest taxpayer dollars in the most efficient and effective ways possible. Building evidence of what works in education and then making decisions based on that information could help address this situation. The Federal Government has taken some important steps in this direction, including setting aside funds for rigorous, independent evaluations to build the evidence base of interventions that are most effective; structuring Federal competitive grant programs using a tiered-evidence approach that gives greater funds to grantees with greater evidence and less to those with less evidence; and giving preference points in Federal competitive grant programs to grantees demonstrating evidence of effectiveness. But surely more can be done to ensure tax dollars are spent efficiently and effectively. Secretary, what do you think the Department can and should do to use evidence, data and evaluation to inform policy and drive continuous improvement in federally funded education programs?

Answer 28. To be responsible with taxpayer dollars and ensure that our programs are effective, responsive and impactful, we should use reliable data, strong research and rigorous evaluations.

Question 29. Personnel shortages in special education are the result of recruitment and retention challenges. There is both a shortage of professional to fill available positions and a shortage of positions to meet the growing demand for services for America's six million children and youth with disabilities who receive special education services. Shortages of fully certified personnel and unfunded positions impede the ability of students with disabilities to reach their full academic potential and hinder work of districts to prepare all students to be college- and career-ready. The National Commission on Teaching and America's Future estimates that the national cost of public school teacher turnover could be over \$7.3 billion a year. As a result of high turnover, high need urban and rural schools are frequently staffed with inequitable concentrations of under-prepared, inexperienced teachers. The constant retraining of new staff means that high-needs schools can neither close the teacher quality staff nor the student achievement gaps. As the U.S. Secretary of Education what is your plan to ensure a well-prepared, sufficient special education workforce?

Answer 29. Educating, training and preparing great teachers is critical work. All students, including our special education students, deserve effective teachers to help them achieve and succeed. If confirmed, I will work with States, universities, colleges of education and other stakeholders to ensure we have a strong pipeline of well-prepared and effective teachers to meet the important demands of today's student population. We must also strive to attract new teachers to the workforce to address the teacher shortage in urban and rural schools.

Question 30. Research shows that at-risk children who participate in high-quality preschool programs are dramatically less likely to be retained in school, be placed in special education classes, drop out of high school, or depend on public benefits when they are adults. What will you do to help States expand high-quality, affordable early childhood education programs?

Answer 30. Early childhood education is important. This is why it is exciting to see so many States invest in and support early education programs for families. If confirmed, I look forward to working with State and local leaders to support their efforts to provide early childhood education. As you know, the Every Student Succeeds Act (ESSA) included the authorization of Preschool Development Grants to help States improve the services they are providing. If confirmed, I will work with the Secretary of Health and Human Services to confirm the efficiency and effectiveness of all early childhood education programs and initiatives.

Question 31. Have you invested in pay for success programs or social impact bonds? Do you support using "pay for success" contracts in early childhood education?

Answer 31. Not to my knowledge, no. It is an idea worth looking into.

Question 32. As you may know, the Department of Education's Office of Early Learning has played a crucial role in improving access to high-quality early learning across the country. In addition to jointly administering the Preschool Development Grants program, the Office will need to provide technical assistance to States regarding the new provisions around early learning in ESSA. Can we count on you to maintain and strengthen the Office of Early Learning if confirmed?

Answer 32. Early childhood education is important and can help put a child on a path to success and the workforce. That is why it is exciting to see so many States invest in and support early education programs for families. If confirmed, I look for-

ward to working with State and local leaders to support their efforts to provide early childhood education. As you know, ESSA included the authorization of Preschool Development Grants to help States improve the services they are providing. I will work with the Secretary of Health and Human Services to ensure the efficiency and effectiveness of early childhood education programs.

Question 33. Back in the 1970s, the Supreme Court held in *Lau v. Nichols* that it was discriminatory for schools to fail to provide meaningful English language instruction. Today, there are 4.5 million English learners in public schools across the United States. Do you believe in bilingual education? If not, what is the best way to teach those students English, so they can become full members of the classroom and productive members of our society? What can we expect your office to do when schools tell parents to bring their own interpreters to parent teacher conferences or IEP meetings? Do you believe this is a violation of *Lau v. Nichols*?

Answer 33. I support bilingual education. If confirmed, I'll support States and districts in their efforts to provide English learners the resources they need to be successful. We want all students to know English and be active participants in our Nation's community.

Question 34. Your organization, American Federation for Children, which helped craft Mr. Trump's education proposal, has advocated for portability of title I funding within a national school privatization model. Nationally, around 9 million low-income students rely on title I funding. A study from The Education Trust points to the likelihood that under a portability structure, districts with the highest poverty levels are likely to lose a significant share of title I funding, and districts with the lowest poverty levels are likely to gain funding. Why should we endanger the funding for some of the most vulnerable children in our Nation to prop up a system that has not yielded discernibly better results in your State; and what specific steps would you take to ensure that title I funding is not stripped from the communities that need it most?

Answer 34. All parents, regardless of zip code or income level, want to enroll their children in the learning environment that best meets their individual needs. If the local assigned school is not a good fit—perhaps the child has a need that is going unmet—a parent should have the ability to move that child to a different school. As well, what might work for one child, may not work for a sibling, hence the need to give parents options. They know that a one-size-fits-all model of education no longer works for all and that other options exist to personalize and individualize learning. If confirmed, I look forward to working with the President-elect to enhance educational options for all students.

Question 35a. Our financial aid rules allow for-profit colleges to get up to 90 percent of their funding from Federal student aid (known as the "90/10" rule) but a loophole in current law does not count veteran and military benefits as student aid. Recent data released by the Department showed that more than 180 colleges are exceeding 90 percent Federal funding when Department of Defense and Veterans Affairs benefits are included, which results in approximately \$8 billion in Federal aid throwing through this loophole. Many have raised concerns that this loophole also leads to colleges seeing servicemembers and veterans as nothing more than dollar signs in uniform, and to use aggressive marketing to draw them in. For every \$1 attached to a service member or veteran (or spouse or child, in the case of the post-9/11 G.I. bill) enrolled at a for-profit college and paying with military education funds, that college can then enroll nine more dollars from other students who are using nothing but title IV money. Some colleges could derive 100 percent of their revenue from Federal funds, and many come quite close. For these reasons, I am interested to know your thoughts to the following questions.

Do you believe Department of Veterans Affairs Post-9/11 GI bill and Department of Defense Tuition Assistance benefits, paid for by Federal taxpayers, are Federal funds?

Answer 35a. I believe that both the 9/11 GI bill and the Department of Defense tuition assistance programs are benefits earned by our veterans and servicemembers for their dedicated service to our country.

Question 35b. Do you believe it is reasonable to close the 90/10 loophole and count veteran and military benefits as part of the 90 percent cap? If not, please explain why you do not think this is reasonable.

Answer 35b. If confirmed, as Secretary I will enforce the Higher Education Act (HEA) as written. When Congress wrote this rule into the HEA, GI bill benefits were not included. Should Congress change this calculation, I will ensure that its implementation is carried out as prescribed.

Question 35c. Do you believe it is reasonable to expect that colleges receive at least 15 percent of their revenues from sources other than taxpayer dollars? If not, please explain why you do not think this is reasonable.

Answer 35. Originally when this provision was added to the Higher Education Act, Congress set the ratio at 85/15; however, in subsequent legislation Congress changed the ratio to the current 90/10. Should Congress change this calculation, I will ensure that its implementation is carried out as prescribed.

Question 36a. I've been troubled by behavior from a number of colleges over the past several years that have blatantly misused taxpayer dollars and defrauded their students. Unfortunately, in too many instances, the executives that ran these colleges and the accreditors that oversaw bad behavior have not been held accountable. For each of the following questions, please indicate "yes" or "no" whether you believe that their actions represent acceptable or allowable behavior.

(a) Northwestern Polytechnic University: Operated as a Potemkin college that changed failing grades by hand and faked classes and a librarian when it was visited. Do you believe this is acceptable and allowable behavior by a college?

(b) FastTrain College: A college whose owner used exotic dancers to recruit students and was sent to jail for committing fraud in the Federal aid programs. Do you believe this is acceptable and allowable behavior by a college?

(c) Minnesota School of Business and Globe University: Found guilty of committing fraud in marketing and recruitment. Do you believe this is acceptable and allowable behavior by a college?

(d) American Commercial College: A college sued by the Department of Justice for lying about the percentage of its revenue received from the U.S. Department of Education. Following the suit, the college's owner was sentenced to 24 months in prison and ordered to repay \$975,000 after pleading guilty to theft of Federal financial aid. Do you believe this is acceptable and allowable behavior by a college?

(e) Anamarc College: A college that was raided by the FBI in 2014 after an abrupt closure. Family members of the college's owners were later sued and settled a lawsuit for stealing more than \$450,000 from the school. Do you believe this is acceptable and allowable behavior by a college?

(f) Corinthian Colleges Inc. (Everest): A company that refused to comply with Department of Education requests for data on job placement data and for which investigations by attorneys general in California and Massachusetts later found evidence of widespread falsification of job placement rates and other problems. Do you believe this is acceptable and allowable behavior by a college?

(g) Alta Colleges Inc. (Westwood College, Redstone College): A company sued by Department of Justice for falsifying claims for Federal financial aid, the Colorado attorney general for misleading students, and the Illinois attorney general for abusive marketing practices. The company settled all three for a total of \$26.5 million. Do you believe this is acceptable and allowable behavior by a college?

(h) Career Education Corporation (Brooks Institute, Harrington College of Design, International Academy of Design and Technology, Le Cordon Bleu, Missouri College, Pittsburgh Career Institute, Sanford-Brown): A corporation that settled a lawsuit for \$10.25 million with the New York State attorney general in 2013 for falsifying job placement rates and was separately investigated by nearly 20 States' attorneys general for potential violations of statutes and regulations. The U.S. Securities and Exchange Commission, or SEC, and the Federal Trade Commission, or FTC, are also investigating the company. Do you believe this is acceptable and allowable behavior by a college?

(i) Computer Systems Institute: A college that was denied re-certification to participate in Federal student aid programs in 2016 for falsifying job placement rates. Do you believe this is acceptable and allowable behavior by a college?

(j) Daymar College: A college that settled a \$12.4 million lawsuit with the Kentucky attorney general for violating the Consumer Protection Act, including lying about transferability of credits. Do you believe this is acceptable and allowable behavior by a college?

(k) Education Affiliates Inc. (Fortis): A college that settled a \$13 million lawsuit for using fake high schools to help students illegally obtain Federal student aid. Do you believe this is acceptable and allowable behavior by a college?

(l) Education Management Corporation (Art Institutes, Brown College, Brown Mackie College): A company that settled lawsuits with the Department of Justice and several States attorneys general for \$198.3 million for using illegal and deceptive recruiting practices. Do you believe this is acceptable and allowable behavior by a college?

(m) ITT Educational Services Inc.: A company with schools investigated by State attorneys general, the SEC, and the DOJ for illegal recruitment practices. The com-

pany was also sued by the Consumer Financial Protection Bureau for concerns around its private student loans. Do you believe this is acceptable and allowable behavior by a college?

(n) Lincoln Technical Institute: A college that settled lawsuit with the Massachusetts attorney general for \$1 million for falsifying job placement rates. Do you believe this is acceptable and allowable behavior by a college?

(o) National College: A college sued by the Kentucky attorney general in 2011 for misrepresenting job placement rates. Do you believe this is acceptable and allowable behavior by a college?

(p) Salter College: A college that settled a lawsuit by the Massachusetts attorney general for \$3.75 million over questionable recruitment tactics and falsifying job placement rates. Do you believe this is acceptable and allowable behavior by a college?

(q) Spencerian College: A college sued by the Kentucky attorney general for misrepresenting job placement numbers. Do you believe this is acceptable and allowable behavior by a college?

Answer 36a. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws.

Question 36b. With regard to the colleges and examples listed in the previous question, please indicate your views on the following questions with a “yes” or “no” answer.

(r) If you were someone tasked with overseeing the quality of these schools, would you consider it acceptable behavior to name many of these colleges to your “honor roll” 90 times over a 5-year period?

(s) If you were someone tasked with overseeing the quality of these schools would you consider it acceptable to have your approval allow institutions like the ones described above receive more than \$5.7 billion in Federal funds over 3 years?

(t) If you were someone tasked with overseeing the quality of these schools would you consider it acceptable behavior to have on your board an employee of a school who was accused by the California attorney general of intentionally faking job placement rates?

(u) If you were someone tasked with overseeing the quality of these schools would you consider it acceptable behavior to have one-third of your board come from institutions facing lawsuits or other forms of investigations?

(v) Do you believe that failing to do anything about the above examples represents someone who is a reliable authority regarding the quality of education and training?

(w) As a parent, would you be concerned about your child attending an institution of higher education that was being investigated or sued by several State attorneys general or Federal agencies for unfair, deceptive, or abusive practices?

(x) If confirmed, will you ensure that accreditation agencies maintain high standards and are held accountable when they fail to act?

Answer 36b. If confirmed as Secretary of Education, my legal role would not be to determine the quality of a school but rather ensure that they meet all of the eligibility standards for participation in title IV programs as dictated by the Higher Education Act. Each member of the so-called “triad”—States, accreditors, and the Federal Government—has a role in ensuring accountability and protecting students, under current law.

If any one of them discovers information that raises concerns, then that information should be shared among them all so that each may conduct a thorough review and investigation according to their specific role in protecting students.

Question 37. The U.S. Department of Education recently published final “borrower defense” regulations to ensure borrowers who are defrauded receive the relief to which they are entitled under the HEA. These rules contain provisions that would also protect taxpayers from the abuse committed by colleges and universities. Unfortunately, there are far too many examples of this sort of abuse. In November 2015, the U.S. Department of Education and then-California Attorney General Kamala Harris announced a review of job placement rates at locations of Corinthian Colleges, Inc. For example, they found that Everest University accounting associate degree at Brandon had a posted placement rate of 92 percent, but an actual placement rate of 12 percent. Everest University computer information sciences associate degree at Brandon had a posted placement rate of 62 percent, but an actual placement rate of 13 percent. These are just two examples of substantial misrepresentations to students.

(a) Do you commit to implementing provisions in the recently issued “borrower defense” rule that would hold schools accountable for abuses through early warning indicators for potential risks to the taxpayer?

(b) Do you think schools that embellish students’ job prospects should have access to taxpayer dollars?

(c) Do you believe there should be consequences for institutions that engage in manipulation of job placement rates?

(d) For students who were in these programs where there is verified proof of problems with job placement rate data, will you commit to ensuring that these borrowers receive student debt relief, including discharges and refunds, for having been defrauded?

(e) In what other ways do you intend to disincentivize inappropriate treatment of students, including widespread fraud and abuse?

Answer 37. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws. If confirmed, I will review the regulations issued by the Department and utilize those tools to ensure a fair review that protects all parties, including student and taxpayer interests.

Question 38. Nearly five million parents of dependent children are enrolled in college in the United States. However, access to on-campus childcare continues to decline, which hinders student parents’ ability to persist and graduate. Research also shows that parenthood is more common among undergraduate students than many realize, and women, students of color, low-income students, and first-generation students are especially likely to be parents. Yet, many colleges do not track the number of student parents enrolled at their specific school, making it difficult for institutions to understand student parents’ needs and improve their educational outcomes. At your nomination hearing, you said that you “understand the challenge that young mothers face in deciding how to best serve her child’s needs.” Given what we know about national trends and the importance of higher education to a family’s economic security and their children’s future success, I am interested to know your thoughts on ways we can support.

(a) Given this, how will you make sure student parents have access to the resources, such as affordable, quality child care, that they need to earn a degree?

(b) As Secretary of Education, how will you work with colleges and universities to ensure that data on students’ parental status and their academic outcomes are collected and reported?

Answer 38. If confirmed, I will provide technical support to institutions on best and efficient practices in addressing students’ child care needs. In addition, I will review the information the Department currently collects from institutions and evaluate how that data aligns with requirements in the Higher Education Act, including determining what additional information may be necessary.

Question 39. In 2015, the Department released nearly 20 years’ worth of higher education data spanning across all 7,000-plus institutions within the United States. This data was made available through the College Scorecard, a web-based tool aimed at helping students and families make more informed decisions when choosing a college. Other government websites, like the GI Benefits Comparison Tool hosted through Veterans Affairs, also use information from the college scorecard to provide information to veterans who are in the process of considering their post-secondary options. How do you plan to continue to expand the information available to consumers so that they can make the best choices with their investment in higher education?

Answer 39. If confirmed, I will review the information that the Department currently collects from institutions and evaluate how that data aligns with requirements in the Higher Education Act, including determining what additional information may be necessary. Further, I will ensure the information provided conforms with the requirements of the Higher Education Act for the college navigator and college cost information.

Question 40. As part of a package of regulations in 2011, the U.S. Department of Education created a definition for “credit hour” of at least 1 hour per week in lecture and 2 hours on work outside of class. The definition creates a baseline for how colleges measures how much time students spend in class and on coursework and, critically, how that time translates into Federal aid dollars. As a result, it also creates a basic level of insurance that taxpayer dollars are not being used to fund wildly different amounts of student work. Do you think it’s appropriate for the same level of work done by two students to get different taxpayer support?

Answer 40. If confirmed, I will work to ensure that taxpayer dollars are protected and that rules encourage—not discourage—the creation or expansion of innovative delivery systems. I look forward to working with members of the committee in addressing these issues and striking a reasonable balance that protects taxpayers, but also allows institutions to offer education in a manner that best meets the needs of students.

Question 41. One way to reduce regulatory burden on colleges and universities, increase transparency, and improve the focus on outcomes in higher education would be to establish a student level data system. Information on employment outcomes already exists (at the Federal level) within data sets at the Internal Revenue Service and Social Security Administration, and this data can easily be provided a secure, anonymized, and aggregate basis for institutions and programs as it is for other student aid operations. But policymakers, accreditors, institutions and students do not have access to that information because of a 2008 provision in the Higher Education Opportunity Act to block access to student-level data. An analysis by the New America Foundation suggests colleges could save 633,000 hours of burden if the Federal Government used a more efficient student-level data system. Will the Administration support be reducing regulatory burden by lifting the ban on transparent, student-level data?

Answer 41. As you note, Section 134 of the Higher Education Act (HEA) prevents the Department of Education from implementing a student unit record system. As Congress works to reauthorize the HEA, I look forward to working with you, if confirmed, to ensure that privacy concerns are addressed and implementing the law.

Question 42. The U.S. Department of Education has maintained the Federal Student Aid Data Center to collect and provide information about the Federal student aid programs. Will you commit to maintaining the public availability of each data item below (please indicate yes or no):

- (a) Quarterly updates on loan and grant volume by an institution, including breakdowns of recipients by loan and grant type, as well as unduplicated counts.
- (b) Financial responsibility scores.
- (c) Overall portfolio analytics, including but not limited to delinquency rates, repayment plans, loan statuses, and usage of income-driven repayment plans.
- (d) FAFSA completion data by high school and by State.
- (e) Final program reviews.
- (f) Required letters of credit.
- (g) 90/10 revenue percentages for proprietary schools.
- (h) VA and DOD estimates on the amount and percentage of funds received by institutions from each Federal educational program, including VA's Post-9/11 GI bill benefits and Military Tuition Assistance.

Answer 42. The Federal Student Aid Data Center provides information that is used by students, institutions, researchers, and policymakers. If confirmed, I look forward to reviewing the information that is provided and ensuring that the Data Center is providing useful information about activity related to title IV programs.

Question 43. Cohort default rates (CDRs) are currently used by the U.S. Department of Education to determine institutional eligibility for title IV student aid. Yet using CDR's as a barometer for borrower outcomes often does not show the full picture of how borrowers are faring while repaying their loans. CDRs do not account for the percentage of students who borrow, nor do they indicate whether or not a borrower is actually paying down the principle of their loan. Many have suggested using loan repayment rates in lieu of default rates as an accountability metric. One commonly used definition of repayment measures the number of borrowers who have repaid at least \$1 of their principal balance over a certain period of time (1, 3, 5, or 7 years after entering repayment).

- (a) Do you believe that repayment rates are a better indicator of borrower behavior than cohort default rates?
- (b) Do you believe students and parents should be able to easily see the percentage of students who borrow when viewing any indicator of borrower behavior or success?
- (c) What metric do you believe should be used to measure borrower outcomes and determine institutional eligibility for student aid?

Answer 43. If confirmed, I will gather stakeholders and look carefully at this issue to determine whether the use of cohort default rates is the best tool for determining institutional eligibility for title IV student aid. I believe students and parents need reliable information and transparency about student loans, default rates, and repayment rates to make informed choices. We, as a country, have simply not done a good

job of giving students and their families the best possible information upon which to base their choices.

We need to work together to find solutions. As you consider the reauthorization of the Higher Education Act, and if I am confirmed, I look forward to working with you to find the right way to get that valuable information to students and families.

Question 44. For students, the most critical relationship they have when managing their student loans is with their servicer, who is responsible for helping to manage students' accounts, process their monthly payments, and communicate directly with them about their repayment options. However, a 2015 report by the Consumer Financial Protection Bureau found that many servicers are failing to provide the basic level of support necessary to meet borrowers' needs, including losing key paperwork, misapplying payments, or not giving students accurate information about their repayment options. A June 2016 report by GAO found widespread customer service problems with Federal student loan servicers, including no minimum standard for servicer call center hours. As a result, each student loan servicer sets its own hours, and some borrowers have limited access to assistance. The same GAO report acknowledged there may be a disincentive, in terms of lack of compensation, for servicers to counsel borrowers on debt relief programs that may benefit the borrower but necessitate loan transfer to a different servicer. Finally, as you may know, the Department of Education is currently in the process of recompeting the Federal contracts for servicing the Direct Loan portfolio. Two critical components of this re-compete are: (a) streamlined borrower experience via a single web portal through which all borrowers can find the latest information about their loans, make payments and apply for benefits, and (b) better customer service practices that will be common for all borrowers and that meet high standards to ensure borrowers' needs are met consistently, regardless of what contractor is providing that customer service.

(a) The single web portal and consistent standards would eliminate these problems. If confirmed, do you commit to continuing the development of a single web portal for borrowers and to implementing new servicing standards to ensure borrowers receive the help they deserve?

(b) If confirmed, do you commit to promptly implementing the GAO's recommendation that the Secretary of Education should develop a minimum standard that specifies core call center operating hours to provide borrowers, including those on the West Coast?

(c) What actions will you take as Secretary to hold servicers accountable and help to create consistent and transparent standards for all servicers so that students are getting the help they need to manage their loans?

(d) What other actions do you think should be done to continue to improve service to borrowers?

Answer 44. We should do everything possible to ensure our students are getting excellent servicing on their student loans. As you consider the reauthorization of the Higher Education Act, and if I am confirmed, I look forward to working with you to find the right way to improve the experience of students regarding the servicing of their student loans.

Question 45. Millions of young people across the country have access to higher education only because of the Federal loan and grant programs. In 2010, Congress passed legislation that ended the Federal Family Education Loan (FFEL) program, requiring all Federal loans since that time to be made through the direct lending program. The partnership established through the Direct Loan program between private loan servicers and the Federal Government has saved American taxpayers billions of dollars while increasing the efficiency of delivery. CBO has estimated that ending costly subsidies to banks and private lenders would save the Federal Government more than \$60 billion over a decade. But there have been conversations to reinstate this type of indirect lending program back into the Federal student loan system, once again diverting critical taxpayer money away from student supports to private banks. President-elect Trump has said that the Federal Government should not be making money off of student loans, so I am very interested in your views on how to support current and future borrowers with student loans.

(a) Do you support bringing private banks back into the student loan program and subsidizing them with taxpayer dollars?

(b) If confirmed, will you commit to taking no action that will undermine the operational capacity, financial health, or long-term viability of the Direct Loan program?

(c) If confirmed, will you oppose a change in accounting rules that merely hides student loan revenues and does not actually improve benefits for students or borrowers?

(d) Do you think there are any changes we should make to the defaulted student loan debt collection process?

Answer 45. As you know, the U.S. Department of Education is now one of the country's largest banks. I think we must look carefully at how the direct loan program is functioning. It's the responsible thing to do, especially with taxpayer dollars at stake. If confirmed, I look forward to working with the committee during the reauthorization of the Higher Education Act to find the best ways for students, institutions, States and the Federal Government to share the risk of bearing the costs of higher education. A lot has changed since 2008, when the Act was last reauthorized. I think the law needs to be updated to reflect those changes and we need to think more innovatively about how we help students finance their post-secondary education.

Question 46. The Consumer Financial Protection Bureau has been an enormously effective regulatory body. The agency has highlighted cases of deceptive financial practices, pursued this misconduct, and recovered nearly \$12 billion for consumers. Specifically, the CFPB's Office of Students and Young Consumers has highlighted poor student loan servicing practices and in doing so, has not only given students a voice, but has also advocated and defended the rights of our service members. How will your Department support, collaborate, and work with the CFPB?

Answer 46. I will collaborate with other agencies and applicable regulatory bodies to ensure that students and their families are getting transparent data and reliable information about the institutions or services in which they are interested so they can make informed decisions.

Question 47. Many students and families are concerned by the complexity and time needed to complete the Free Application for Federal Student Aid (FAFSA) in order to receive critical financial aid. During your committee testimony, you agreed it was a worthwhile effort to simplify the FAFSA, saying "I don't think we should make it any more difficult than absolutely necessary for students to be able to further their education." With that in mind:

(a) In any effort to simplify the FAFSA, which population(s) of students do you believe should receive the greatest decreases or increases in "burden" as measured by time to complete the application?

(b) Do you believe low-income students and families should have an easier process of applying for aid than students and families with more complicated financial circumstances?

(c) Do you support letting students and families know about all the benefits they might qualify for after they complete the FAFSA, including means-tested benefits?

Answer 47. I agree we need to simplify the Free Application for Federal Student Aid. The act of applying for student aid should never, in and of itself, be a barrier to post-secondary education.

Question 48. As you may know, misconduct related to the use of taxpayer dollars at for-profit colleges is not a new phenomenon, with previous major scandals occurring in the 1950s, 1970s, and the late 1980s. When the problems emerged in the Reagan administration, Secretary of Education William Bennett released a report about for-profit colleges in 1988 that said, among other things, that,

"You will find accounts of semi-literate high-school dropouts lured to enroll in expensive training programs with false hopes for a better future cruelly dashed. You will read of falsified scores on entrance exams, poor-quality training, and harsh refund policies. The pattern of abuses revealed in these documents is an outrage perpetrated not only on the American taxpayer but, most tragically, upon some of the most disadvantaged, and most vulnerable members of society."

Secretary Bennett pledged to "put some of them out of business right now . . . to get institutions that are exploiting kids and exploiting taxpayers out of the business." In 2012, a Senate HELP Committee investigation and report on for-profit college abuses was released to help guide the Department in developing policy.

(a) Will you commit to reviewing the institutional history of the Department of Education's actions to constrain abuses by for-profit colleges since the inception of the Higher Education Act of 1965?

(b) Have you seen and read the 2012 Senate HELP Committee report? If not, will you commit to reading it before you are confirmed?

Answer 48. Let me be clear: Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions. When we find them, we should act decisively to protect students and enforce existing laws. What I do not want to do is discriminate against or be intolerant of an institution of higher edu-

cation simply because of its tax status. If confirmed, my role as Secretary, in part, would be to ensure the Higher Education Act is faithfully implemented and I will work to ensure faithful implementation across the board—whether the school is a public, private non-profit, or a for-profit school. Accountability is for ALL schools, and I intend to use the various tools at my disposal to enforce the law. If I am confirmed, I believe the Department can play a role in highlighting the best and worst practices in this regard.

Question 49a. One of my key areas of focus for higher education policy and regulation will be institutional accountability, and how the Federal Government can better protect the approximately \$150 billion that colleges and universities receive from students from the Federal student grant and loan programs. For-profit institutions only enroll about 10 percent of all post-secondary students but receive a disproportionate share of Federal dollars and account for 35 percent of all student loan defaults. Owners and executives of for-profit colleges can also pocket as much of the tuition money as they want, while public and other nonprofit schools must commit their resources to education and instruction and are not allowed to allocate net revenue to themselves.

Do you believe that protecting students and taxpayers is an ideological or partisan matter?

Answer 49a. No.

Question 49b. If confirmed, what steps will you take to address the disparity of for-profit institutions using a disproportionate share of Federal aid?

Answer 49b. If confirmed, I look forward to reviewing the data related to the use and flow of Federal student aid, as well as the factors behind the data.

Question 49c. If confirmed, what steps will you take to reduce the outsized number of defaulters coming from for-profit colleges?

Answer 49c. If confirmed, I look forward to engaging with Congress, borrowers, and institutions of higher education regarding ways to reduce student loan defaults.

Question 49d. Do you believe that fundamentally different types of corporate control structures governance by owners versus governance by trustees—results in different decisions and behaviors by for-profit institutions compared to nonprofit and public schools?

Answer 49d. No.

Question 49e. What do you see as the advantages and disadvantages of each form of institutional control?

Answer 49e. I believe institutions have a responsibility to serve their students in the best manner possible regardless of tax status, or organizing structure.

Question 50. Last year, ITT Educational Services, Inc. (“ITT Tech”) announced that it would close 137 campuses and declared bankruptcy following oversight actions by the Department. This national for-profit college chain was told by its own accreditor that the company “is not in compliance, and is unlikely to become in compliance with [ACICS] Accreditation Criteria.” However, the company took in more than \$11 billion from students and from taxpayer-financed grants and loans over the last decade. ITT Tech was under investigation or sued in recent years by the Securities and Exchange Commission, the Consumer Financial Protection Bureau, and the attorneys general of New Mexico, Arkansas, Arizona, Connecticut, Idaho, Iowa, Kentucky, Missouri, Nebraska, North Carolina, Oregon, Pennsylvania, and Washington. But these investigative actions have stalled as a result of ITT Tech’s legal tactics and its Federal bankruptcy trustee, which have sought to halt any new evidence against the company from becoming public.

(a) Do you believe that students and taxpayers have a right to know the truth about the company’s actions potentially fraudulent actions, or do you believe that investigations should stop in order to protect the company’s executives?

(b) If the Department obtains any information that would be pertinent to these investigations, do you commit to making that information public?

Answer 50. Fraud should not be tolerated. Period. If confirmed, I will use the tools available to address these types of concerns.

Question 51. A recent working paper from the National Bureau of Economic Research (NBER) by Stephanie R. Cellini, Rajeev Darolia, and Lesley J. Turner explored the enrollment implications of sanctioning colleges that fail to serve students, and in particular colleges that leave too many students unable to repay their student loans. Ensuring that students are able to continue their educational pursuits when their colleges harm their prospects through default or unmanageable debt is

critically important. This NBER study found that enrollment losses from sanctioned colleges, which are predominantly in the for-profit sector, are offset by gains in enrollment in local community colleges. This suggests that the loss of Federal student aid for poor-performing for-profit colleges does not reduce overall college-going but instead shifts students across higher education sectors and to more affordable options. The NBER study also found that sanctions are associated with sizable reductions in county-wide borrowing and default, which is unsurprising given lower costs and better job placement at community colleges.

(a) Do you believe it is a positive outcome to protect students and taxpayers from poorly performing colleges, particularly when the evidence shows that impacted students can and do find alternative programs to fit their needs?

(b) Given that there is little to no negative impact on college access, is there any reason you would not take action to protect students and taxpayers by enforcing current Federal laws and regulations?

Answer 51. If confirmed, I will protect students and taxpayers. As such, I will faithfully implement the provisions of the Higher Education Act.

Question 52a. One reason much of the deception and fraud in the for-profit industry went unnoticed for so long was the use of restrictive clauses by the institutions to silence students and employees from speaking out when they encountered problems, also known as “gag orders.” Additionally, some institutions choose to use pre-dispute or “forced” arbitration to prevent students from seeking legal redress to fraud and abuse through the courts. I find these practices very concerning.

Do you believe that students who have concern or complaints about their institutions have the right to raise those concerns publicly?

Answer 52a. Yes.

Question 52b. Will you work on behalf of students, former students, and employees to provide them with a choice for how they can file and pursue a complaint?

Answer 52b. Numerous complaint processes exist through the States and courts.

Question 52c. When students are defrauded by their college, do you believe they have a right to seek legal remedies in court?

Answer 52c. Yes.

Question 52d. If students who believe they were defrauded by Trump University were able to get some of their money back in a \$25 million settlement with the President-elect, do you believe our Federal loan borrowers should also get relief when their schools mistreat them?

Answer 52d. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions. If confirmed, I will act decisively to protect students and enforce existing laws.

I should note, Trump University was not a recipient of Federal student aid, nor an accredited college or university, and therefore would not fall under my jurisdiction as Secretary of Education.

Question 52e. What role will you play as Secretary to ensure that all institutions of higher education remain transparent in their dispute resolution processes, to allow students to complain publicly and to go to court if they so choose?

Answer 52e. If confirmed, I will use the tools available to the Secretary outlined in the Higher Education Act.

Question 53. A promising practice to improve student success at community colleges around the country is “career pathways.” The current Administration has improved coordination between the Departments of Education and Labor to promote and support the expansion of this innovative practice.

(a) If confirmed, would you direct the Department of Education to continue its collaboration with the Department of Labor on career pathways?

(b) In what other ways might the coordination between the Departments of Education and Labor be improved?

Answer 53. I strongly believe there needs to be alignment between post-secondary education and workforce needs. But to be clear, productive employment is not the only purpose of higher education.

Too many people are unemployed and underemployed while many good jobs are being left unfilled. This is an issue that I hope we can work together on as Congress considers the reauthorization of the Higher Education Act, if I am confirmed. I am interested in the coordination between the Departments of Education and Labor around career pathways and, if confirmed, will look carefully at these coordination efforts and consider how the Department of Education can work with other agencies

to do everything possible to help students find a successful path to a fulfilling job or career.

Question 54. According to a recent report, racial gaps in college completion between white and African American and Hispanic students have widened significantly since 2007. At the same time, the face of the American college student is changing. Students from low income backgrounds, as well as older students and students with children, are increasingly enrolling in colleges across the country. Yet, retention and graduation rates are low for these students compared with so-called “traditional college” students.

(a) With 65 percent of jobs by 2020 requiring education beyond high school, how will you as Secretary help ensure that our historically disadvantaged students are able to access and complete college at a rate comparable to their white classmates, in order to ensure that students from all backgrounds have a fair shot of getting the jobs they need to be successful in a 21st century economy?

(b) Given that creating a highly skilled, competitive American workforce increasingly requires a college degree, what will you do to ensure that traditionally underserved students are able to enter and succeed in college?

Answer 54. The goal of the Federal student aid programs is to ensure access to post-secondary education for traditionally underserved populations. These programs are supported by college access programs like TRIO and GEAR UP. If confirmed, I will review these and other programs to ensure they are operating as effectively as they can be. Should these programs need reform because they are not producing appropriate outcomes, I look forward to working with you and your colleagues to strengthen them during the upcoming reauthorization of the Higher Education Act.

Question 55. Many students who attend community colleges plan to transfer onto a 4-year university, which can save them a lot of money on tuition and fees. About 40 percent of all of America’s undergraduate students are enrolled at community colleges, and a large majority (81 percent) say their ultimate goal is to earn at least a bachelor’s degree. However, there have been numerous reports documenting the difficulty that community college students face due to the loss of credits from courses that 4-year institutions do not accept or do not count toward a major. A 2014 study from the City University of New York found that than more than 1 in 10 community college students lose nearly all of their course credits and must essentially start over after transferring, and a further 17 percent transferred less than 10 percent of their credits.

(a) What responsibilities do you believe that receiving institutions have to accept student credits?

(b) Do you think States should establish articulation agreements to smooth this process and give students assurance about which credits will transfer to in-State institutions?

Answer 55. Matters related to the transfer of credit are academic in nature and the Higher Education Act specifically prohibits the Secretary from being involved in matters of an academic nature.

Question 56. As you well know, while some adults enrolled in adult education are still seeking their high school diploma or equivalent, a surprising number of American adults with a high school diploma still struggle with basic skills. Twenty percent (20 percent) of adults with a high school diploma have less-than-basic literacy skills and 35 percent of adults with a high school degree have less-than-basic numeracy skills. According to a recent study, conducted by OECD’s Program for International Assessment of Adult Competencies (PIAAC), at least three million low-skilled American adults would like to enroll in Adult Education services, but cannot access a program. Without access, undereducated, underprepared adults cannot qualify for jobs with family sustaining incomes that require not only a high school equivalency, but also some college—preferably a 1- or 2-year certificate. Adults without a high school diploma or functioning below high school level have a difficult time qualifying for community college programs or access high demand occupations. If confirmed, how do you envision the Department and the Administration incorporating Adult Education into its competitiveness agenda?

Answer 56. In raising the issue of “undereducated, underprepared adults” you make a case for the need to improve education. When schools fail our students, there are long term consequences, both for individuals who are deprived of the knowledge and skills they need to be successful and our Nation which is dependent on the innovative, creative and economic contributions of its citizens. It is why we need to do more to provide parents with high quality educational options.

Sadly, too many Americans are suffering from a lack of skills. President-elect Trump made improving the employment opportunities of these Americans a corner-

stone of his campaign, and his administration will work to improve the prospects of those left behind in this economy. If confirmed, I will work with the Office of Career, Technical, and Adult Education and other relevant agencies to improve outcomes for adult learners. Combined with other efforts across the government, we have an opportunity to restore the American Dream for all Americans.

Question 57. The price of college textbooks has increased substantially over past decades. For many students, this cost can represent a significant portion of the overall costs of attendance. Some students avoid or postpone expensive textbook and access code purchases, putting them at risk of missing valuable course content and assessment activities. However low- or no-cost digital resources have rapidly expanded in recent years. Not only do these resources reduce the cost of education, but many community colleges have found that overall course retention and success increases when all students access course materials at the same time, at the start of a course.

(a) If confirmed, will you help to advance the use of “open textbooks” which are freely used, adapted, and distributed—and can save students significant money?

(b) Do you support requiring recipients of competitive Federal grant dollars to make any content they generate with taxpayer dollars more freely available?

(c) Would you support the development of a Federal open course library to share course materials that are freely available to students?

Answer 57. The 2008 reauthorization of the Higher Education Act (HEA) created a number of new requirements designed to help students better understand the cost of textbooks and get the appropriate information so they could shop for their books. If confirmed, I would first ensure the law is being implemented appropriately. If confirmed, I will work with you and your colleagues to explore any remaining issues, including the question about the proliferation of “open textbooks” during the HEA reauthorization.

Question 58. Today, more than 42 million Americans owe a collective \$1.4 trillion in student loan debt. About 70 percent of bachelor’s degree graduates borrow for college.

(a) Do you believe that student debt holds back some borrowers from starting a family?

(b) What do you believe should be done to reduce current levels of debt for existing borrowers?

Answer 58. I think we can all agree the growing amount of student debt in America is a serious challenge. A key component of the American Dream is the belief that tomorrow will be better than today, especially for the next generation. Yet, that opportunity is now at risk. For too many Americans, higher education has become unaffordable and disconnected from the Nation’s economic realities.

As I said during my confirmation hearing, there is no magic wand to make the debt go away, but we do need to act. It would be a mistake to shift that burden to struggling taxpayers without first addressing why tuition has gotten so high. For starters, we need to embrace new pathways of learning. The old and expensive brick-mortar-and-ivy model is not the only one that will lead to a prosperous future. Students should be able to make informed choices about what type of education they want to pursue post-high school and have access to a variety of high quality options. President-elect Trump and I agree we need to support all post-secondary avenues, including credentials, trade and vocational schools and community colleges.

In addition, President-elect Trump spoke about several ways to address the issue of student debt during the campaign. One of the best ways to address this issue is ensure students can get jobs after they complete their post-secondary program. And President-elect Trump has spoken extensively about his plans to put Americans back to work and boost the Nation’s stagnant economy.

We are also interested in making sure students have good information about the costs of college and the labor market outcomes of fields so they can make informed decisions.

Question 59. Campus-based aid is a key source of support for millions of post-secondary students. Yet the distribution of campus-based aid has been based on a formula that largely considers past participation in the program as well as institutional cost, neither of which are closely associated with level of need that students have for this aid. The result is that institutions serving the largest number of low-income students, such as community colleges, often receive less aid for their students under Supplemental Educational Opportunity Grants and Federal Work Study. Would you support efforts to reform the campus-based programs to align it more closely with the number or percentage of needy students served?

Answer 59. If confirmed, I look forward to working with you during the reauthorization of the Higher Education Act to review the campus-based aid program.

Question 60. In late 2015, Congress reached a bipartisan deal to extend the Federal Perkins Loan program on a limited basis. That deal provided institutions with the ability to disburse new Perkins Loans to undergraduate students through September 30 of this year, while winding down any new graduate student eligibility. The Perkins Loan program provides support to more than 500,000 students who rely on this low-cost loan program to afford college, and required colleges to put some of their own “skin in the game” by providing contributions to a revolving fund. After this current deal expires on September 30, many students and institutions of higher education will be left in an extremely difficult position, so I am interested in your thoughts on how we should deal with this urgent problem.

(a) Do you agree that the Perkins Loan is an important part of the financial aid package that participating institutions create for their students?

(b) Do you believe that students who have exhausted their Direct Loan eligibility should have additional Federal resources made available to help them cover college costs?

(c) If confirmed, will you support congressional efforts to replace the Perkins Loan program with other affordable Federal loan options for undergraduates who rely on it?

Answer 60. If confirmed, I look forward to working with Congress and engaging in discussions about the structure and future of the Federal aid system during the reauthorization of the Higher Education Act.

Question 61. As you may know, Michigan, North Carolina, and Louisiana are a few of the growing number of States to designate a “single point of contact” on college campuses for homeless and foster youth. These contacts help homeless and foster youth navigate higher education and connect them to college and community resources. In light of the tremendous success of the single point of contact model in these States, do you support requiring all institutions of higher education to designate such a contact?

Answer 61. Foster care and homeless youth face unique challenges in accessing post-secondary education, and I am eager, if confirmed, to help States and institutions of higher education continue to develop or improve policies that prove effective at helping foster and homeless students across our country.

Question 62. Due to the complexity of the unaccompanied homeless youth determination process, many homeless students must go to great lengths to prove that they are homeless and to obtain the required documents to do so. Large numbers of homeless youth report that this documentation is often lost or discarded between academic years, causing them great difficulty in maintaining their eligibility for financial aid. Do you believe that institutions of higher education should retain all required documents for continuously enrolled students that are unaccompanied and homeless?

Answer 62. The reauthorization of the Higher Education Act will provide an excellent opportunity to consider ways to more effectively support homeless students, address their unique challenges in accessing post-secondary education, and help States and institutions of higher education develop or improve policies that are effective at helping these vulnerable students.

Question 63. Homeless and foster youth often lack the financial resources they need to stay enrolled in higher education, and are at a greater disadvantage than other low-income students due to their extreme poverty, lack of family support, and histories of trauma. Work-study programs can help these students earn additional financial resources and stay in school. Do you support policies that would require institutions of higher education to prioritize work-study opportunities for homeless and foster youth?

Answer 63. Foster care and homeless youth face unique challenges in accessing post-secondary education, and I am eager, if confirmed, to help States and institutions of higher education continue to develop or improve policies that prove effective at helping foster and homeless students across our country. The reauthorization of the HEA will provide an excellent opportunity to look at these issues and consider ways to more effectively support homeless and foster students.

Question 64. Homeless youth face unique barriers to accessing the higher education that is their best hope of escaping poverty. A May 2016 GAO report found that burdensome financial aid program rules and extensive documentation requests can hinder the ability of homeless youth to access Federal supports. This same re-

port found that limited academic preparation, family support, and awareness of resources make it harder for homeless youth to pursue college. What will you do to ensure that financial aid administrators understand the specific vulnerabilities of homeless youth, and do not force homeless youth to provide unnecessary documentation of their status?

Answer 64. The reauthorization of the Higher Education Act will provide an excellent opportunity to consider ways to more effectively support homeless students, address their unique challenges in accessing post-secondary education, and help States and institutions of higher education develop or improve policies that are effective at helping these vulnerable students.

Question 65. Lesbian, Gay, Bisexual, Transgender or Questioning students are particularly susceptible to be homeless and make up the largest group of college students affected by seasonal or permanent homelessness. According to the National Conference of State Legislatures, between 20 and 40 percent of homeless youth identify as LGBTQ. This population often lacks a fixed, regular, or adequate nighttime residence. Often, they report themselves to be “couch surfers,” transitioning from friend’s or family’s homes but having no established residence. Without a permanent mailing address, financial aid and educational correspondence is often not received and further hinders the ability for these students to complete their studies. How will you ensure that LGBTQ students are provided with the opportunity to afford college as “independents,” while also creating a safe campus climate for them?

Answer 65. All students deserve an opportunity to pursue their education in a safe and supportive environment. Additionally, as I have stated, I support equality.

If confirmed, I will work with States and institutions of higher education to continue to develop or improve policies that will be effective in helping LGBTQ homeless students. I know homeless youth face unique challenges in accessing post-secondary education and I am eager to help ensure that they have access to education that will enable them to lead happy and productive lives.

The reauthorization of the Higher Education Act will also provide an excellent opportunity to look at these issues and consider ways to more effectively support homeless students.

Question 66. The Department’s Student Loan Ombudsman is a neutral, informal, and confidential resource to help students resolve disputes about their Federal student aid. Sometimes, unaccompanied homeless youth encounter difficulties in completing the process of accessing their financial aid due to conflicts with their college or university financial aid office over the homeless youth determination process. For example, some students are asked to provide documentation that is not required by law or guidance and which would be impossible for those students to obtain—placing them in a terrible position that often leads to the students dropping out. Do you commit to utilizing the Ombudsman group to help homeless youth resolve these disputes and access their financial aid?

Answer 66. If confirmed, I will look closely at the role of the Student Loan Ombudsman and evaluate if there are changes needed to better assist homeless youth in accessing financial aid.

Question 67. Unaccompanied homeless youth and foster youth face numerous barriers to staying enrolled in higher education, including a lack of housing between terms, including winter and summer breaks. This is often a problem even at colleges and universities that offer on-campus housing, but close these facilities between terms.

(a) Do you support policies that would require institutions to have a plan to secure housing for unaccompanied homeless youth and foster youth between terms and academic years?

(b) What additional resources such as financial aid, counseling, and tutoring services do you believe should be offered at the institutional, State, and Federal levels to support unaccompanied homeless youth in higher education?

Answer 67. The reauthorization of the Higher Education Act will provide an excellent opportunity to look at these issues and consider ways to more effectively support homeless and foster students. If confirmed, I am eager to support homeless and foster care youth as they address their unique challenges in accessing post-secondary education and to help States and institutions of higher education continue to develop or improve policies that are effective at helping these vulnerable students.

Question 68. Several recent studies have found that roughly a quarter of college students are going hungry due to a lack of money for basic food, even among students who are employed, participate in a campus meal plan, or receive other finan-

cial aid or material help. Thankfully, there are some means-tested benefits programs that serve students or families who have high levels of economic need. I am interested in better ways to integrate government services to make it easier for the most at-risk students to be able to access and persist in higher education.

(a) Do you believe that the Department of Education should be able to work with the Department of Agriculture to conduct outreach to students that could be eligible for the Supplemental Nutrition Assistance Program (SNAP)?

(b) How would you utilize the abilities and resources of the Department of Education, such as the FAFSA, to inform students and families of other financial resources and benefit programs they may be eligible for?

(c) What strategies would you employ to address barriers to other Federal, State, or local benefit programs that could assist students with financial need?

(d) What should institutions of higher education do to similarly assist students?

Answer 68. Students and families should be able to avail themselves of programs and benefits offered by the Federal Government without having to fight reams of red tape. If confirmed, I look forward to discussing ways the Department of Education and other agencies, including the Agriculture Department, and institutions of higher education can assist our Nation's students as they pursue their post-secondary education. I will look closely at the budget to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years, and will consider carefully the financial needs of all our institutions during that review. Finally, I plan to review the various ways in which the Federal Government is making its programs known to students and families and will take action should I determine the information is not reaching its intended audience.

Question 69. A 2014 report by the University of Pennsylvania Graduate School of Education's Center on MSIs found that, when making appropriations, State governments prioritize predominantly white institutions and flagship institutions at the expense of Minority-Serving Institutions (MSIs), Hispanic-Serving Institutions (HSIs), Historically Black Colleges and Universities (HBCUs), Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs), and Tribal Colleges or Universities (TCUs), also enroll a disproportionate number of first-generation and low-income students. Combined, these MSIs have historically had fewer resources to meet the needs of this growing student population. Do you think that MSIs having fewer resources to serve the students with the greatest need is a problem? If you are confirmed as U.S. Secretary of Education, will you commit to using your position and resources to address this problem and what specific actions do you plan to take to address this funding disparity?

Answer 69. If confirmed as Secretary, I look forward to discussing ways the Department of Education and institutions of higher education can assist our Nation's students as they pursue their post-secondary education and thrive while they are in school. I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years, and will consider carefully the financial needs of all our institutions, including Minority Serving Institutions, during that review.

Question 70. Every President since President Carter has issued an Executive order on HBCUs in order to strengthen the capacity of HBCUs to provide the highest-quality education to a greater number of students, and to require Federal entities to establish annual plans to increase the participation of HBCUs in Federal programs and initiatives. Would you recommend that the Trump administration re-issue an HBCU Executive order and continue a White House Initiative on HBCUs?

Answer 70. Yes.

Question 71. Historically Black Colleges and Universities (HBCUs) play a key role in our higher education system, and like all colleges and universities, undertake capital projects to ensure their students have well-maintained, functional, and safe facilities. Yet, because HBCUs were created to educate a historically underserved community, they have faced challenges achieving financial stability. This is due, in part, to the legacy of discrimination which has, at times, affected their ability to access capital for construction or renovation. To help ensure HBCUs have access to funding for capital projects, the Department of Education provides grants through the Strengthening HBCUs Program and low-cost loans through the HBCU Capital Financing Program which can be used to construct or renovate facilities. There have been concerns, however, that these programs may be underutilized. In order to gain a better understanding of the issue, I wrote—along with House Education and Workforce Ranking Member Bobby Scott, Senate Subcommittee on Children and Families Ranking Member Bob Casey, and Congressional Black Caucus Chairman G.K. Butterfield—to the Government Accountability Office on July 1, 2016 to ask

them to evaluate the capital project needs of HBCUs, the extent that HBCUs are using these existing programs to address their needs, and what steps, if any, can the Federal Government take to better ensure HBCUs have access to funding for capital projects. If you are confirmed as Secretary of Education, will you commit to closely reviewing the GAO report when it is released and, if feasible, incorporate their recommendations for better administering the programs?

Answer 71. If confirmed, I will review the GAO report and thoughtfully consider the recommendations.

Question 72. The Higher Education Act was last reauthorized in 2008. One important provision in the law for Hispanic-Serving Institutions is title III, part F, which is intended to support STEM-focused grants and articulation programs between 2- and 4-year institutions. This provision is set to expire in fiscal year 2019, during your tenure as Secretary of Education. Considering the dearth of Latinos in STEM fields and the threat this represents to American economic success, will you support congressional efforts to extend the authority and the funding of title III, part F?

Answer 72. I know many of these programs will be a part of a robust discussion as we all examine outcomes of the various programs authorized by the Higher Education Act. We share a goal of ensuring taxpayer dollars are being spent well. If confirmed, I look forward to engaging in that dialog with you and your colleagues.

Question 73. Over 8 million people rely on Pell Grants to afford higher education and attend a college or university of their choice. However, the Pell Grant now covers just 29 percent of college costs at public university compared to 79 percent shortly after the grant was created 40 years ago—forcing low-income and middle-class students to more heavily rely on loans today. To make matters worse, after this year, statutory adjustments that make sure the Pell Grant keeps pace with inflation will expire, thereby freezing critical grant aid for students with financial need as college costs only continue to rise. The declining value of the Pell Grant is also affecting women. And around 40 percent of part-time or part-year undergraduate women, and around 50 percent of full-time, full-year undergraduate women, use Pell Grants to attend college. Many of these women seek education in order to provide a better life for their families. So I am very focused on protecting the Pell Grant to help keep college affordable. During the campaign, President-elect Trump said that he would help students pay for college and manage their debt. However, Republican budget resolutions over the past several years have proposed making staggering cuts to Pell Grants and allowing interest to accrue and balloon for student borrower while they are going to school.

(a) What policy steps will you take not only to protect Pell, but to expand and strengthen it for the next generation of students?

(b) In the President-elect's 2018 budget, will you advise him to make sure the Pell Grant continues to keep up with inflation, or will you let these increases expire, causing 8 million Pell Grant recipients to have fewer resources to cope with rising college costs?

(c) If confirmed, will you stand up against harmful proposals to cut Pell Grants and balance other funding needs on the backs of college students who are working hard to pay for school?

Answer 73. I, too, am concerned with the increasing costs of higher education. For too many Americans, higher education has become unaffordable and disconnected from the Nation's economic realities. Calls for free college and debt elimination in response are in stark contrast to an approach that seeks to address the core challenges in higher education. If confirmed, I look forward to working with you, the Senate Committee on Health, Education, Labor, and Pensions and the Congress to find solutions to these concerns.

Question 74. The Public Service Loan Forgiveness Program (PSLF) provides a path to higher education for critically needed work in public service fields such as first responders, teachers, social workers, and public defenders. Each year, public service employers report difficulty in recruiting and retaining talented staff, leaving many Americans without critically needed services. In particular, our rural, tribal, or other under-resourced communities report enormous difficulties with recruitment and retention of public service workers, and the PSLF program has been of great benefit to these communities. However, there has been a lot of hype from political opponents of PSLF about how many people could benefit from the program. According to the Government Accountability Office report in 2015, only about 643,000 direct loan borrowers repaying their loans through IBR, PAYE, and ICR are likely employed in public service, which would represent less than 1 percent of more than 130 million U.S. workers. I am very interested in your views on protecting this program and making it work better for borrowers.

(a) Will you protect the Public Service Loan Forgiveness program to ensure that thousands of students enrolled in the program can obtain the debt relief they were promised?

(b) Will you actively oppose any efforts to undermine the Public Service Loan Forgiveness program through statute or regulation?

Answer 74. If confirmed, I will faithfully implement the Higher Education Act and will look forward to discussing these issues with you as Congress considers its reauthorization.

Question 75. Do you believe it is appropriate for institutions of higher education to be able to use Federal dollars for marketing, advertising, and recruitment?

Answer 75. I recognize this has been a topic of debate among the members of the Committee in both the House and Senate. If confirmed, I will faithfully implement the Higher Education Act.

Question 76. I am extremely concerned about poor outcomes in higher education, particularly when it comes to students who struggle with the crushing burden of student debt.

(a) What do you propose as solutions for students who have amassed enormous and unmanageable levels of student debt but are unable to obtain licenses or careers in their field of study?

(b) Do you believe it should be permissible for taxpayer dollars to loans for higher education programs from which the bulk of its borrowers that leave the institution persistently fail to earn above the poverty line?

Answer 76. I agree student debt can create strains on individuals. That is why, if confirmed, I look forward to working with Congress on ways to ensure that borrowers of Federal student loans continue to have manageable repayment options that are simple and easy to understand.

Question 77. Federal law prohibits the payment of commissions, bonuses, and financial incentives from being directly or indirectly based on enrolling a student or obtaining their financial aid. On October 30, 2002, then-Deputy Secretary of the U.S. Department of Education William Hansen wrote a memo on the policy for violations of the incentive compensation that dramatically changed the Department's enforcement. In the memo, Hansen stated that, while the Department had historically "measured the damages resulting from a violation as the total amount of student aid provided to each improperly recruited student," he was directing Federal Student Aid to no longer view violations of incentive compensation as resulting in monetary loss to the Department. Therefore, Mr. Hansen indicated that the sanction for violations would largely be smaller fines and penalties. Shortly thereafter, the Department also created 12 so-called regulatory "safe harbors" to further codify enforcement loopholes in the incentive compensation bans. These actions were very concerning to me and other Members of Congress who viewed them as an end-run around congressional intent in the Higher Education Act. Thankfully, these safe harbors have largely been revered. On October 29, 2010, the Department published final regulations to eliminate the safe harbors. In the preamble of its regulations, the Department stated that,

"Unscrupulous actors routinely rel[ied] upon these safe harbors to circumvent the intent of section 487(a)(20) of the HEA. As such, rather than serving to effectuate the goals intended by Congress through its adoption of section 487(a)(20) of the HEA, the safe harbors have served to obstruct those objectives and have hampered the Department's ability to efficiently and effectively administer the title IV, HEA programs."

If confirmed, you will be in charge of administering the incentive compensation regulations.

(a) Do you believe that high-pressure sales have any place in higher education recruitment?

(b) Will you commit to enforcing the incentive compensation ban with integrity and without reinstating any loopholes for "unscrupulous actors" that the previous safe harbor provisions created?

(c) Considering that Federal financial aid represents a \$150 billion taxpayer investment in the higher education system, if confirmed, will you commit to viewing a violation of the incentive compensation ban as resulting in monetary loss to the U.S. Department of Education?

Answer 77. I will faithfully implement the Higher Education Act.

Question 78. There are more than 5.5 million distance education students at degree-granting institutions, including nearly 3 million exclusively online students. As

you may know, the oversight of students enrolled in online or distance education can pose challenges, because students often take courses from institutions that are not located in the State in which they reside. To ensure that institutions offering distance education are legally authorized and monitored by States, as required by the Higher Education Act, the Department recently published rules that clarify State authorization requirements for institutions to participate in Federal student aid programs.

(a) If a student has a complaint with an institution that only provides distance education, where and how should that student file their complaint, given that distance education colleges are often located in different States than their institutions?

(b) Do you agree that institutions should document the State process for resolving student complaints regarding distance education programs?

(c) Do you believe that the Federal Government or other States should be able to pre-empt other States' laws?

Answer 78. I believe it is important to ensure students have a clear and transparent way to make complaints. If confirmed, I will review the current regulations and complaint process already on the books to determine whether it is effective in meeting the needs of students, and act accordingly.

Question 79. In 1990, tuition made up less than 40 percent of revenue at public colleges and universities in your home State of Michigan. Today, it makes up nearly 70 percent, far higher than the national average. Per-student funding, adjusted for inflation, has dropped by over \$2,000 per student. In other words, what used to be paid for by the public is now funded by individuals and families. This has all occurred with the simultaneous stagnation of household income. In your home State of Michigan, median household income has actually declined since 1990. Do you view this increasing reliance on tuition, lowering of student funding, and decrease in college affordability is a problem that the Federal Government should have a role in addressing?

Answer 79. It takes a partnership between the Federal Government, States, institutions of higher learning, and families to ensure post-secondary education is affordable. If confirmed, I would work with States and institutions to ensure they are holding up their end of the bargain.

Question 80. Last year, the U.S. Department of Education announced a new process to proactively identify and assist Federal student loan borrowers with disabilities who may be eligible for Total and Permanent Disability (TPD) loan discharge because they are totally and permanently disabled. The Department sent customized letters to potentially eligible borrowers who collectively owe nearly \$7.8 billion in student loan debt. Still, about 179,000 of these likely TPD-eligible borrowers are currently in default, and the government is prepared to garnish the Social Security benefits of more than 100,000 of them. Many others are facing a tax bill on their TPD discharge as this benefit is treated as income. I believe this process can and should be improved.

(a) Do you believe that it is appropriate for borrowers who should otherwise have their loans discharged to have their Social Security benefits garnished?

(b) If confirmed, will you support efforts to eliminate taxation of TPD discharges?

(c) How do you see yourself working with other Federal agencies to verify that students who are deemed permanently disabled, including U.S. veterans, are actually receiving the appropriate benefits of the loan discharges they are owed?

(d) Will you commit to disclosing on at least an annual basis the data on the number of notices sent to potentially TPD-eligible borrowers and the number of discharges actually processed?

(e) If confirmed, will you commit to continuing an agreement between the Departments of Education Veterans Affairs to identify veterans with service-connected disabilities and help them apply for TPD discharge?

(f) If confirmed, will you proactively send notifications related to TPD discharge to borrowers in an accessible format, such as braille, so that those who are visually impaired or otherwise unable to complete a paper form will be able to access their benefits?

Answer 80. If confirmed, I plan to review the regulations and the processes put in place to ensure the Higher Education Act is being implemented faithfully.

Question 81. I'm very concerned that any attempt to involve Wall Street, banks, or private capital in new ways in the Federal student loan program would mean many students borrower losing benefits and access to higher education. Therefore, it is important to understand where you believe improvements can be made in our current student loan system. For each of these questions please indicate whether you "agree" or "disagree" with each statement.

- (a) Borrowers should be able to repay their loans based on a percentage of their income.
- (b) Borrowers should be able to have their loans forgiven after no more than 20 years in repayment while making payments no greater than 10 percent of their discretionary income.
- (c) Borrowers that require a co-signer should not be punished if their co-signer dies.
- (d) If a loan is co-signed and either the student or the co-signer dies, the loan should not be automatically collected on or sent to default.
- (e) Loan forgiveness at the end of the maximum years of repayment should not be taxed.
- (f) Student loans should be dischargeable in bankruptcy without having to prove undue hardship.
- (g) Borrowers that were defrauded should have their loans forgiven.
- (h) Borrowers who have their loans discharged or refunded due to being defrauded should not have to pay taxes on that relief.
- (i) Borrowers should be able to pay fixed interest rates as defined by the Bipartisan Student Loan Certainty Act.

Answer 81. I, too, have concerns with student debt. There are numerous factors that contribute to students borrowing and the Federal Government may or may not be the appropriate entity to address all of them. If confirmed, I look forward to working with you, the Senate Committee on Health, Education, Labor, and Pensions, and the Congress in finding viable and appropriate solutions for addressing issues related to student debt as the Congress debates the reauthorization of the Higher Education Act.

Question 82. Last fall, President-elect Trump proposed an income-based repayment plan for student debt that allows borrowers to cap their monthly student loan payments based on their income and then have their student loans forgiven after a certain period of time. In a speech in Ohio he said, "Students should not be asked to pay more debt than they can afford." I wholeheartedly agree. Thankfully, borrowers have access to income-driven repayment (IDR) options to help them pay back their loans based on their income. The Master Promissory Note (MPN) is a legally binding document that all student loan borrowers must sign when they take out a Federal student loan. Borrowers signing and MPN promise to repay their loans and any accrued interest and fees to the U.S. Department of Education under specified terms and conditions of their loan.

(a) Do you believe it is acceptable to change the terms and conditions of loan repayment programs for borrowers currently participating in them?

(b) Do you promise that, if you are confirmed, that you will not approve any action that would result in steps that would change the benefits, terms, or conditions of borrowers who have already signed their master promissory notes?

(c) Will you commit to ensuring that any changes to income-driven repayment plans do not negatively impact existing borrowers or force them to change their repayment plans?

Answer 82. I believe changes to the loan programs should be made carefully and will study this issue before making any decisions if confirmed. Students deserve certainty and an understanding of the terms and conditions of their loans. I look forward to discussing these issues with you as the committee works on the reauthorization of the Higher Education Act.

Question 83. Improving access to student supports on college campuses, such as transportation and housing assistance, accessible childcare, food pantries, and the availability of emergency aid, is critical to improving post-secondary retention rates, and therefore, creating a more educated and competitive American workforce. This is especially true for underserved student populations, including low-income students, independent students, and students with dependent children. As Secretary of Education, what will you do to ensure that students across the country have access to nonacademic student supports that acknowledge the multiple demands on non-traditional student populations?

Answer 83. I am aware of the needs of what used to be considered "non-traditional" college students. If confirmed, I look forward to working with you and your colleagues in reauthorizing the Higher Education Act to ensure its provisions are flexible enough to allow all students to be served.

Question 84. My State has a large number of farm workers. Due to the nature of their parent's work, children of farm workers frequently move from State to State and face many challenges in getting their education. These frequent disruptions and other factors contribute to very high dropout rates and low rates of enrollment in

higher education opportunities. To address these challenges, the Federal Government created the High School Equivalency Program (HEP) and the College Assistance Migrant Program (CAMP) to ensure these students receive the educational assistance and support they need to succeed in K–12 and higher education. Given the need for and success of the HEP/CAMP programs, will you commit to continuing these programs? Will you also commit to advocating for increased funding for these critical programs?

Answer 84. If confirmed, I look forward to working with you to address these issues through the Higher Education Act reauthorization.

Question 85. The first Federal TRIO Program, Upward Bound, was established in the Educational Opportunity Act of 1964 and was created to remove barriers to college access and completion for disadvantaged youth. Since then, TRIO has grown to eight programs serving nearly 800,000 students in 2,800 programs across the country. Current citizenship requirements for TRIO participants, however, mandate that only students who are U.S. citizens, national, or legal permanent resident can benefit from these services. The U.S. Department of Education has the power to allow all students regardless of immigration status benefit from these programs. As Secretary of Education, will you commit to changing the Federal regulation that limits which students can have access to these programs?

Answer 85. The Personal Responsibility and Work Opportunity Reconciliation Act prohibits Federal post-secondary assistance or other similar benefits to those who are not otherwise “qualified aliens.” Similarly, under the student eligibility requirements for title IV-authorized programs under the Higher Education Act, a student must be a citizen or national of the United States, a permanent resident of the United States, or able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident.

Question 86. The TRIO and Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) are competitive grant programs that identify and seek to increase the number of low-income students who are successful in K–12 and higher education. These programs have strong bipartisan support and play a critical role in ensuring that promising students from low-income families have the resources and the community that they need to be successful. Do you think that students who face greater barriers to success in their education, such as the students who participate in TRIO/GEAR UP, need additional resources such as tutoring and financial assistance to be successful in K–12 and higher education? If so, do you think the Federal Government has any role in providing those services?

Answer 86. The Higher Education Act (HEA) has several programs designed to help underserved students gain access to higher education and be successful in their pursuits. If confirmed, I look forward to reviewing the effectiveness of these programs and working with you and your colleagues to strengthen programs with a demonstrated track record of success in the HEA reauthorization.

Question 87. In recent years, we have made considerable progress standing up for veterans and servicemembers in higher education. This has been in part due to the passage of legislation I helped develop to require transparency from schools receiving GI bill money. But this progress is also due to critical administrative and regulatory steps. On April 27, 2012, President Obama signed Executive Order 13607, directing the Department of Veterans Affairs (VA), the Department of Defense, and the Department of Education to undertake a number of measures to “stop deceptive and misleading” promotional efforts that target the GI bill educational benefits of servicemembers, veterans, and eligible family members and survivors. Trademarking “GI Bill” was part of that order to protect military families from being misled by schools that target their Federal education benefits. The Department of Education has also withdrawn recognition of an accrediting body that failed to provide any meaningful oversight of the schools for which it was responsible, and Congress responded by ensuring GI eligibility would continue in the case of recognition being withdrawn.

(a) Do you believe that some veterans and servicemembers are taken advantage of in higher education? If so, does that concern you?

(b) If confirmed, what actions would you take to ensure that veterans and servicemembers receive a high-quality higher education?

(c) If confirmed, will you advise the President-elect to maintain current Executive orders protecting veterans and servicemembers?

(d) Will you continue to implement a recent data sharing agreement to calculate cohort default rates, median loan debt, and repayment rates at the aggregate and

institutional level for veterans and their beneficiaries who are using Post-9/11 GI bill education benefits and who also receive Federal student loans?

(e) If confirmed, will you vigorously enforce all laws, regulations, guidance, or other policies that protect veterans and servicemembers?

Answer 87. We owe a large debt of gratitude to our Nation's veterans and servicemembers, and their commitment to preserving our Nation's freedoms should not go unnoticed. If confirmed, I commit to faithfully implement the provisions of the Higher Education Act that protect all students, including our veterans and service members from fraudulent and other illegal actions.

Question 88. Under the Obama administration, there has been enhanced collaboration between HHS, HUD, and ED regarding the intersection between homelessness and education. For instance, Secretaries King, Fox, and Castro supported an inter-agency effort to help promote school and community integration by examining the interplay between housing, schools, and transportation. Will and how will the Department of Education continue that collaboration under your direction, if confirmed?

Answer 88. We can agree that homeless students are a particularly vulnerable population. If confirmed, I look forward to reviewing these collaborative efforts and examining their effectiveness in assisting the homeless population.

Question 89. Child homelessness continues to skyrocket in the United States, with 1 in 30 children experiencing homelessness at some point. Homelessness is a complex problem beyond a lack of affordable housing and interventions to address child and family homelessness must be designed and implemented in true partnership between housing agencies, homeless service providers and other systems such as human service agencies and early childhood providers that understand the trauma and complex barriers faced by homeless children and their families. What do you see as the role of the U.S. Department of Education in addressing child and family homelessness? What specific steps will you take to ensure that homeless students are appropriately identified, especially in rural and suburban communities? How will you ensure that the title I part A program appropriately and adequately serves homeless students, including through the mandatory LEA reservation of funds?

Answer 89. Homeless students are a particularly vulnerable population. If confirmed, I look forward to engaging in collaborative relationships with stakeholders to ensure the Department of Education is meeting the needs of these students. Often, the best solutions come from the local level and the Federal Government can help disseminate best practices so communities can learn from one another. As far as the provisions included in the Every Student Succeeds Act, I commit to faithfully implementing the law as it was written.

Question 90. In the past year, the Department of Education has worked collaboratively with the Department of Health and Human Services to provide guidance to States, local educational agencies, and child welfare agencies concerning the new requirements to support students in foster care in the Every Student Succeeds Act and Fostering Connections to Success and Increasing Adoptions Act. How do you plan to collaborate with HHS to ensure that States, local educational agencies, and child welfare agencies follow through with their commitments to support students in foster care?

Answer 90. Students in foster care are a particularly vulnerable population. If confirmed, I look forward to reviewing these collaborative efforts and examining their effectiveness for foster care students. I know there were many provisions included in the Every Student Succeeds Act intended to help and support students in foster care and I am committed to faithfully implementing these provisions to ensure that these students have the opportunity to achieve and succeed in school.

Question 91. As Secretary of Education, how would you ensure that all students in public and charter schools—most particularly, students of color, impoverished students, undocumented students, students with disabilities and those with particular disadvantages such as homelessness—gain equitable access (not just a chance to apply but actual inclusion in) to selective enrollment, higher performing and magnet schools, or schools of choice like charter schools and specialized programs? What resources will you dedicate to ensure that transportation is provided to students who require it in order to attend or remain in such schools?

Answer 91. Charter schools are public schools and are subject to the same standards of compliance as traditional public schools. Given your role on the Labor-HHS-ED appropriations subcommittee, I would be willing to dialog with you on the transportation needs for students attending public charter schools, if confirmed.

Question 92. In 2014, The U.S. Government Accountability Office (GAO), published the “Education of Homeless Students: Improved Program Oversight Needed” found that Homeless Liaisons only have about 2 hours a week to spend with students experiencing homelessness, what do you believe is an adequate investment to sufficiently carry out the duties of a LEA and SEA homeless liaison, and how will you insure this investment is made?

Answer 92. In general, I believe it is best to defer to the judgment of State and local officials about how best to implement education policies and spend their education dollars. As the Chairman of the Senate Committee on Health, Labor, Education, and Pensions has noted, “Washington, DC. should not be a national school board.”

If confirmed as Secretary, I would welcome the opportunity to share data and research from the Department of Education with State and local officials seeking to improve educational opportunities for homeless students. I will travel the country to identify best practices and successful programs and then disseminate that information to encourage others to try adapting these successful approaches to their unique circumstances.

I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. I know of your long history in advocating for homeless students and I look forward to working with you to help States and school districts more successfully meet the needs of these vulnerable students.

Personally, I have helped support an organization in my hometown focused on helping homeless minors, including homeless LGBT youth. This nonprofit organization has been helpful in providing a safe and stable place to meet the basic needs of these vulnerable youth. It is clear, for these youth, basic needs must first be met before educational goals can be realized.

Question 93. In May 2016, Senators Murray, Hatch, Wyden, Grassley, and Franken sent a letter asking for joint guidance and technical assistance for States, school districts, and child welfare agencies to implement the new foster care requirements under ESSA. The Department of Education responded promptly, providing helpful guidance to implement the new law. Will you maintain this guidance and provide technical assistance as requested by this joint group of Senators?

Answer 93. If confirmed, I will carefully review all existing guidance to ensure it serves as a helpful tool to States, local school districts, teachers, school personnel and others, and not as a hindrance to State and local efforts to follow the laws.

Foster care children face unique challenges in accessing a high-quality education and I am eager to help States continue to develop or improve policies that prove effective at helping foster students succeed.

Question 94. As a result of the monumental changes made for students in foster care under ESSA, the Department of Education designated a staff person solely in charge of implementing the foster care portfolio. Will you continue this practice if confirmed as Secretary of Education?

Answer 94. If confirmed as Secretary, I will carefully review the personnel policies and staffing responsibilities within the Department to ensure that the mission and responsibilities of the Department are fully met.

Question 95. In the past month, there have been many incidences of bullying and harassment of students based on their actual or perceived immigration status. What do you think the role of the Department of Education is to ensure all children, regardless of their immigration status, have unrestricted access to an equal education?

Answer 95. I am opposed to bullying and harassment of any student for any reason. Schools should be a place of learning and improving oneself, and, if confirmed, I will work with the First Lady to speak out against bullying and harassment and encourage States and school districts to improve policies and procedures to prevent and deter bullying and harassment. I believe the role of the Department of Education is to help States and local school districts enforce the law and improve education for all students.

While the focus on bullying is important, it is also important to focus on encouraging positive behavior. Simply put, let’s share best practices which encourage students to be kind, civil and treat everyone with dignity and respect.

Question 96. In an interview with 60 minutes, the President-elect has said he plans to immediately deport 2 to 3 million undocumented persons living in the United States. Presumably, with numbers this large, he is including some children under the age of 18.

(a) Do you plan to enact his agenda by removing young students who are undocumented from our public schools?

(b) Do you support allowing Federal authorities to arrest undocumented students at school and other sensitive locations?

(c) If the new administration pursues a rollback of DACA, will you oppose punitive actions toward campuses that, absent a Federal Court order or valid Federal warrant, resist attempts to cooperate with immigration enforcement efforts that would disrupt enrollment of students who are currently enrolled? If no, explain your reasoning and how this benefits the education system in the United States?

Answer 96. Many young people were brought here at a very young age and for those whose caregivers brought them here illegally, these students came through no fault of their own. President-elect Trump recently said that he wanted to find a future accommodation for them that makes us “happy and proud.” We need to be sensitive to these situations. Because enforcement of our Nation’s immigration laws falls under the responsibility and jurisdiction of the Department of Justice and the Department of Homeland Security, I would respectfully defer to those agencies as they address this matter. But where the Department of Education may have a role, if confirmed, my default approach is founded upon the twin principles of compassion and sensitivity.

Question 97. President-elect Trump’s proposed restrictions on immigration and new visa rules would greatly limit the ability of colleges to recruit immigrant and international students. Despite this rhetoric, many colleges and universities around the country are striving to welcome immigrants to study and learn.

(a) In particular, some institutions have re-stated that they will not release private student information to third parties or the Federal Government without permission from the student, a judicial warrant, a subpoena, or a court order based on probable cause. Will you commit to taking no action to punish or challenge in any way institutions that exercise their Fourth Amendment rights?

(b) The President-elect has made troubling statements related to limiting the ability of Muslims to enter the country, leading to many countries warning their own citizens about traveling and studying in the United States. Reports indicate that more than 1 million international students contributed more than \$30 billion to the U.S. economy, supporting more than 400,000 jobs in the United States. This figure includes more than \$1 billion in economic benefits from international students last year in Michigan. Approximately 15 percent of foreign students come from Muslim-majority nations. Do you support banning all Muslims from entering our country, and have you communicated your views to the President-elect?

(c) Do you support limitations or caps on students coming from Muslim-majority countries?

Answer 97. First, I believe prejudice and intolerance are unacceptable and un-American. Second, I support two-way educational exchange at the post-secondary level; it’s a wonderful way to expose international students to America and the rich resources that are a part of our higher education system. Similarly, such exchanges enable American students to experience other cultures.

Question 98a. I have introduced legislation for several years to support undocumented college students by incentivizing States to provide some form of need-based financial aid and in-state tuition rates to students, without discriminating based on their immigration status, through my IN-STATE for DREAMers Act. And during bipartisan negotiations on ESSA, I ensured that programs for English learners (ELs) were improved so that ELs, including students who are undocumented, could gain an education.

If confirmed, how do you intend to support undocumented DREAMer students at the Department of Education?

Answer 98a. Many young people were brought here at a very young age and for those whose caregivers brought them here illegally, these students came through no fault of their own.

President-elect Trump recently said that he wanted to find a future accommodation for them that makes us “happy and proud.” We need to be sensitive to these situations. Because enforcement of our Nation’s immigration laws falls under the responsibility and jurisdiction of the Department of Justice and the Department of Homeland Security, I would respectfully defer to those agencies as they address this matter. But where the Department of Education may have, if confirmed, my default approach is founded upon the twin principles of compassion and sensitivity.

Question 98b. Do you believe that students who were brought to this country as children should qualify for in-State tuition and State financial aid, if a State chooses to provide that using non-Federal resources?

Answer 98b. I believe this is a decision for the States.

Question 99. You and your family have donated large sums of money to organizations that support anti-LGBTQ “pray-the-gay-away” conversion therapy, oppose LGBTQ marriage equality, refer to homosexuality as a “sexual disability,” and oppose same-sex couples from being able to adopt, among other anti-LGBTQ causes. What can you tell this committee about how your personal views on homosexuality would become part of how you approach your job as the Nation’s watchdog to protect the civil rights of all children?

(a) There is case law finding that title IX forbids schools from discriminating against students on the basis of their sexual orientation and gender identity.

(b) Under your leadership, what would the position of the Department be regarding LGBT students’ right to receive an education free from discrimination?

(c) Do you support LGBT students right to use the facilities consistent with their gender identity? If yes, will you commit to ensuring the Department works to uphold those rights? If no, can you please explain how your position is consistent with title IX and other civil rights laws?

(d) Are you familiar with the Supreme Court’s unanimous decision in *Oncale v. Sundowner Offshore Services*, which held that same-sex sexual harassment may establish a claim under title VII?

(e) Do you agree with Justice Scalia’s statement in the Court’s unanimous opinion that “it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed”?

(f) Are you familiar with the Supreme Court’s decision in *Price Waterhouse v. Hopkins*, which held that discrimination based on sex stereotyping constitutes sex discrimination and therefore violates title VII? Based on *Price Waterhouse*, do you believe title IX’s prohibition on gender discrimination covers harassment or other discrimination based on sex stereotypes?

(g) In 2015, a Federal court ruled in favor of Haley Videckis and Layana White, two young women who were harassed and discriminated against by staff at Pepperdine University, where they were students, because they were in a same-sex relationship. They sued the school for title IX discrimination, and the Court allowed the case to move forward, agreeing that discriminating against a student on the basis of their sexual orientation is a form of discrimination based on gender stereotyping. Do you agree with the Court in *Videckis v. Pepperdine* that discrimination against students on the basis of sexual orientation is prohibited by title IX?

Answer 99. Every student deserves to attend school in a safe, supportive environment where they can learn, achieve and thrive and are not discriminated against. Period.

Question 100. Have you, either personally or through any foundation, PAC or other entity that you are affiliated with ever donated to Focus on the Family? Focus on the Family operates a website titled “The right to counseling for unwanted same-sex attractions”, in which it disregards the well-established position of professional medical and mental health provider organization when it states,

“The mental health professions haven’t really discovered anything new about human sexuality or homosexuality; they are just more ideologically and politically driven.”

And continues, “There are no scientific studies that demonstrate that adolescents have been harmed through [sexual orientation change efforts].” Focus on the Family includes a long list of resources and referrals, which includes Hope for Wholeness, National Association for Research & Therapy of Homosexuality (NARTH), and other organizations, several of which have been identified by the Southern Poverty Law Center as organizations associated with conversion therapy. Will you disavow these statements made by Focus on the Family, an organization that you and your family have donated large sums of money to? Do you accept that subjecting children to conversion therapy is widely considered to be harmful to their mental health, or do you deny this fact?

Answer 100. As I said at my hearing, I have never believed in, nor supported, conversion therapy. I fully embrace equality and believe in the innate value of every single human being. All students, no matter their age, should be able to attend school and feel safe and be free of discrimination.

Question 101. Have you, either personally or through any foundation, PAC or other entity that you are affiliated with ever donated to Family Research Council? The Family Research Council has been designated a hate-group by the Southern Poverty Law Center, one of our Nation’s leading voices to protect civil rights and combat hate-groups, such as the Klu Klux Klan, Aryan Brotherhood, and Westboro

Baptist Church. The Family Research Council is well known for advocating in support of anti-LGBT laws, including promoting so-called conversion therapy. Peter Sprigg, senior fellow for policy studies at the Family Research Council, authored a 2010 brochure touting “The Top Ten Myths about Homosexuality.” In the brochure, Sprigg claimed that ex-gay therapy works, that sexual orientation can change, that gay people are mentally ill simply because homosexuality makes them that way. The Family Research Council is also known for criticizing the “It Gets Better” campaign, which Secretary of Education, Arne Duncan, and Director of the U.S. Government’s independent educational research organization, Institute on Education Studies (IES), John Easton, participated in. In a Family Research Council fundraising letter in August 2011, Tony Perkins wrote about the “It Gets Better” campaign. He wrote,

“They are aimed at persuading kids that although they’ll face struggles and perhaps bullying for “coming out” as homosexual (or transgendered or some other perversion), life will get better. . . . It’s disgusting. And it’s part of a concerted effort to persuade kids that homosexuality is OK and actually to recruit them into that lifestyle.”

Records indicate your family donated large sums of money to the Family Research Council, in fact, the Family Research Council has said it was able to establish its Washington, DC, office only with the financial assistance of your family. Do you agree with the anti-LGBT positions of this well-known hate-group? And, will you disavow the Family Research Council’s hateful rhetoric about the “It Gets Better” campaign and their advocacy in support of conversion therapy? Follow-Up: Given the history of contributions by you, your foundations, PACs, entities you are associated with, and that of your family to anti-LGBTQ causes, would you clarify the extent to which your personal beliefs are consistent with the rhetoric espoused by those groups? Do you agree that being gay or transgender is a “perversion,” which is what the Family Research Council said in its fundraising letter?

Answer 101. As I said at my hearing, I fully embrace equality and believe in the innate value of every single human being. All students, no matter their age, should be able to attend a school and feel safe and be free of discrimination.

Question 102. Have you, either personally or through any foundation, PAC or other entity that you are affiliated with ever donated to Campus Crusade for Christ, which is active on college campuses? Its 2013 conference attended by 300 African college students featured Dr. Seyoum Antonios, a “powerful homophobe” and head of United for Life Ethiopia who said that gay people were pedophiles, stole children from Africa to turn them gay, were more likely to commit murder, and were part of a Western plot to kill Africans. What is your stance on these ideas? If you do not agree, why would you contribute funding to such an entity.

Answer 102. As I said at my hearing, I fully embrace equality and believe in the innate value of every single human being. All students, no matter their age, should be able to attend a school and feel safe and be free of discrimination. To be equally clear, the sentiments you attribute to Dr. Antonios, do not reflect my beliefs.

Question 103. Have you ever supported efforts to require private schools that receive public funding provide the same rights and protections that traditional public schools must offer to the parents of children with disabilities? Yes or no. If yes, please describe the effort, including specific dates, details, and your personal involvement.

Answer 103. No educational program, public or private, is ideal for all students, especially students with disabilities. Even today, there are public school districts that do not have the services to meet the needs of all students with disabilities and suggest to those parents that they should enroll their children in nearby charter schools or the district arranges to have those students to go to another district to have their needs met. So, let’s be honest. No individual public school provides the full range of high quality services for every student with a disability; this is true for private schools as well.

Public school systems have the right to establish specialized programs at certain schools for students with specific disabilities and, through the IEP process, to assign students with specific disabilities to these schools in order to meet their needs more effectively. When this occurs, the public schools that do not offer these services within the system are not “discriminating” against the students with these disabilities.

In far too many cases, the parents of students with disabilities in the public schools are currently not satisfied with the services their children are receiving. In fact, public schools contract out educational services for almost 2 percent of students with special needs to ensure they receive their education in private schools where the student’s educational needs are better met. But too often the only way that par-

ents can obtain what is best for their child is through legal recourse. This can take months and sometimes years. Children don't have years to wait for courts to decide. I believe they should not have to wait.

Offering parents of students with disabilities the opportunity to choose between a private school, a different public school, or a non-public school setting empowers the parents to receive what works best for their child. Just like in the public schools, not every private school will offer every service for every student with a disability. It would be misguided to seek to impose on individual private schools a standard that is also not imposed on every individual public school. If parents are not satisfied with the private options available, they maintain all of their current options and rights within their local public school system.

Question 104. The U.S. Department of Education has an incredible opportunity to encourage and support collective efforts that seek to help close achievement gaps, increase parent and family engagement, meet the need of vulnerable children, provide after school and summer programs that supplement what kids learn when in school, and ensure children have access to healthy meals and snacks during out-of-school time hours by partnering with community-based organizations. As Secretary, how can community-based partners further your priorities to help children succeed during and out of school? Under your leadership, will the department support and lift up community-based organizations as critical school partners and players in meeting the academic and non-academic needs of our Nation's children?

Answer 104. The Every Student Succeeds Act appropriately restored responsibility to States and local school districts to decide with whom to partner to improve education in their local communities. If confirmed, I will encourage States and local school districts to reach out to community-based partners to ensure that students receive the services they need to achieve and succeed.

Question 105. Some view school choice systems as giving families an opportunity to have more control over their child's education. However, these choice systems rely on the premise that parents and family members have the adequate, objective, appropriate and transparent information about what a voucher program can offer their child. Furthermore, while public schools educate every child that walks through the door, private schools can reject students with vouchers for a variety of reasons, ranging from disability to ability to pay. Do you believe that giving tax payer funds to private schools which are able to accept or reject students is giving families a real choice in their child's education? What recourse should a parent have if a school rejects their child for admission?

Answer 105. Moms and dads in cities across this great Nation participate in school lotteries in hopes that they can enroll their children in schools other than those to which they have been assigned based on zip code. Traditional public schools don't work for every child.

We need to help communities move children out of lotteries, off wait lists and into schools that fit them and meet their needs. With a diverse array of great schools, every family should be able to find the best match of school for their child's individual needs.

Question 106. Research in special education demonstrates the connection between full preparation and the effectiveness of special education teachers. Specifically, fully prepared special education teachers provide more effective instruction as demonstrated through performance on valid observations and student value-added scores. As Secretary, how will you ensure that students with disabilities have access to fully prepared special education teachers?

Answer 106. I applaud the efforts of dedicated special educators in schools throughout our country, and, if confirmed, I will work with States and districts to get them the tools they need to help students with disabilities achieve and thrive. Teacher certification and licensure requirements are appropriately determined by the States. It is a local responsibility to determine hiring, professional development, and personnel placement practices to meet the needs of all students, including students with disabilities. I will encourage States to ensure that their teacher certification and licensure requirements are designed to help recruit and retain good teachers for all our students, including special education teachers.

Question 107. What actions will you take to ensure the rights of students with disabilities in higher education under the Rehabilitation Act of 1973 and the Americans with Disabilities Act are enforced?

Answer 107. If confirmed, I will work with the Office of Special Education and Rehabilitative Services and the Office for Civil Rights, leaders of the higher education community, and representatives of the disability community to continue to

enforce the Rehabilitation Act of 1973 and the Americans with Disabilities Act and determine what the Department could do better to help colleges and universities comply with the law.

Question 108. The Perkins Career and Technical Education Act exists at the intersection of K–12, higher education, and workforce development policy. One of my goals for the next reauthorization of the Perkins CTE Act is to increase alignment between these policy areas to improve the efficiency of the programs authorized by the Act as well as lower the burden for States and districts. Do you agree that alignment is a key goal for the next Perkins CTE Act reauthorization? If so, which areas of the Perkins CTE Act can be better aligned with the Every Student Succeeds Act, the Higher Education Act, and the Workforce Innovation and Opportunity Act?

Answer 108. I agree that reauthorization of the Perkins Career and Technical Education Act is an important priority, and, if confirmed, I look forward to working with the Senate Committee on Health, Education, Labor, and Pensions and other interested Members of Congress to update and improve the law.

We should work to align Federal laws to ensure consistency across programs, reduce duplication and unnecessary requirements, and provide coherent policies. It is also important to provide flexibility at the State and local levels so officials on the ground can create and run programs that help educate students to attain the skills needed to work in those in-demand jobs. Finally, I support transparency of data so parents, students, and other taxpayers can see how well their programs are working.

Question 109. What are your views on the impact that extended learning time has on student outcomes inside and outside of the classroom? Are you committed to the continued funding of 21st Century Community Learning Centers in urban and rural settings?

Answer 109. Extended learning time, when implemented well, can be a very powerful tool for States, local school districts, schools, teachers, parents, and students to improve academic achievement. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years.

Question 110. Ninety percent of American school children spend all or a significant portion of their time in the public school system. Vast swaths of the country are rural, where students only have public schools as a practical choice. Your previous focus on parochial and charter schools is functionally meaningless in most rural places. How will you meet the Nation's responsibility to the vast majority of public education students?

Answer 110. More and more, technology is being used to bring greater and richer content to classrooms, both rural and urban. It is helping to close the opportunity gap and personalize learning in ways we never thought possible just a few years ago. As an entrepreneur, I support innovation and, if confirmed, look forward to embracing new ways of reaching students in the learning environments in which they are enrolled.

Question 111. Regardless of your political ideology, all can agree that Trump ran an incredibly divisive campaign. He was quoted regularly making personal attacks on private citizens and has on more than one occasion mocked the appearance of women. He publicly mocked a journalist with a disability. Since Trump was elected, educators have reported that incidents of bullying and harassment in schools have significantly increased. Do you condone Trump's use of bullying in the public stage?

(a) The Center for Disease Control and Prevention notes that lesbian, gay, bisexual, transgender, and queer youth face many challenges at school. They are at higher risk for being bullied, higher risk for substance abuse, higher risk for depression and suicide, and higher risk for poor school attendance. All of these issues affect learning. According to a 2015 survey, more than 85 percent of LGBTQ youth experienced verbal harassment (e.g., called names or threatened) at school based on a personal characteristic, most commonly sexual orientation or gender expression. More than a quarter of LGBTQ students were physically harassed (e.g., pushed or shoved) in the past year because of their sexual orientation or because of their gender expression. About 17 percent were physically assaulted (e.g., punched, kicked, and injured with a weapon) in the past year alone. Widespread bullying of LGBTQ students becomes a barrier to their education—research shows that bullying and victimization among LGBTQ youth is correlated with lower academic outcomes. How do you propose the Department ensure LGBTQ students have an opportunity to learn, free from violence and harassment?

(b) What do you believe is the appropriate role of the Department of Education in ensuring that LGBTQ students are not victims of bullying, harassment, or discrimination?

(c) Why should parents of LGBTQ children feel comfortable with you being entrusted to oversee and implement our Nation's education laws, and enforcing our laws that are designed to protect their civil rights in school?

(d) One survey found that nearly 10 percent of LGBTQ students who reported harassment, bullying, and assault to their schools were themselves disciplined instead. How do you propose the Department of Education fight retaliation against LGBTQ students who come forward to report harassment?

(e) Many schools work hard to create a safe, accepting environment for LGBTQ youth. They have support programs in place; they have Gay-Straight Alliances; and they work to foster a culture of acceptance for all youth. Teachers in many areas of the country, particularly the Midwest and South, report that the political climate in their State prevents any schools from offering tangible support to this cohort of at-risk kids. As Secretary of Education, how would you encourage schools to address the social-emotional needs of LGBTQ youth so that they would have a better chance of academic success?

Answer 111. Every child deserves to attend school in a safe, supportive environment where they can learn, thrive, and grow. I am opposed to bullying and harassment of any student for any reason. Schools should be a place of learning and personal growth, and, if confirmed, I will work with the First Lady to speak out against bullying and harassment and encourage States and local school districts to improve policies and procedures to prevent and deter bullying and harassment.

While the focus on bullying is important; it is also important to focus on encouraging positive behavior. Simply put, let's share best practices which encourage students to be kind, civil and treat everyone with dignity and respect.

Question 112. Do you believe in Federal investment in school mental health, school climate, student supports and academic enrichments as a path toward increasing student achievement?

Answer 112. Every child deserves to attend school in a safe, supportive environment where they can learn, thrive, and grow. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years.

Question 113. There are at least 200 cases of unresolved school segregation. Data shows that all children, including white children, benefit from integrated and diverse classrooms. Meanwhile, the achievement gap between children of color and white children remains wide open. This is largely due to the fact that students of color receive fewer resources and opportunities and less-qualified teachers, which are concentrated in affluent schools. Putting aside your belief in school choice and considering the many public school children who do not currently have other choices, such as in rural communities, do you believe the Office for Civil Rights has a role in helping to ensure the mandate of *Brown v. Board of Education* is achieved?

Answer 113. Yes.

Question 114. If a school choice plan was presented to the Department for funding, but there was compelling evidence to indicate this plan would increase segregation by race and/or by socioeconomic status, would the Department approve it? How can you justify this decision?

Answer 114. I do not support programs that would lead to increased segregation. Empirical evidence finds school choice programs lead to more integrated schools than their public school counterparts.

Question 115. Do you agree or disagree with Supreme Court Justice Anthony Kennedy's comment in his 2007 *Parents Involved in Community Schools v. Seattle School District No. 1* opinion that "A compelling interest exists in avoiding racial isolation, an interest that a school district, in its discretion and expertise, may choose to pursue?"

Answer 115. I believe we are better as a nation when we celebrate and acknowledge our rich diversity of race and ethnicity. I believe government policies should not be established to intentionally create racial isolation, especially in our elementary and secondary schools.

But I do believe that individuals, families and parents should remain free to make their own choices about the communities they live in, the schools they attend, and the colleges and universities in which they enroll. For example, the student body of Morehouse College is 97.1 percent African American, and is one of our Nation's finest institutions of higher education, with an important mission of serving histori-

cally underserved African Americans, along with others who choose to attend. Diversity is important, as is finding a common bond that brings us together.

Question 116. Academic and scientific research has demonstrated that racial and socioeconomic integration in our schools has positive effects on students. For example, Roslyn Arlin Mickelson found in her research on school integration and K–12 outcomes that students attending diverse schools had a higher achievement in mathematics, science, language and reading than students in segregated schools. Additionally, students who attended diverse schools are found to have higher occupational and income attainments as adults. Yet as a GAO report released in April 2016 highlights, racial and socioeconomic isolation in K–12 public schools grew from 9 percent to 16 percent between school years 2000–01 and 2013–14. This trend threatens the positive outcomes generated by racial and socioeconomic integration previously mentioned. In your view, what role should the Department have in supporting integrated schools?

Answer 116. The Department has an important role in helping States and local school districts understand the benefits of diversity and its correlation to academic achievement. Through the Magnet School Assistance Program, the Department helps support local school districts in their effort to remedy pockets of racial and economic isolation. If confirmed, I look forward to working with States and local school districts to enhance opportunities for all students and to help them improve racial and socioeconomic integration.

Question 117. In today's economy every student needs to have a strong foundation in the STEM subjects in order to land and succeed in virtually any job—from the shop floor to the research lab to the boardroom. Further, the best, most highly paying jobs are nearly all in the STEM fields. If we are going to enable our students to compete in the global economy we must maintain a strong Federal commitment to improve teaching and learning in the STEM fields. What is your view on the best role the Department of Education can play in supporting improvements in STEM education at the State and local level in K–12 education, in out-of-school time, career and technical education, and higher education?

Answer 117. STEM education is an important and necessary part of our education system and, if confirmed as Secretary, I look forward to highlighting the successful programs that are happening around the country. I believe that the Department can continue research into best practices of STEM education, promote the importance of STEM education to States and local school districts, and encourage States and local school districts to prioritize funding for those activities.

Question 118. The September GAO study found that many if not most voucher-aided private schools charge tuition or fees above and beyond the value of the voucher. Does this not discriminate against students from families of limited resources, given that about half of all public school students in the Nation qualify for free or reduced price school lunches?

Answer 118. I agree that it is unfortunate that many voucher programs do not provide a voucher that is sufficient, on its own, to pay tuition and fees at some schools. Just as the Pell Grant is not always enough to pay for the cost of tuition and fees at many institutions of higher education, vouchers in the K–12 arena sometimes fall short, but still provide meaningful support to enable students to attend the institution of their choice.

If confirmed, I look forward to working with the President-elect and Congress to pass legislation that would create Federal support, with Federal funds, for voluntary voucher programs, and I hope that we will be able to secure sufficient resources to address this concern so more children can attend a school of their choice.

Question 119. Studies show that vouchers channel taxpayer dollars to schools where students can be discriminated against or denied admission. Furthermore, voucher programs do not guarantee greater achievement. The final report by the U.S. Department of Education on the District of Columbia voucher program found that students who received vouchers to attend private schools were at similar levels in math and reading 4–5 years later as students who sought the vouchers but who were not awarded them. Vouchers divert public funds from public education, do not guarantee improved educational achievement, and allow schools to cherry pick the students they wish to serve. How do you align your support for vouchers with your responsibility to ensure the best educational outcomes for all American students?

Answer 119. Since you raised the D.C. Opportunity Scholarship Program (DCOSP), it would be worth noting a 2010 Department of Education Institute for Education Sciences report that found students who used a scholarship had a 91 per-

cent graduation rate, 21 percent higher than those who sought, but did not receive a scholarship.

The DCOSP provides students a high-quality education, costs taxpayers less money, and includes several accountability mechanisms to protect student safety and performance. Ninety-seven percent of families participating in DCOSP are African American or Latino and 60 percent receive SNAP or TANF benefits. These students should have the same opportunity as any other students to go to a great school. If confirmed, I look forward to working with you to address the educational needs of all students.

Question 120. Do you believe that a school should be able to take taxpayer-funded vouchers and then, as one voucher school identified in a 2016 GAO report did, require all students to agree to follow a specified list of religious principles?

Answer 120. Yes, if that is the decision that the family makes. Pell grants and pre-K vouchers also allow this type of choice.

Question 121. You advocated for (and contributed substantially to funding) a voucher initiative in 2000 in the State of Michigan. Voters rejected that initiative by a margin of 61 to 39. And John Engler, the Republican Governor at the time, strongly discouraged you from pursuing the initiative. We have had voucher votes here in the Senate. Like in Michigan, they have failed. Do you plan to pursue a voucher program at the national level despite the fact that multiple voucher votes failed in the U.S. Senate in 2015?

Answer 121. The President-elect has made a robust parental choice proposal a centerpiece of his platform, and, if confirmed, I look forward to working with you on our proposal and hope that you will keep an open mind about this voluntary program that will simply allow interested families to choose the school setting that best meets the unique needs of their individual child.

However, to be clear, I do not and will not advocate for any Federal mandates requiring vouchers. States should determine the mechanism of choice, if any.

Question 122. According to the U.S. Bureau of Labor Statistics, the 2015 unemployment rate for people with disabilities was approximately 11 percent, almost double the unemployment rate for people without disabilities. As Secretary of Education with jurisdiction over the Rehabilitation Services Administration and the State vocational rehabilitation program (VR), what is your opinion of the pervasive unemployment and low workforce participation rate of people with disabilities? In your administration, how will you prioritize the improvement of employment and independent living outcomes for people with disabilities? Do you support competitive, integrated employment for people with disabilities, including people with the most significant disabilities and youth in transition? From your perspective, what are ways to increase competitive, integrated employment for people with disabilities?

Answer 122. The unemployment rate for people with disabilities is troubling. If confirmed, I will work with the President-elect and Congress to find bipartisan solutions to address this significant issue.

Question 123. The Department of Education's Office of Special Education and Rehabilitative Services has stressed the importance of improving transition services from high school to post-secondary education or employment for youth with disabilities, and the Federal Government has assumed a key role in stimulating State efforts to improve transition services through a variety of policy efforts. What is your philosophy on transition services? What is the role of the Federal Government in ensuring post-secondary education and employment success for youth with disabilities?

Answer 123. One of the best ways to help a child with a disability get a job or pursue post-secondary education is to ensure that they have the skills and resources they need to move on from high school.

If confirmed, I will work with States, local school districts, employers, and institutions of higher education to identify best practices in transition services and disseminate those findings to encourage the replication of successful programs.

Question 124. The Rehabilitation Act is a critical law that authorizes the formula grant programs for vocational rehabilitation, supported employment, independent living, and client assistance throughout the Nation. Sections 501 of the law directs the Federal Government to recruit and hire people with disabilities. Section 503 requires Federal contractors to recruit and hire people with disabilities. Section 508 describes accessibility requirements for federally funded programs. Section 508 specifies accessibility standards in technology. Although legislation such as the Rehabilitation Act has served to advance and expand the opportunities of people with

disabilities in the workforce, there are still many barriers that must be considered and overcome to increase employment for people with disabilities to comparable levels for people without disabilities. Because the Rehabilitation Act and State vocational rehabilitation agencies have been incorporated into the broader workforce development system under the Workforce Innovation and Opportunity Act, will your Department work closely with the Department of Labor to ensure that people with disabilities seeking employment and training services are able to avail themselves of all necessary services under State workforce systems? How will your Department engage in this work? What will your administration do to support the work of the Rehabilitative Services Administration and its State vocational rehabilitation agencies?

Answer 124. If confirmed, I will work closely with the Department of Labor to ensure the Workforce Innovation and Opportunity Act is implemented as Congress intended to benefit individuals with disabilities. Also, I look forward to bringing to the Department well-qualified individuals to serve in the Rehabilitative Services Administration to ensure those programs get the attention they deserve.

Question 125. The Americans with Disabilities Act and other legislation prohibit the discrimination against people with disabilities in employment. However, employer attitudes toward workers with disabilities and their ADA employment rights continue to be a major barrier for hiring and retaining works with disabilities. As a business owner in the private sector, how have you included people with disabilities in the workforce of companies and organizations that you are associated with?

Answer 125. Yes. To the best of my knowledge, all organizations I have been engaged with have made appropriate accommodations for people with disabilities.

Question 126. Investment in K–12 computer science education is essential to ensuring our future workforce is equipped with the skills needed to fill critical U.S. jobs and keep America competitive and safe for decades to come. What are your strategies to ensure that more students have access to computer science education?

Answer 126. Computer science is a very important part of education. Most jobs today require a much higher degree of technical competence than even 5 years ago. If confirmed, I will work with States and school districts to encourage them to develop computer science education where needed, or continue their focus on computer science as a critical skill. I will help identify best practices wherever possible.

Question 127. Maximizing the effectiveness and reach of any Federal funding program for computer science requires close coordination and organization with other agencies and branches of government outside of the Department of Education. How would you coordinate any activities at the Department related to computer science with these other agencies and entities, particularly the National Science Foundation, to expand their reach?

Answer 127. If confirmed, I will work closely with other agencies, including the National Science Foundation, Defense Department, Commerce Department, Energy Department, and the Agriculture Department to improve coordination of computer science programs and help States and local school districts gain a better understanding of Federal programs that support computer science programs.

Question 128. As you know, there are at least 15 million students living in poverty in this country. The majority of these students attend 60,000 public schools with funds designated for schools with the highest percentages of children from low-income families. Known as title I, this funding stream is dedicated to educating low-income students in schools with additional funds to serve their students. It also provides mechanisms to ensure that title I funds are actually spent on these students. Will you commit to protecting the title I funding stream as it's written in the bipartisan Every Student Succeeds Act?

Answer 128. Title I is the major Federal spending program in K–12 education and is very important to States and local school districts. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years.

Question 129. Please provide a list of any and all financial holdings that involve or touch on education as of the date that President-elect Trump announced his intent to nominate you to the position as Secretary of Education. Please include the date of the initial investment, the amount of the investment, the value of the investment as of the date of the announcement (or any date within 30 days of that date), whether it is a direct investment or underlying asset (i.e., whether through a direct investment or through a private equity limited partnership or some other investment vehicle), and the date of sale if you have disposed of this asset. Please provide

such a list regardless of whether divestiture of any such asset or holding is part of an ethics agreement you have or expect to enter into with the Office of Government Ethics.

Answer 129. Please see my Senate Committee on Health, Education, Labor, and Pensions questionnaire, completed December 30, 2016 and my OGE Form 278e, which was submitted Thursday, January 19, 2017.

Question 130. On January 3, the Office of Government Ethics posted a notice in the Federal Register requesting public input on the application of the criminal conflict of interest prohibition to certain beneficial interests in discretionary trusts. Are you or your husband an income beneficiary of a discretionary trust(s)?

Answer 130. Yes we are beneficiaries of discretionary trusts and they have been reported on OGE Form 278e consistent with current OGE guidelines, in accordance with Federal law.

Question 131. Due to the confusion that occurred in the hearing on January 17, please confirm our current understanding that you have been on the Board of the Edgar and Elsa Prince Foundation for a period of 17 years from approximately 1998 until January 2017, or is that a mistake on the forms that your mother and others have been signing? Can you confirm that you took the first steps to remove yourself from the Board on January 13, 2017.

Answer 131. I have never served as an officer or director of the Elsa and Edgar Prince Foundation, nor have I made any decisions for that Foundation's contributions. Upon review of documents in preparation for the Senate hearing, the Foundation representatives were alerted to these errors, and several Foundation tax filings and State of Michigan corporate filings were amended to correct them.

Question 132. We understand that at some point you were invested in K12 Inc., the largest for-profit operator of online schools. It is a publicly traded company and its revenue has quadrupled from \$226 million in 2008 and \$948 million in 2016. Please describe your current state of your investment in K12 Inc., if any, including the amount of your initial investment, the date and value of the investment at the time you sold your interest if applicable, and/or the current status of the investment in this now public company.

Answer 132. To my knowledge, neither I nor anyone whose interests are imputed to me (pursuant to 5 CFR 2640.103(c); citation hereinafter omitted) have any direct or indirect ownership interests in K12 Inc. Shares in K12 Inc. were acquired in 2002 and 2003, but were sold in 2008.

Question 133. You and your family have extensive investments in a range of areas. On Monday December 5th, the *Wall Street Journal* reported that you and your husband—your husband through your family's investment company, RDV Corporation—own a part of the online lender Social Finance Inc., also known as SoFi. Much of the lender's business is refinancing student loans, including the Federal student loans over which you would set policy as Secretary. SoFi is able to take highly performing loans out of the Federal pool, which affects the overall revenues of the Federal loan portfolio. Do you commit to eliminating all conflicts of interest with private companies that refinance, originate, securitize, or otherwise issue student loans while being the head of a Federal agency responsible for overseeing more than \$1 trillion in Federal student loan debt?

Answer 133. Yes, I will comply with all ethics requirements required by the Office of Government Ethics and the Ethics Office at the Department of Education.

Question 134. Have you or anyone in your family ever invested in, owned, served as a high-level executive or board member for, or in any other way, been financially involved with a for-profit college? If yes, please provide details of the relationship, including the name of the school, who was involved, in what capacity, the amount of the financial involvement, the current state of the relationship, and your plans for recusal for any issues related to the oversight of such colleges.

Answer 134. I never served as a high-level executive or board member of any for-profit college. Any financial interest in any for-profit colleges held by me or anyone whose interests are imputed to me will be divested in accordance with the terms of my ethics agreement.

Question 135. According to your nomination questionnaire, you were a board member of the RDV Corporation for 18 years; could you explain your role in that capacity and the level of involvement you had in the financial dealings of RDV Corporation?

Answer 135. I participated on various board committees of the corporation. I served on the corporation's investment committee from October 2001 to February 2013.

Question 136. As you are aware, the Department of Education contracts with private collection agencies (PCAs) to encourage full student loan repayment while ensuring defaulted borrowers are aware of both the consequences of their failure to repay and the options available to help them get out of default—Performant Financial Corporations is one of these PCAs. According to Performant's fiscal year 2015 SEC filing, 23.8 percent of the company's revenue is tied to its Department of Education contracts. On December 12, 2016, the Department of Education announced seven contractors for its major unrestricted recovery contract; Performant was not named as a contractor and submitted a formal bid protest on January 3d of this year. According to Performant's publicly available quarterly SEC filing for the third quarter of fiscal year 2014, the company received a \$147.5 million loan in that period. One of the parties to that loan is an entity known as LMF WF Portfolio I, LLC. According to the State of Michigan's Department of Licensing and Regulatory Affairs, an entity known as LMF WF Group Investors I, LLC, uses Ottawa Avenue Private Capital, LLC—a private equity fund formed by the DeVos family to serve as an investment firm for RDV Corporation—as a registered agent. All three entities LMF WF Group Investors I, LLC; Ottawa Avenue Private Capital, LLC; and RDV Corporation share a common address: 126 Ottawa Ave, Suite 500, Grand Rapids, MI 49503.

Answer 136. Answer not available.

Question 137. Have you or any member of your family either directly, or through RDV and any of its associated ventures, had a stake in Performant Financial Corporation? If so please provide the date of the investment, a narrative description of the investment, and the value of the investment as of the date that President-elect Trump announced his intent to nominate you to the position of Secretary of Education.

Answer 137. Any indirect ownership interest in Performant will be divested pursuant to the terms of my ethics agreement.

Question 138. Do you believe that it is likely that your extended family will continue their longstanding pattern of giving to candidates, PACs, parties and other 527 organizations at the State and Federal level if you are confirmed?

Answer 138. Yes.

SENATOR COLLINS

Question 1. The majority of Maine's schools and school districts are small and rural, which means they are often at a disadvantage when it comes to applying for competitive Federal funds. In 2002, I co-authored the Rural Education Achievement Program (REAP), and I worked in 2015 to reauthorize the program in the Every Student Succeeds Act. REAP has worked well to help level the playing field when it comes to securing additional Federal funding for small rural and low-income rural schools and districts.

In Maine, for example, the school district in Frenchville, one of our most northern towns, has used REAP funds to supplement the high school's technology efforts with hardware, software, and teacher training. In Machias, REAP supports art, music, and extended school activities, and has helped schools purchase more calculators. REAP funds the Island Reading Program, which uses video conferencing to facilitate book discussions among students living on Maine's coastal islands. Will you commit to supporting REAP and other rural outreach activities at the Department?

Answer 1. I am pleased with the steps that Congress took under the Every Student Succeeds Act to reauthorize the Rural Education Achievement Program and other provisions in the law to provide more flexibility to rural school districts in how they apply and compete for, as well as combine and utilize, Federal funding to meet local needs.

As you and I have discussed, I know each State has unique characteristics and challenges and a one-size-fits-all approach simply will not work. If confirmed, I look forward to working with you to achieve the best possible outcomes for students in your State.

Question 2. I am a strong supporter of apprenticeship education, and I think we can do more to prepare young people for many of the unfilled, high-skill jobs that industry needs. Will you commit to looking at ways to encourage more alignment

between local employment needs and education? Could this include improving adult education programs as well?

Answer 2. I agree apprenticeships are a great way to improve skills for students, and coordination between local employers and education officials on strategies to improve opportunities for students and adult learners to succeed in the workforce is important. And while generally, States and local officials will know best how to implement education policies and align programs with the needs of employers, I believe the Federal government broadly and the Department of Education have important roles to play.

Too many Americans are suffering in the current economy. President Trump made improving the employment opportunities of all Americans a cornerstone of his campaign, and his administration will work to improve the prospects of those left behind in this economy. Reforms enacted in the Adult Education and Family Literacy Act, which was reauthorized in 2014 as part of the Workforce Innovation and Opportunity Act (WIOA), were meant to help States and communities improve services for adult learners to better provide them the education and skills they need to obtain employment and increase self-sufficiency.

If confirmed, I will work with States, local educational agencies, and institutions of higher education to help identify best practices and provide appropriate technical assistance and guidance to assist in program coordination and alignment with local employer needs. I will also work through the Office of Career, Technical, and Adult Education to implement reforms enacted by Congress as part of WIOA to improve outcomes for adult learners. Combined with other efforts across the government, we have an opportunity to restore the American Dream for all Americans.

SENATOR YOUNG

Question 1. I commend the members of the Senate HELP Committee—particularly Chairman Alexander and Ranking Member Murray—on their efforts last year in reauthorizing the Elementary and Secondary Education Act. The bipartisan legislation that was signed into law by the President—the Every Student Succeeds Act—is a critical step to return education authority back to the States. The next Secretary of Education has a responsibility to issue guidance to implement the Every Student Succeeds Act. The purpose of this guidance is to offer technical assistance to States and school districts, and not to introduce new regulation that bypasses Congress. Would you agree with that statement?

Answer 1. Yes.

Question 2. I would like to bring a matter to your attention regarding an important issue to Indiana, and school districts across the country. It is my understanding that in the Every Student Succeeds Act, Congress expressed the intent of the law for several allowable uses of Federal funding in title II, including certification of Athletic Administrators. I bring this to your attention, because letters from former Senator Coats, and from others, have not been adequately answered—or have not been answered at all—under the current Secretary of Education. In fact, in title II guidance released in September of last year, there was no mention of athletic administrators—leaving many States and school districts in the dark.

Do you share this understanding, and think that subsequent guidance can address allowable reimbursements for the professional development of athletic administrators? As the next Secretary of Education, how do you envision addressing this issue, or similar issues?

Answer 2. It is unfortunate that questions from Senator Coats and others have gone unanswered by the previous administration.

If confirmed, I will be responsive and implement the requirements of the Every Student Succeeds Act (ESSA), particularly in providing States and local education agencies with maximum flexibility in their use of Federal title II dollars on activities to improve and support the professional development of teachers, principals, and other school leaders, including athletic administrators. I will also carefully review all existing ESSA guidance, including the title II guidance you referenced above, to ensure consistency with the statute and enable successful implementation of the law.

Question 3. International and foreign language education is critical to ensure our national security and understanding of cultures worldwide. There is now a high demand for skilled employees who possess international expertise and skills. For decades, the Department of Education has sponsored the title VI and Fulbright-Hays international education programs. These programs provide funding to universities and students, to support international and global studies, international business, and foreign language education. Many title VI students transition into careers in

the Federal Government and military. What is your plan for the continued support of international education, including title VI and Fulbright-Hays programs at the Department?

Answer 3. International education, and particularly foreign language skills along with an understanding of different cultures, is increasingly important to our national security and success in the global market. If confirmed, I will look closely at these programs to ensure that they are getting the requisite support to prepare our students.

Question 4. Several suggestions exist on simplifying title IV student financial aid programs. I support and push policies that offer students an alternative to student loan financing without burdening the taxpayers. An example of this is income share agreements. Legislation that I authored in the House of Representatives last year would create a regulatory framework that income share agreements would operate under. In fact, Purdue University funded its first students last fall through their pilot program, "Back a Boiler".

Under your direction, how will the Department of Education view efforts to create innovative forms of student loan financing?

Answer 4. Very positively.

SENATOR ROBERTS

Question 1. In 2015, Congress passed the Every Student Succeeds Act (ESSA). I am proud the bill includes language I drafted to permanently end the Federal Government's ability to coerce States to adopt Common Core.

In fact, here's what my language says, . . .

"No officer or employee of the Federal Government, including the Secretary, shall attempt to influence, condition, incentivize, or coerce State adoption of the Common Core State Standards . . . or any other academic standards common to a significant number of States, or assessments tied to such standards."

Unfortunately, it is evident that the outgoing Department of Education did not follow the spirit and intent of the Every Student Succeeds Act last year while working to implement the legislation.

Since many of my colleagues and I have expressed concerns with the current Administration's attempt to implement ESSA, can I count on you to respect the CLEAR intent (local and State control) as well as the binding prohibition language of ESSA?

Answer 1. Yes. I agree that the Every Student Succeeds Act (ESSA) clearly prohibits the Federal Government from requiring States to adopt or change standards. If confirmed, I intend to ensure ESSA is implemented as intended.

SENATOR MURKOWSKI

Question 1. What are your priorities for the next 4 years with regard to supporting rural public schools and schools that serve Native Americans and Alaska Natives? What will you do to ensure that public school education flourishes for rural and Native students?

Answer 1. Clearly, more can be done to support rural schools. Many of our rural communities have not shared in the same economic prosperity of our urban and suburban areas. Schools serving these communities and populations continue to face unique challenges, including, but not limited to, resources, staffing, and services for students.

I am pleased with the steps Congress took under the Every Student Succeeds Act (ESSA) to reauthorize the Rural Education Assistance Program (REAP) and other provisions in the law to provide more flexibility to rural school districts in how they apply and compete for, as well as combine and utilize, Federal funding to meet local needs. I look forward to helping States and rural school districts fully take advantage of the change in the law.

More and more, technology can bring greater and richer content to classrooms, both rural and urban. Access to the requisite infrastructure to enable these innovations is an important conversation for the current Administration and Congress.

It is my understanding, that even at the U.S. Department of Education, competitive grants often ignore the realities of rural areas or unintentionally exclude them based on their requirements.

As for challenges facing Native American and Alaska Native students, like most students, I do not believe there is a one-size-fits-all solution. It is why I am pleased that ESSA includes more flexibility for States, local education agencies (LEAs), and tribal organizations to decide how to design and implement programs, and use their Federal dollars, to best meet local needs. I will also provide any needed guidance

or technical assistance to help facilitate ESSA's new requirement that States and LEAs consult with tribal representatives. I am hopeful the flexibility provided in ESSA will lead to improved educational outcomes for all students, including rural and Native students.

Question 2. What approach will you take to proactively consider the unique opportunities and obstacles our rural schools face?

Answer 2. I will never forget that more than half of our Nation's public school districts are in rural areas and educate nearly one in four public school students. I am pleased with the steps Congress took under the Every Student Succeeds Act (ESSA) to reauthorize Federal programs serving small, rural, and low-income schools and provide more flexibility to rural local education agencies (LEAs) in how to apply for, combine, and spend Federal funding to meet their needs.

Additionally, new provisions in ESSA are designed to ensure that rural LEAs can compete for funds at the same level as more populated and better resourced school districts.

If confirmed, I will review how the Department is addressing the needs of rural LEAs in administering programs and developing regulations and policies. Based on the findings of this review, I will implement appropriate actions within my authority as Secretary to increase consideration of rural needs in Federal education programs, regulations, and policies. I will ensure that this review and the development and implementation of its findings by the Department are conducted in close and ongoing consultation with rural LEAs and a broad representation of stakeholders from rural communities.

Furthermore, the Department needs to do a better job finding peer reviewers and other experts from rural areas with practical, hands-on, experience in rural parts of the country. Far too often, the Department has relied on those who were available or who work in Washington, DC as peer reviewers. I firmly believe we can find new people, with experience running schools in different parts of our country, to serve as peer reviewers and otherwise assist the Department of Education in implementing the laws. I hope that I can call on your office for suggestions of peer reviewers when the time comes.

Question 3. Will you give me your commitment to visit schools in both rural and urban Alaska during your first year as Secretary?

Answer 3. Yes. If confirmed, I look forward to working closely with you and your staff to plan a visit to Alaska. I have talked with some of my predecessors who have traveled to Alaska with you and your congressional delegation; and I look forward to seeing for myself the distance your students travel, the small sizes of your schools due to the population, and the challenges that Alaska Natives and Alaska's residents face.

Question 4. Will you commit to providing robust support for the 21st Century Community Learning Centers program, which funds afterschool programs that allow working parents to have peace of mind that their children are safe and engaged in learning after school?

Answer 4. After-school programs are critical to the safety and continued learning for many students. There are many programs offered by wonderful local community groups and schools that offer valuable opportunities for learning. The Every Student Succeeds Act (ESSA) included the reauthorization of the 21st Century Community Learning Centers, a program that helps to provide afterschool services to many children. I know that the program was included in the law with your strong leadership, and I look forward to working with you to ensure the program is implemented as you and Congress wrote it.

If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the 21st Century Community Learning Centers program, when making a proposed budget for future fiscal years. Furthermore, if Congress continues to provide annual appropriations for this program, I intend to implement it as the law requires.

Question 5. How do you plan to help States and school districts meet the requirement in ESSA that they engage in meaningful consultation with tribal representatives in planning how they will use Federal dollars to serve Native students?

Answer 5. Congress took important steps in the Every Student Succeeds Act (ESSA) to promote coordination and collaboration between tribal organizations, States, and local education agencies (LEAs) to enhance tribal self-determination in education. This includes provisions requiring timely and meaningful engagement and consultation between States, LEAs, and tribal representatives in the development of their education plans, as well as greater flexibility for tribes and tribal or-

ganizations to administer federally funded education programs. I support what Congress intended when including these new provisions in the law to help State and local school officials meet the unique educational needs of Native students.

Tribal representatives best know the needs of their children, can provide critical guidance on how to meet those needs, and should be consulted at the Federal, State, and local level before important decisions are made about how to best serve Native students in their schools. Tribal leaders face many challenges dealing with the trust relationship they have with the Federal Government, and I hope to learn more about what solutions we can find together to improve those relationships and responsibilities.

While the ultimate responsibility rests with States, LEAs, and local communities, I believe the Department can play an important role. If confirmed, I will ensure the Department provides State and local education officials with the necessary and appropriate guidance and technical assistance to comply with these consultation requirements, and to support the flexible use of Federal dollars provided for in the law. I also look forward to working with you, your staff, and other Members of Congress on further steps the Department can take to ensure that all the aspects of the new law affecting Native students are implemented as intended.

Question 6. How important is the privacy of student data to you, and what do you plan to do to ensure that all data collected by the Department is kept safe from hackers and other unauthorized access?

Answer 6. Protecting the privacy of student data is very important. Data is critical to education. Data can help inform decisions by teachers and school leaders, as well as help parents make more informed decisions about their child's education choices. And data can help taxpayers know if their tax dollars are being spent well.

However, the Federal Government can do more to ensure parents' trust that sensitive student educational data are private and secure. We also need to limit the data government collects to only that which is necessary. Furthermore, parents need to know that the technology used by the Federal Government to collect and store sensitive information is trustworthy and adheres to the highest standards of security. I understand the collection, storage, and analysis of student data by the Federal Government has changed dramatically in recent years. I also understand how difficult it is for Federal policies to keep up with the rapid pace at which technology is changing.

If confirmed, I will pursue the development and implementation of a balanced approach to student data in the Department that empowers students, parents, and educators, while protecting sensitive data. I also look forward to working with Congress as you consider ways to update and modernize Federal laws protecting student data.

Question 7. Will you commit to working with me to help States with high rates of domestic and dating violence to adopt or develop curriculum to give youth the tools they need to stay safe?

Answer 7. I agree addressing the problems of domestic and dating violence are important issues and am concerned about students who are either direct victims of such violence and/or deal with the indirect trauma of witnessing these unacceptable acts. I have seen estimates that trauma has affected as many as one in four students attending school. We all know trauma can affect students in different ways. I am pleased Congress, under Title IV of the Every Student Succeeds Act (ESSA), provides States and local education agencies (LEAs) with funding that may be used on a wide variety of activities to support safe and healthy students, including to improve instructional practices around the recognition and prevention of teen and dating violence, stalking, domestic abuse, and sexual violence and harassment.

If confirmed, I will work with States and local school districts to provide appropriate assistance to help them implement the new flexibilities provided in Title IV of ESSA and other Federal programs to address issues of violence and related trauma. However, the development of curricula and instructional content is solely a responsibility of States and local school boards. Accordingly, I will adhere to the multiple provisions in Federal law, including those under ESSA, which prohibit any officer or employee of the Federal Government from, among other things, interfering with any State, LEA, or school's instructional content, curricula, or program of instruction.

SENATOR SANDERS

Question 1. Before the Senate Health, Education, Labor, and Pensions (HELP) Committee votes on your nomination to serve as Education Secretary will you be able to give us an exact dollar figure for you and your family's campaign contribu-

tions—this includes your immediate family (which includes your husband, your four children and their spouses) and the coordinated giving of both the DeVos (which includes Richard and Helen DeVos, Douglas and Maria DeVos, Daniel and Pamella DeVos, Suzanne DeVos, and Bob VanderWeide) and Prince families (which includes Elsa Prince Broekhuizen and Rennselaer Broekhuizen, Edgar Prince, and Erik Prince)—to the Republican Party, State party committees, candidates for elected office, political action committees, right-wing conservative groups, and other politically active entities, since the year 1980? Please be sure to include a complete list of donations after January 21, 2010, and donations made after you were nominated as well.

Answer 1. I submitted the information about political donations required by the HELP Committee on January 5, 2017.

Question 2a. Most of the questions below were sent to you on January 6, 2017, in a letter from Senators Udall, Merkley, Brown, Markey, and myself, regarding the failure of All Children Matter, Inc. to pay Ohio \$5.3 million in fines and late fees for violating the State’s campaign finance laws. You never responded. Please explain why you did not respond.

Answer 2a. A response letter, dated January 30, 2017 has been sent to the Senators. The responses to subparts A through F below reflect similar responses. Thank you for the opportunity to address certain issues relating to All Children Matter (ACM) in Ohio. At the outset, let me explain that:

- ACM engaged voters participating in our democratic process to advocate for progressive improvements to education including the creation of the Jon Peterson Special Needs Scholarship Program that gives the parents of children with disabilities the choice to send their child to special education programs other than the one operated by their school district of residence to receive the education and the services outlined in their individualized education program (IEP);
- ACM entities were fined by the Ohio Elections Commission for contributions that were made between the ACM entities;
- It is my understanding that ACM sought to settle the matter in or around 2011, but Ohio authorities refused to settle;
- An Ohio court upheld fines against the ACM entities, but also held that an officer of ACM was not liable for the fines in question;
- I was an unpaid volunteer director for ACM, and I did not have day-to-day management responsibilities;
- I was never a party to the legal proceedings;
- In light of the Citizens United decision and its progeny, the regulations that gave rise to the fines may be unconstitutional; and
- ACM PAC no longer exists.

Question 2b. Please provide a detailed explanation of the decision to contribute more than the legally allowed amount from All Children Matter, Inc. to its Ohio affiliate that led to the record fine imposed by the Ohio Elections Commission and upheld by a State court. Include the names of all individuals involved in the decisionmaking process, the role of each individual in the organization, and copies of records related to your involvement throughout the process.

Answer 2b. The events you reference took place between 9 and 11 years ago. Although I was an ACM board member, I did not manage the daily activities nor make the decisions on a day-to-day basis. Therefore, I cannot provide specific details of any discussion or “detailed explanation” that took place between 9 and 11 years ago. I do not have the documents requested in subpart a. It is my understanding that the ACM PAC formally ceased to exist January 6, 2016.

Question 2c. Please provide a detailed explanation of the decision to disregard the Ohio Elections Commission’s advisory opinion stating that aggregate contributions of greater than \$10,000 in a year to the Ohio affiliate would violate the law. Include the names of all individuals involved in the decisionmaking process, the role of each individual in the organization, and copies of records related to your involvement throughout the process.

Answer 2c. In addition to the letter I sent you on January 30, 2017, let me add this:

The events you reference took place between 9 and 11 years ago. Although I was an ACM board member, I did not manage the daily activities nor make the decisions on a day-to-day basis. Therefore, I cannot provide specific details of any discussion or “detailed explanation” that took place. It is my understanding that the ACM PAC formally ceased to exist in January 2016.

As a general matter, the interpretation and validity of restrictions on political expenditures have long been the subject of legal debate. In fact, considering the *Citizens United* decision and its progeny, the regulations that gave rise to the fines may be unconstitutional. A news article in the *Columbus Dispatch* dated July 18, 2014 explained:

Two years after the multimillion-dollar penalty was leveled against All Children, the U.S. Supreme Court ruled in *Citizens United v. Federal Election Commission* that the government cannot restrict independent political expenditures by unions or corporations.

If the situation arose today, Brey [ACM's attorney] said, All Children would not have to create PACs in Virginia and Ohio. Rather, it could just allow for unlimited contributions for an independent expenditure.

"The penalty is for doing something that Citizens United later said they had a constitutional right to do," Brey said.

As a result of procedural issues, ACM was unable to raise the Constitutional arguments and resolve the permissibility of the activity.

Question 2d. Please provide a detailed explanation of the decision to not pay the fine imposed on All Children Matter, Inc. and its Ohio affiliate by the Ohio Elections Commission and later upheld by a State court. Include the names of all individuals involved in the decisionmaking process, the role of each individual in the organization, and copies of records related to your involvement throughout the process.

Answer 2d. ACM PAC has ceased political activity and does not have funds either to resolve legal issues, or pay the fines that have been imposed.

Your assertions that I should personally pay the fine or that I am using a "legal loophole" to avoid personally paying the fine are both incorrect and unfair. As you know, I was never a party to the lawsuit, and the trial court judge expressly ruled that an ACM officer could not be held personally liable for the fine. A Court's ruling is not a loophole.

Ohio's Revised Code (ORC) sets the limits for contributions and the Secretary of State currently adjusts individual donation limits to a State political action committee in a calendar year. I am advised that the ORC would therefore preclude my personal payment of the fine, without subjecting myself and the ACM entities to additional fines under the Ohio interpretation of its law. See ORC 3517.102.

Question 2e. Describe the organizational structure of All Children Matter, Inc. in 2006, 2007, and 2008. Include the number of employees, the leadership of the organization with decisionmaking authority, and your duties and authority as a board member and contributor.

Answer 2e. During the period in question I was an unpaid volunteer director at ACM, and my duties were advisory in nature. I have and will continue to provide information and documents regarding myself in response to Senate inquiries ahead of my nomination. As you weigh my nomination, I understand and acknowledge your right to request information regarding my past activities but not those of others.

Question 2f. Please provide copies of the articles of incorporation and bylaws of All Children Matter, Inc.

Answer 2f. Please see the letter dated, January 30, 2017 sent to your office.

Question 2g. Some prior tax filings for All Children Matter, Inc. list the organization's address as 201 Monroe Avenue NW, Suite 300, Grand Rapids, MI, 49503. List the individuals who worked at that location in 2006, 2007, and 2008.

Answer 2g. As you weigh my nomination, I understand and acknowledge your right to request information regarding my past activities but not those of others.

Question 2h. The year-end IRS form 8872 filings for All Children Matter, Inc. show the organization had little activity after 2009. In the years 2010, 2011, 2012, and 2014 the filings show no contributions and expenditures of only \$1,111 in 2010 and \$512 in 2011. However, in 2013 there were contributions of \$24,000 made by you and John Bryan (\$12,000 each). There were expenditures that year of \$24,212 made to the Bopp Law Firm (\$8,000) and Taft Stettinius & Hollister LLP (\$16,212) for legal fees. Similarly, in 2015, there were contributions of \$20,000 made by you (\$5,000), Richard DeVos, Jr. (\$5,000), and William Oberndorf (\$10,000). Shortly after those contributions were made to All Children Matter, the organization paid the Bopp Law Firm \$20,000 for legal fees.

Who was the client for the legal work done in 2013 by the Bopp Law Firm and Taft Stettinius & Hollister? If it was All Children Matter, Inc., what was the nature

of the legal work for an organization that had been non-operational for several years? If the client was not All Children Matter, Inc., why was money funneled through the organization to pay the legal fees for a different client?

Answer 2h. As previously indicated, it is my understanding that ACM sought to settle the matter, but Ohio authorities refused to settle. That time period was 2011 and subsequent years, and the legal fees paid in 2013 related to those legal costs, as I understand it.

Question 2i. Who was the client for the legal work done in 2015 by the Bopp Law Firm? If it was All Children Matter, Inc., what was the nature of the legal work for an organization that had been non-operational for several years? If the client was not All Children Matter, Inc., why was money funneled through the organization to pay the legal fees for a different client?

Answer 2i. As previously indicated, an Ohio court upheld fines against the ACM entities, but also held that an officer of ACM was not liable for the fines in question. That period was 2013 and subsequent years, and the legal fees paid related to those legal costs, as I understand it.

Question 3. In January 2016, Governor Snyder of Michigan signed a bill that included massive last minute changes that dramatically altered Michigan's campaign finance law. The changes suppressed education and information around ballot initiatives and bond measures and made it easier for corporations to deduct money for their own PACs from their employee's paychecks while at the same time prohibiting similar deductions on behalf of labor unions. You were a strong champion of this effort, which was designed to strengthen corporations at the cost of the voice of the working class. In thinking about our education, our schools must empower the voices of all kids, with a laser focus on increasing equity for those less advantaged. Your history in this example and with similar efforts shows a complete disregard for this value. If confirmed as Secretary, do you intend to promote policies that will actively weaken the capability of your opponents? How does that align with what we want to teach our children?

Answer 3. I can assure you that I am a strong champion of children. If confirmed, I will advocate for policies that allow all parents, regardless of their socioeconomic status, the opportunity to select the best educational environment for their children.

Question 4. Your money and advocacy helped create Michigan's charter school law. In that State 80 percent of charter schools are run by for-profit companies, compared to the national average for charter schools run by for-profit companies of 13 percent.

A Detroit Free Press investigation found, "wasteful spending and double-dipping. Board members, school founders and employees steering lucrative deals to themselves or insiders."

The largest for-profit charter school company, Heritage Academy, was found to charge 14 of its schools excess amounts in rent—in the amount of \$1 million or more.

Despite Michigan spending \$1 billion a year on charters schools, basic information about these schools' spending like salaries and budgets are often hidden from public view. State Board of Education President John Austin, said,

"With many schools, we don't know where the money we're spending now is going, who's getting rich, and at what price to the taxpayer. And worst, we're not seeing good educational outcomes."

The Department of Education has a budget of over \$70 billion a year—how can we be sure you will not bring this record of profiteering and poor management to the Federal level?

Answer 4. First, I believe our focus needs to be on serving students and expecting results. Systemic failure must not be tolerated.

Second, I disagree with your characterization of charter schools in Michigan. Let's start with a few facts: Detroit charters outperform their traditional counterparts on the M-STEP, Michigan's State tests; and, charter students in Michigan gain an additional 2 months of learning in reading and math over their traditional public school peers. In Detroit, it's 3 months.

A lot has been said about Detroit in the past several weeks. Here's some context: in 1993, around 20 percent of all individuals in Detroit over the age of 25 did not have a high school diploma; African American high school-aged males had a dropout rate of close to 45 percent; and, according to a study by the National Institute for Literacy, 47 percent of all individuals in Detroit were functionally illiterate despite annual expenditures by DPS of nearly a billion dollars. Over the last two decades, anyone who could has moved outside the city to escape a failed system. For genera-

tions, DPS continually failed its students. As a result, nearly half of the adult population of Detroit is illiterate. These statistics are unacceptable.

As for my role, I could not watch the devastation any longer and helped to bring change in the way of educational options to families because the traditional public schools were not getting the job done. While it is true that not all charters have been successful, those that have not done well have been closed. The same cannot be said for public schools.

For the record, let's note that less than 50 percent of charter public schools in Michigan are managed by for-profit companies, and these are among the highest performing charters in the State. And, over 90 percent of charter management companies operating in Michigan are small, in-State businesses.

Question 5. It is no secret that your family has given tens of millions of dollars to shape education policy in Michigan and throughout the Nation. You have helped craft the original charter school law in Michigan and you have fought every attempt to increase accountability on these schools.

According to the Center for Educational Research on Education Outcomes (CREDO), 80 percent of charter schools in Michigan perform below the State average in math and reading. Michigan's State test found that in the 2013–14 school year nearly half of all charter schools rated by the State ranked in the bottom quarter of all schools in the States—meaning 75 percent of all schools in the State performed better. Michigan's charter schools have been described by advocates of quality charter schools like the Executive Direct of the Education Trust-Midwest, Amber Arellano, as “a national embarrassment,” and your efforts have been characterized as the “triumph of ideology over evidence.”

By any measure, your efforts to expand charter schools and fight real accountability have been a failure. Is it your intention to continue these failed efforts on the Federal level as Secretary of Education?

How do you expect us to promote someone to the top education job in the Nation with this kind of track record?

Answer 5. As I said during my confirmation hearing, I support accountability for all schools. In your question, you suggest otherwise—which could not be farther from the truth—and referenced legislation in Michigan. Here is the background. Critics of parental choice sought to limit options for families and called that accountability. Their real effort was to create a new layer of bureaucracy—an eight-person unelected mayoral appointed board that sought to limit the growth of charters and dictate their operations. This legislation, which was supported by the unions, would have hamstrung charter schools and kept many failing public schools open at the expense of vulnerable students. I joined with parents and other reformers to oppose this scheme, which undermined the good work of so many charters. Instead, I supported legislation—now law—that imposed the same accountability on all schools. Parents need and deserve to know how their children are performing. Any and all obstacles to good information should be removed.

Question 6. Researcher and charter school expert, Doug Harris, has said that,

“As one of the architects of Detroit's charter school system, [you are] partly responsible for what even charter advocates acknowledge is the biggest school reform disaster in the country.”

Of the 159 traditional public and charter schools in Detroit—only three schools perform above the State average in reading or math. Charters were supposed to dramatically increase student achievement but perform about the same as the Detroit Public Schools in reading and math despite charters serving a much smaller percentage of students with disabilities.

It defies logic than that you and your family spent \$1.45 million in 7 weeks to kill a bipartisan reform package to increase accountability for all of Detroit schools—public and charter. It's what the Detroit Free Press Editorial Page called, “a filthy, monied kiss to the charter school industry at the expense of kids who've been victimized by those schools' unaccountable inconsistency.”

Given your record of ideology over evidence, how can we entrust that you will put what is best for kids and communities over ideology as the top education official in our Nation?

Answer 6. I disagree with your characterization of Michigan charter schools. Charter students in Michigan gain an additional 2 months of learning in reading and math over their traditional public school peers. In Detroit, the gain is 3 months. As for the legislation you referenced, I opposed the bill that would have added an additional layer of bureaucracy and given the city's traditional schools a free pass on accountability. I advocated for a different bill—now law—that provided uniform

and tough accountability measures for all schools, not just charter schools in Detroit. Because of my support and that of many others, for the first time in State history, both charter schools and traditional public schools are now subject to mandatory State closure or restructuring if they do not demonstrate results.

Question 7. Your advocacy for for-profit schools is well-documented. The terrible outcomes for an unacceptable number of children enrolled in for-profit schools, whether it is a brick-and-mortar for-profit school or for-profit online school, is also well-documented.

The results of for-profit online public schools are the most egregious. A 2015 report by the Center for Educational Research on Education Outcomes (CREDO) on online charter schools found that they have an overall negative impact on student learning growth. These schools are so terrible that children are losing nearly half a year of learning in reading and a full year's worth of learning in math.

Yet the education "advocacy" organizations you run, like the American Federation for Children, promote online schools, and you have been an investor in K-12 Inc., the largest operator of online for-profit schools in the Nation. K-12 Inc. is notorious for its rank profiteering at the expense of kids and taxpayers.

Just last year, K-12 Inc. lined the pockets of its executives to the tune of \$16 million for the top six executives while posting terrible academic outcomes like a 37 percent graduation rate at its Ohio Virtual Academy. On top of these poor outcomes, over 80 percent of K-12 Inc.'s revenue comes from taxpayers.

As someone who openly declared in an op-ed in the Grand Rapids Press that "student achievement is the bottom line," how can you justify the abysmal education these online companies provide, or is this simply a means of generating obscene profits?

Answer 7. I believe all schools must be accountable to the parents and communities they serve. Schools must be transparent about their performance with all students so that parents can make informed decisions about what is best for their children. If confirmed, I look forward to discussing with this committee ways to expand educational freedom for parents and the information parents need to meaningfully exercise those freedoms.

To be clear, I support quality schools regardless of governance or delivery model, and my approach to failing schools is the same.

Question 8. Republicans have long been proponents of local control in education. In fact, the 2016 Republican Platform speaks to this belief saying that local control in education is in fact fading, "as centralizing factors outside of the family and community have sought to remark education in order to remake America."

As someone who ran an education-focused Political Action Committee that has spent over \$5 million nationwide since 2010 alone to push private school vouchers, and who founded the Great Lakes Education Project PAC which has spent \$2.1 million solely to influence Michigan education policy since the year 2001, do you think you have played a contributing role of moving education decisionmaking from the family and community to the centralized control of wealthy plutocrats?

Answer 8. No.

Question 9. Would you say this centralization of control by billionaires is a key Republican value? Is it fair to communities? Is it healthy for our democracy?

Answer 9. To your first question, no. To your subsequent questions, I don't accept your premise.

I trust parents to make decisions about the education of their children.

Question 10. Throughout your life you have used your family's fortune to privatize public education in the form of for-profit charter schools and taxpayer-funded vouchers for private school.

In the year 2000, you and your family spent \$4.5 million to bankroll a failed initiative in Michigan to provide for publicly funded private school vouchers.

You helped create Michigan's charter school law, where today 80 percent of charter schools are run by for-profit corporations.

In order to create hostility toward the public school system your husband encouraged conservatives to call our public schools "government schools."

In a 2015 speech you said the "government really sucks." And in a February 2016 op-ed, you said "we need to retire the Detroit Public Schools."

Given your record of hostility toward public education, how can we count on you to support the 90 percent of children in this Nation that attend public schools?

Answer 10. I believe you are referring to a speech I gave at SXSW last year where I talked about six inconvenient truths. What I said—and what I continue to believe—is that too often government approaches problems from the top down with a

one-size-fits-all solution. I prefer solutions developed at the grassroots level. As I said during my committee testimony, I fully support public education and will be an advocate for great schools in all forms.

Question 11. Climate change is the single greatest threat facing our planet and the scientific jury is in—it is caused by human activity.

You and your family have given nearly \$5 million to the Acton Institute that battles against environmental regulation. This group pushes the belief that climate change is a hoax and has marketed this idea through their DVD titled “Resisting the Green Dragon.”

Do you believe that climate change is real and caused by human activity? Do you believe that children should be taught climate science in our schools?

How can we be sure you have a firm commitment to children if you fund groups like Acton that fight the right for children to inhabit a healthy planet?

Answer 11. The Department of Education is prohibited from dictating curricula in our Nation’s schools. If confirmed, I would respectfully defer to my colleagues in other agencies, like the Department of Energy, on the issue of climate change.

Question 12. I am hearing concerns nationally and in Vermont about your support for taxpayer-funded private school vouchers and their impact on students with disabilities.

Heather Lanier, of Bennington, VT, wrote to me with this very concern.

“Having a nonverbal daughter with disabilities, I was initially very nervous about sending my child to kindergarten. But my child’s full inclusion in a typical classroom, along with the extensive supportive services she receives, has made me want to sing the National Anthem.”

“So I was very distraught to learn that Betsy DeVos is Trump’s Secretary of ED nominee. She believes in school privatization and vouchers. She believes in channeling taxpayers’ dollars into private schools, which as you know are exempt from having to provide services to kids like my daughter. The marketplace solution of DeVos will destroy our democratically governed community schools, let alone the Nation’s special education services. DeVos’ hostility toward public schools disqualifies her.”

What do you have to say to allay the concerns of those parents like my constituent Heather?

Answer 12. I believe that all students, including students with disabilities, deserve an equal opportunity to lead full, productive and successful lives. To that end, I am committed to supporting the remarkable parents and educators who make this vision a reality for students with disabilities in States and communities in Vermont and across our great Nation. If confirmed, I will bring a sense of urgency around all of these issues: implementation and enforcement of IDEA at Federal, State and local levels, improving the quality of IEPs, and expanding the conversation about school choice opportunities for parents of students with disabilities. To me, IDEA is a wonderful example of what happens when parents are regarded as full partners in their child’s educational decisionmaking.

Question 13. You have been called the four-star general of the pro-voucher movement—the movement to use taxpayer dollars to pay for private and religious schools.

The countries of Finland and Sweden have taken two different approaches to education. Finland focuses on whole child development rather than teaching to the test, treats their teachers like professionals and compensates them well, and did not privatize its public education system through taxpayer-funded vouchers. Internationally, Finland is consistently a top performer on the Programme for International Student Assessment or PISA, consistently scoring well above the OECD average in math and reading. Sweden on the other hand, widely implemented vouchers in the 1990s and saw its PISA scores plummet since the year 2000 by over 25 points. The difference could not be clearer, today Sweden performs at about the OECD average while Finland performs at least 20 points higher than the average.

Given these results do you still think it is a good idea to spend \$20 billion—an amount \$5 billion larger than Title I of ESEA—to privatize public education through vouchers?

Answer 13. The initiative proposed by the President during the campaign is a voluntary program in which interested States offer a range of educational options to low income families. I look forward to working with the President and Congress to support and improve public schools and increase high quality educational options.

Question 14. In your opening statement you said “we are blessed beyond measure with educators that pour themselves into students,” yet you and your family have spent hundreds of thousands of dollars to pressure the Michigan legislature to dismantle collective bargaining for workers in your home State. Additionally, according to the *Washington Post* and other news outlets, you failed to include a \$125,000 donation to an anti-collective bargaining group on the disclosures you submitted to this committee.

After teachers in Detroit protested poor working conditions you proposed slashing their retirement, dismantling proper certification, and prohibiting the use of using sick days to protest poor teaching and learning conditions in Detroit.

In Michigan, where you were the architect of the State’s charter law, teachers in charter schools make about \$20,000 less a year than their traditional public school counter parts.

Given that teachers are the most important in-school factor that impacts student learning and that teachers’ working conditions directly affect students’ learning conditions, how can you justify your attacks on teachers’ ability to earn a living wage?

Answer 14. For the record, I have never attacked a teacher’s ability to earn a living wage. And, if confirmed, I will continue to support great teachers. On a separate note, the Department of Education does not have any jurisdiction over salaries for our country’s educators so I would defer to States and local school districts on how best to compensate teachers.

Question 15. I worry that, given your record of supporting privatization of education in many forms, you may be seeking to privatize our Federal student loan program.

The Heritage Foundation, to which you and your family have donated over \$13 million, has called for eliminating the Federal PLUS loan program, the only Federal loan program for parents, and for putting Wall Street in charge of deciding who is worthy of higher education.

You are also an investor in a company that stands to profit from siphoning off loans from the Federal loan program.

Goldman Sachs, the Wall Street firm that the President-elect has populated his cabinet with, has made it clear that it has eyes on \$150 billion of Federal student loans that it would like to profit from.

I have a very simple question about your priorities. Do you commit that you will oppose any action that further enriches Wall Street and private banks at the expense of our student loan program? Yes or no?

Answer 15. If confirmed, I will commit to doing everything I can to make college more accessible and affordable for all our students and I look forward to working with you during the reauthorization of the Higher Education Act to further this commitment.

Question 16. Concerns have been raised about your family’s derivative financial interest in the success of Social Finance, Incorporated (more commonly known as “SoFi,” the student loan company). Will you and your family divest from any and all business and philanthropic interests that could benefit directly or indirectly from your potential position at the U.S. Department of Education?

Answer 16. Social Finance is a holding that has already been divested. Additionally, I will comply with all the requirements of the Office of Government Ethics and the Ethics Office at the Department of Education. Please see my Senate Committee on Health, Education, Labor, and Pensions form and my OGE form, which was completed Thursday, January 19, 2017.

Question 17. I am deeply troubled by you and your family’s anti-LGBT activity and giving. Children in this Nation regardless of their sexual orientation or gender identity deserve a right to a high-quality education. Likewise, children who have LGBT parents also deserve to be treated with dignity and respect.

In 2004, Republicans led the charge to turn out voters based on hate by putting on the ballot constitutional amendments to ban same-sex marriage in the States. As chair of the Michigan Republican party that year you helped lead the charge declaring,

“Republicans support traditional marriage. We support marriage between one man and one woman because that is the way God set it up and because children need a mother and a father to love and care for them.”

You and your husband then spent \$200,000 to help ensure Michigan would amend its State constitution to discriminate against gays and lesbians. It worked. Thanks to your advocacy and money, Michigan banned same-sex marriage that year. Ten other States also put in place these disgraceful bans.

You and your family have donated to anti-LGBT groups and causes. Since at least 2001, you have sat on the board of the Edgar and Elsa Prince foundation which has contributed at least \$6.1 million to the Family Research Council (FRC), an entity the Southern Poverty Law Center labels a hate group. The FRC has called for criminal sanctions for being gay, advocates for allowing businesses to discriminate based on sexual orientation, supports State and Federal bans on same sex-marriage, and called giving transgender individuals legal rights and protections a “threat to public safety of women and children.”

In fact, in December the group called for rolling back civil rights protections for LGBT Americans put in place by the Obama administration, including the Department of Education’s protections for transgender students.

Additionally, your family has given over \$6.7 million to Focus on the Family, a group that pushes the fraudulent and dangerous conversion therapy—the belief that gays and lesbians can change their orientation to straight. Mainstream medical and health organizations have discredited this practice decades ago. Further, the American people do not support such a barbaric practice.

You and your family have donated to anti-LGBT politicians like former Governor Pat McCrory of North Carolina and Andrea LaFonatine, the sponsor of a Michigan bill that allows adoption agencies to discriminate against gay and lesbian people.

The Secretary of Education is in charge of enforcing the civil rights of all students including LGBT students. Given your track record how can we be sure that you will enforce civil rights protections for LGBT students? Do you plan on keeping in place the Department of Education’s guidance for schools for transgender students? Do you plan on keeping the Office of Civil Rights at the Department of Education and requesting at a minimum its current funding level?

Will you urge all Members of Congress to pass the Student Non-Discrimination Act and Safe Schools Improvement Act to protect all students from discrimination and bullying?

Answer 17. I believe that all students should have a safe and supportive learning environment free from discrimination.

To be clear, I have never served as an officer or director of the Elsa and Edgar Prince Foundation, nor have I made any decisions for that Foundation’s contributions.

Question 18. President Obama increased accountability on for-profit colleges and rightfully so.

For-profit colleges enroll only 10 percent of all students but account for nearly 30 percent of student loan borrowers, and 35 percent of all defaults.

One of the protections put in place is the gainful employment rule which ensures that students get a quality education that allows them to get a job that pays enough for them to reasonably pay down their student loan debt. Last week, of all the schools subject to this regulation—98 percent of those in violation were for-profit schools, and the biggest culprits were the mammoth, for-profit, publicly traded chains like the Education Management Corporation. After Trump’s election the stocks of many for-profit college chains soared.

If confirmed, do you plan on keeping this regulation in place or rolling it back to enrich your billionaire friends?

Answer 18. I believe all institutions of higher education participating in the title IV programs should provide value to students and taxpayers alike. There are many tools to provide information to students, parents, and the public and if confirmed, I look forward to working with Congress to reform the Higher Education Act in a way that will allow all institutions to appropriately demonstrate their value to students and the public. Regarding the gainful employment regulations, the Department has had significant implementation issues, including questions as to the accuracy of the data originally reported, the designing of a system that would allow schools to challenge incorrect data, and providing the necessary technical assistance required. The last thing any of us want is to unnecessarily close important programs—putting students on the street with limited or no other options. As President Trump has directed, we will review and assess all regulations and make determinations once that review is complete.

Question 19. I have introduced legislation to make public colleges and universities tuition- and fee-free.

At a time when tuition and fees have nearly quadrupled since the 1980s and student loan debt stands at \$1.3 trillion—this is an imminently reasonable proposal. In fact, President-elect Trump said he “would lower the cost of college” and “make 2- and 4-year colleges affordable.”

In your home State of Michigan, tuition at in-State colleges and universities has been eliminated for all children of the Kalamazoo public schools—regardless of income—through the generosity of an anonymous donor. States like Oregon and Tennessee have eliminated tuition and fees at community colleges. New York just announced that it will eliminate tuition and fees at 4-year public schools.

At a time when getting a higher education is one of the strongest paths to the middle class, don't you think it is time that we eliminate tuition and fees at public colleges and universities? If confirmed, will your Department of Education join me in putting forth a plan in your budget to eliminate tuition and fees at public 4-year schools?

Answer 19. If confirmed, I look forward to working with you, the committee and other stakeholders about ways to make college more affordable and accessible in the context of the Higher Education Act reauthorization.

Question 20. At a time when 40 million Americans have over \$1.3 trillion in student loan debt, and the Federal Government makes a profit off of the student loan program, the least we can do is allow borrowers to refinance their debt at lower interest rates. It makes no sense that in this country that you can refinance your car loan or home mortgage to low rates but you cannot refinance your student loans to lower interest rates. I have introduced legislation that allows borrowers to refinance their loans to dramatically lower interest rates than what many current Federal borrowers now have. Do you support giving borrowers much-needed relief by allowing them to refinance their loans to the interest rates provided in my bill?

Answer 20. I am very concerned about the level of student debt in this country. If confirmed, I look forward to talking with you, the committee and other stakeholders about how best to tackle this problem in the context of the Higher Education Act reauthorization.

Question 21. You have had investments in Social Financial, a company that allows high-income earners to refinance their private and Federal student loans. Do you support plans to allow all Federal student loan borrowers to refinance their loans to lower interest rates offered by the Federal Government? Or do you think the wealthy should be the only ones that have access to the ability to refinance their loans?

Answer 21. The issue of loan refinancing has been a topic of conversation for the past several years. If confirmed, I look forward to discussing whether loan refinancing is the best use of taxpayer resources as you and your colleagues move forward with the reauthorization of the Higher Education Act.

Question 22. The College for All Act also lowers interest rates for new borrowers by restoring an interest rate structure that was in place under Presidents Clinton and George W. Bush. Do you support lowering Federal student loan interest rates for new borrowers? If not, why not?

Answer 22. As you know, the Higher Education Act (HEA) is due for reform and I know Congress joins me in its eagerness to move forward with the rewrite. In fact, the House and Senate, combined, have already held over two dozen hearings on many important issues. I look forward to engaging in a robust discussion, if confirmed, on this issue—and others—as you move forward with the reauthorization of the HEA.

Question 23. In your testimony you said,

“For too long a college degree has been pushed as the only avenue for a better life. The old fashioned brick-mortar-and-ivy model is not the only one that will lead to a prosperous future.”

While we must support high-quality avenues for higher education or skill training, we must not foreclose on the opportunity to earn a 4-year degree due to one's economic circumstances. The *New York Times* recently reported that the so called “brick-mortar-and-ivy” schools you mentioned serve a disproportionate share of students from the 1 percent. In fact, the article found that one in four children from the Nation's richest families attend an “elite college” while only one-half of 1 percent of children from the bottom fifth of the economic ladder attend an “elite college.” More than half of children at the bottom fifth of the economic ladder did not enroll in college at all. Is it your intention as Education Secretary to keep these so called “elite colleges” as havens for the wealthy? If not, what are your plans to increase college affordability, support, and access for those Americans that are not children of the 1 percent?

Answer 23. I believe the question of college affordability and accessibility are vital to the success of our country. To accomplish these goals, the Federal Government

must work in concert with States, institutions of higher learning, and families. As Congress reauthorizes the Higher Education Act, I look forward, if confirmed, to working with you and the committee to ensure that all students have access to affordable post-secondary educational options.

Question 24. You have said we must “embrace new pathways of learning” when it comes to higher education. I fear that these “new pathways of learning” will reflect your advocacy for online learning for children and your past investments in the largest provider of for-profit online schools, K–12 Inc., which has had terrible results for children at the taxpayer’s expense. Can you please explain the criteria of quality and protections for students you would expect in these “new pathways of learning” in higher education?

Answer 24. I believe innovation is vital to meeting the needs of America’s future college students. One of those innovations could be exploring new models of teaching, which maybe exciting for teachers and students. If confirmed, I would hold these new methods accountable in a similar way to the more traditional modes of teaching.

Question 25. Veterans deserve a high-quality higher education. A recent analysis from the Department of Education found that if the post-9/11 GI benefits were counted as Federal financial aid under the current 90/10 rule, almost 200 for-profit institutions would be in violation up from the 17 who currently violate the rule through title IV aid only. I am a cosponsor of Senator Durbin’s POST (Protecting Our Students and Taxpayers) Act of 2015, which would target this loophole that incentivizes for-profits to prey on veterans. The POST Act would also change the current 90/10 rule for for-profit colleges to an 85/15 rule. This would ensure that at least 15 percent of revenue from for-profit higher education institutions would have to be from sources other than title IV Federal student aid and military personnel and veterans benefits.

Do you support including veteran’s benefits in the calculation of allowable Federal revenue that can flow to for-profit colleges and universities? Do you support an 85/15 rule, where only up to 85 percent of a for-profit’s revenue can be from veteran’s benefits and title IV aid, as a way to protect veteran’s access to quality higher education?

Answer 25. The Higher Education Act (HEA) currently defines what should be counted as part of the 90/10 rule. If confirmed, I look forward to engaging in this discussion as part of the reauthorization of the HEA.

Question 26. Managing student loan debt can be challenging for all Americans. It is imperative that all students have access to reliable information to payback their loans, especially servicemembers and veterans who have put their lives on the line. The Consumer Financial Protection Bureau (CFPB) found that many servicemembers—who have an average student loan debt of over \$25,000—rely on loan servicers for information about managing student debt, but are not receiving the best information regarding loan repayment plans, deferment, and forbearance. How will you hold student loan servicers accountable to ensure they are providing servicemembers and veterans with accurate information regarding the best ways to manage their student loan debt?

Answer 26. If confirmed, I will strive to do a better job than the previous administration at managing all the Department’s contractors and will ensure they follow all the appropriate consumer protection laws as those laws were written and work to ensure students are being made aware of their repayment options. I look forward to working with you, during the reauthorization of Higher Education Act, to give certainty to borrowers about their loan repayment options.

Question 27. Grand Rapids, MI had a branch of the now-defunct Corinthian Colleges that enrolled nearly 1,000 students and took in \$6.7 million in Federal money in 2014 alone. Do you believe that these former students should pay for what the industry admits were “mistakes?”

Answer 27. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws.

Question 28. In 1973, the Pell Grant covered more than 75 percent of the total cost of college at a 4-year public institution. Today, the Pell Grant covers just over 35 percent of the expense of that same education. What are your plans to increase funding for the Pell Grant program so it can once again give low and moderate income students a path to college without crushing student loan debt?

Answer 28. If confirmed as Secretary, I look forward to working with you and other members of the HELP Committee to find ways that we can strengthen the Pell Grant program while ensuring it is flexible enough to meet the needs of today's students during the reauthorization of the Higher Education Act. I will also look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Pell Grant program, when making a proposed budget for future fiscal years.

Question 29. Last year, I joined Senator Schatz to introduce the Restoring Education and Learning (REAL) Act, which would restore the ability of prisoners to receive Pell Grants by reversing the disastrous decision made by Congress in 1994 that robbed incarcerated individuals from a chance of rehabilitation. We know that in order for incarcerated individuals to thrive when they reenter society they need a quality education so they can secure a good paying job. Do you believe that individuals who are incarcerated should have access to a higher education? Will you join Senator Schatz and me in the push to restore eligibility for higher education aid to incarcerated individuals hoping to get a higher education?

Answer 29. The Higher Education Act (HEA) prohibits Pell funds from going to specific incarcerated individuals. I am aware that experimental sites are underway and, if confirmed, I'll be interested in knowing what has been learned from those sites. I look forward to engaging with you on this issue and expect that it will also be discussed in the course of the HEA reauthorization.

Question 30. The Supplemental Educational Opportunity Grant (SEOG) provides funding to institutions to grant additional aid to the neediest students. Do you commit to maintaining the SEOG program? Do you have any plans of expanding funding for this "skin-in-the-game" program?

Answer 30. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Supplemental Educational Opportunity Grant program, when making a proposed budget for future fiscal years. Furthermore, I look forward to working with you and members of the HELP Committee as we seek to make college more affordable for all students during the reauthorization of the Higher Education Act.

Question 31. Tuition has continued to skyrocket, especially when States have slashed their funding for higher education. Per-student funding is down 18 percent from before the recession. What would you propose that we do to help States reinvest in students?

Answer 31. It takes a partnership between the Federal Government, States, institutions of higher learning, and families to ensure post-secondary education is affordable. If confirmed, I would work with States to ensure they are holding up their end of the bargain.

Question 32. The Government Accountability Office has found that public colleges are receiving more funding from tuition than from their own State coffers. In Michigan, were you or the organization you funded and created—the Great Lakes Education Project—ever involved in efforts to urge the State to increase funding or support for public institutions of higher education? If so, please provide evidence. If not, please explain why not.

Answer 32. The Great Lakes Education Project (GLEP) was, to the best of my knowledge, during the time I was previously affiliated with it, focused solely on K-12 education issues. It is also my understanding that GLEP has advocated for an increase in funding for public schools.

Question 33. Thanks to our work in Congress and the Obama administration the Pell Grant has grown in value by over \$1,000 since President Obama took office. The 2017-18 term is the last school year that the Pell Grant award will be increased according to inflation. Do you commit to putting forth a budget that ensures at the very least that the Pell Grant's value does not erode due to yearly inflation?

Answer 33. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Pell Grant program, when making a proposed budget for future fiscal years. Furthermore, I look forward to working with you and members of the HELP Committee as we seek to make college more affordable for all students during the reauthorization of the Higher Education Act.

Question 34. The Work Study Program reaches nearly 700,000 students with an average yearly award of about \$1,670. Because college cost are so high, I have proposed tripling the size of this program and making it more equitable so it reaches

colleges that serve the neediest students. What are your plans for the Work Study Program? Do you plan on increasing funding to this vital program?

Answer 34. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Work Study program, when making a proposed budget for future fiscal years. Furthermore, I look forward to working with you and members of the HELP Committee as we seek to make college more affordable and accessible for all students during the reauthorization of the Higher Education Act.

Question 35. At a time when over 40 million Americans have over \$1.3 trillion in student loan debt we should be protecting the tools we have in place to help these students. One of these tools is our Income-Driven Repayment (IDR) Plans, the most generous of which allows students to pay 10 percent of discretionary income and receive forgiveness after 20 years of on-time payments.

Do you promise to not weaken these IDR plans by increasing the amount that students must pay a month, extending repayment terms, or capping the amount of loan debt that can be forgiven after the requisite amount of on-time payments?

Answer 35. One of President Trump's campaign promises was to put forward an income-driven repayment plan that capped borrowers' monthly payments at 12.5 percent of their discretionary income and provided forgiveness after 15 years of on-time payments. If confirmed, I look forward to working with Congress through the Higher Education Act reauthorization to make that campaign pledge a reality.

Question 36. In 2007, I was proud to help create the Public Service Loan Forgiveness (PSLF), which encourages Americans to go into vital public service fields without fearing that they will be buried under crushing student loan debt.

PSLF allows qualifying borrowers that have made 10 years' worth of payments to have their remaining student loan debt forgiven. For almost a decade Americans have made decisions about getting a higher education and choosing a career in public service because of this program. In fact, the first borrowers will become eligible for forgiveness in less than a year and more than half a million have already voluntarily certified themselves as eligible for benefits, with an estimated four million Americans eligible for PSLF.

If confirmed as Education Secretary, do you commit to protecting PSLF from cuts or curtailment? What are your plans to make young Americans thinking about a career in public service aware of this program?

Answer 36. If confirmed, I look forward to discussing this issue—among others with you and your colleagues as you move forward with the reauthorization of the Higher Education Act.

Question 37. A December report by the Government Accountability Office (GAO) found that in fiscal year 2015, 114,000 older borrowers had their Social Security earnings garnished to pay their student loan debt, with 58 percent of borrowers 65 years or older subject to Social Security garnishment living below the poverty line. At a time when many Americans cannot save a dime for retirement, I have been vocal that we should not be making any cuts to Social Security. Plunging older Americans into poverty in order to collect on student loan debt is deeply troubling to me. Do you believe it is appropriate that this is happening on the wealthiest country on Earth? What do you think the Department of Education and Department of Treasury should do to fix this problem?

Answer 37. I think we can all agree that the growing amount of student debt in America is a serious challenge. And the solutions to the problem of growing student debt should be multifaceted. I believe that one of the best ways to tackle the student debt issue is to ensure that students are able to get jobs after they complete their post-secondary program. President Trump has spoken extensively about his plans to put Americans back to work and boost the Nation's stagnant economy and I am confident that a revitalized workforce will help ensure that graduates get jobs after they complete their schooling.

We also need to simplify and streamline the repayment options offered to borrowers and ensure that they receive clear information about the different plans. While on the campaign trail, President Trump spoke about his plan to streamline the income-driven repayment plans into one plan that will cap a borrower's monthly payment at 12.5 percent of his or her discretionary income, and ensure a borrower has relief from his or her loan after 15 years of payment.

If confirmed, I look forward to working on all of these issues as the committee begins the process of reauthorizing the Higher Education Act.

Question 38. This same GAO report also found that many older borrowers with loans in offset may be eligible for Total and Permanent Disability Discharge, but

have not applied. If confirmed as Secretary of Education, how would you ensure that older Americans with Federal student loans receive timely and plain English information regarding eligibility and application requirements for TPD Discharge that they may be entitled to?

Answer 38. If confirmed, I plan to review all facets of the Department of Education, including how individuals are informed of the benefits of the Federal student aid programs afforded to them. Should this review result in a finding that individuals are not receiving the information, I will take steps to rectify the situation.

Question 39. Borrowers who get their loans forgiven due to death or total and permanent disability still face a tax penalty. Bipartisan legislation has been introduced to put an end to this practice. Do you support ending the tax penalty for loans forgiven due to death or total and permanent disability? If so, will you include this in the Department's Budget Request?

Answer 39. I share your concerns about this issue. I think that when an individual dies, the last thing they and their survivors should be worried about is a bill from the Government. Chairman Hatch has publicly stated that tax reform is a top priority of the Senate Finance Committee and, if confirmed, I look forward to working with him and other Members of Congress to address the need for reform of the tax code.

Question 40. If the 115th Congress takes up the reauthorization of the Higher Education Act, what level of student loan relief should be available for teachers teaching in underserved schools, including teachers of the well-rounded subject areas?

Answer 40. The Higher Education Act currently provides certain teachers with opportunities for loan forgiveness. If confirmed, I look forward to reviewing the effectiveness of these programs and engaging in a conversation with you—and your colleagues—about the best ways to incentivize teachers to serve in underserved schools.

Question 41. Contingent or non-tenure-track faculty now make up more than 50 percent of all faculty appointments. Many of these faculty are part-time, are paid low compensation per course, receive no health or retirement benefits, and often commute across various campuses to cobble together a livable salary. I am concerned about these dire working conditions for the faculty in our community colleges and universities, and the implications they have for student learning and success. That is why my College for All legislation would, in addition to making public colleges and universities tuition and fee-free, require institutions to dramatically increase their full-time, tenure-track faculty workforce.

Do you agree with me that colleges and universities are becoming overly reliant on a contingent instructional workforce? If confirmed, what specific steps would you take to reduce the reliance on contingent and non-tenure-track faculty?

Answer 41. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with leaders of institutions of higher education looking for improvements. I do not believe that it is the role of the Secretary of Education to tell institutions of higher education how to run their campuses, or whom to hire, but I can encourage these institutional leaders to think outside the box and innovate, looking for new solutions to educational problems.

Question 42. Native American leaders have sought to govern their own people for more than two centuries. In 1975, President Ford signed the Indian Self Determination and Educational Assistance Act into law, allowing tribes to take control over education for their people. Consistent with that law, which remains in effect today, would you support providing deference to tribes who wish to keep Indian schools tribally controlled?

Answer 42. Yes. And, if confirmed, I look forward to sitting down with Native American leaders to gain a better understanding of the needs of our Native American communities.

Question 43. Vermont has a great high-school graduate rate of 88 percent—which is higher than the national average of 82 percent—but only 53 percent of students enroll in college directly after graduating high school in our State, a rate that is nearly 10 points below the national average. What are your plans to help more students enroll in and succeed in higher education?

Answer 43. I believe it is important to help students consider a range of post-secondary options and not assume that all students must pursue a 4-year college degree. If confirmed, I will look forward to working with you and your colleagues on strengthening college access and support programs to ensure they are effectively

helping students. Our students deserve a range of high quality post-secondary options.

Question 44. The Federal TRIO programs provide critical services to low-income, first-generation students and underrepresented high school and college students to support them in their transition to college and graduate school. Started in the 1960s as part of President Lyndon B. Johnson's "Great Society," I am proud to support these programs, which serve almost 800,000 students, including those in one of the eight TRIO programs in Vermont.

In order for our Nation to have the best educated workforce and be competitive in the global economy, we need to prepare all students to reach their full potential. At a time when a higher education is more important than ever, we need to ensure that our low-income and first generation students have all of the tools they need to succeed. That is why I believe it is necessary to support and increase funding for the Federal TRIO programs.

If confirmed, do you commit to putting forth a budget that robustly funds these programs?

Answer 44. I think high quality college access programs provide a vital service to helping students achieve their dream of a post-secondary education. If confirmed, I look forward to reviewing the results of these programs and putting forward a budget request that supports high quality, effective programs.

Question 45. How will first-generation, low-income students and students of color be supported on their path to and through college under the Trump administration?

Answer 45. There are a multitude of ways first-generation, low-income students and students of color are supported in their desire to pursue a post-secondary education under both the Every Student Succeeds Act and the Higher Education Act. If confirmed, I will review these pathways and support those that are successfully assisting students in meeting their goals, recognizing that there is not a one-size-fits-all approach.

Question 46. Minority Serving Institutions, such as HBCUs, TCUs, HSIs, and AANAPISIs, play a pivotal role in providing high quality post-secondary education to students of color and helping us achieve our goal to lead the world in college graduates. They enroll more than 5 million students a year, many who have overcome significant barriers to get to college.

What are your plans for your continued support of these institutions?

What steps will you take to make sure students who attend these institutions are able to complete in a timely fashion, without taking on burdensome debt?

What will you do to ensure that the students they serve succeed and thrive in college and in the job market post-graduation?

Answer 46. I believe our minority-serving institutions play an important role in helping address our goal for college accessibility. If confirmed, I look forward to working with you—and your colleagues—on these important issues.

Question 47. Women continue to be underrepresented in the Science, Technology, Engineering, and Mathematics (STEM) fields, an area of growing importance in the Nation's economy. Women make up less than 25 percent of STEM jobs and earn STEM degrees at disproportionately lower levels compared to men. Gender bias and lack of role models can contribute to this lack of representation. Do you agree that the representation of women in the STEM fields is an area of concern for the Department of Education? Do you have any plans to support programs that broaden participation of women and girls in STEM subjects in K-12 and/or higher education?

Answer 47. If I am confirmed, I will work with this committee and across government agencies to identify best practices for encouraging the participation of girls and women and other underrepresented populations in STEM subjects and fields. As a strong proponent of local control, I believe States and school districts are best positioned to determine the most effective ways to engage girls and women in STEM subjects. But I will work with those entities and partners across the Federal Government to streamline the many STEM programs currently in operation to ensure the Federal Government is providing the most effective and efficient support for those locally driven solutions.

Question 48. Do you believe that title IX protections against sex discrimination can be applied to areas related to the underrepresentation of women in STEM?

Answer 48. Title IX prohibits discrimination on the basis of sex under any education program or activity receiving Federal education assistance, and if confirmed, I will work with the Office for Civil Rights to fully enforce the law. To the extent

underrepresentation of women in STEM is the result of discriminatory practices by recipients of Federal education assistance, they will be held accountable.

Question 49. Common sense and research show that strong funding for schools is essential for student success. In fact, recent research by the National Bureau of Economic Research study documented that State spending on low-income students predicted a significant boost in a student's future earnings, with a return on investment of around 40 percent over a student's lifetime.

Yet you have opposed increasing funding to public schools and have advocated diverting existing funds to for-profit charters or private school vouchers.

In 2002, you opposed the ability of Michigan school districts to raise more money for their schools. Since 2010, your American Federation for Children has donated over \$5 million to State-level candidates and parties that support draining public schools of money.

In 2015, lobbyists with close ties to you and your family helped slip a provision in a bill the Michigan legislature passed but was later met with a legal challenge that would have made it harder for local school boards to take action to raise more money for their schools. At the time, Moody's, the credit rating agency, said,

"Michigan schools will likely suffer the brunt of the impact because the vast majority rely on periodic voter approval of local operating levy renewals for property taxes."

When 31 States are spending less on K–12 education than before the recession and over half of all public school students are from low-income families, do you think it is appropriate for Congress to confirm a candidate for Secretary of Education that is intent on cutting funding for public schools by any means necessary.

Answer 49. I reject your characterization. I am a strong advocate of great public education. Period. I believe we can—and must—both challenge the status quo, and support public education.

Unfortunately, our current approach is not working for far too many. Last year, the National Assessment of Educational Progress (NAEP) recorded declines in fourth- and eighth-grade reading and math following flat in 2013 results, marking a downturn after years of steady gains. Recently, the Program for International Student Assessment (PISA) reported that U.S. performance has declined steadily since 2009 in reading, math, and science—after a decade of rising scores. In fact, the United States is now 35th in math (down from 28th). In science, we're 25th and in reading, we're now in 24th place. Surely we can all agree that is indefensible.

I believe that a choice for children in education is a powerful start. But we should all think of choice in the widest terms: excellent traditional public schools, public charters, nonpublic schools, home schooling, online or distance learning and forms of education that we haven't yet considered. We need to be open to progress.

Question 50. At a time when more than half of public school children come from low-income families, we cannot back down from a commitment to robustly fund Title I–A of the Elementary and Secondary Education Act.

There has been bipartisan agreement in every reauthorization of ESEA, and these funds must not be meddled with to fund schemes that do not benefit the education of low-income students.

What we must do is commit to increasing funding for title I–A, which has not even kept pace with inflation, let alone the reality that our schools are serving more low-income students. Real title I–A funding is down 4 percent since fiscal year 2005 while the percentage of low-income kids in public schools has increased by 29 percent over the same time period. If, at a bare minimum, title I–A funding had kept pace with inflation since fiscal year 2005, appropriations for title I–A would have been \$15.5 billion in fiscal year 2016 instead of \$14.9 billion—a difference of more than half a billion dollars. Furthermore, if title I–A funding had kept pace with both inflation and the growing number of children coming from low-income families since fiscal year 2005, title I–A funding would have hit \$20.1 billion in fiscal year 2016, a gap of \$5.2 billion when considering reality versus actual funding.

If confirmed, would you commit to dramatically increasing title I–A funding to catch up to the reality of increased needs in our public schools and the loss of funds due to past under funding?

Do you commit to protecting title I–A funds from any taxpayer-funded private school vouchers that will drain our most needy public schools from vitally needed funding?

Answer 50. Title I provides funding to support our most vulnerable school-age children. If confirmed, I will work with the Administration and Members of Congress to ensure that this important program provides effective services to the students who are its beneficiaries. It is important to note that these funds are intended

to benefit students and, if a State wanted to design a choice program which allowed parents to direct their child's share of these dollars to a school that better meets their child's needs, I would support that if they made a proposal that was consistent with the law.

Question 51. It is of vital importance that our teachers and school leaders get the ongoing professional development needed to educate every child. Title II of the Elementary and Secondary Education Act, Supporting Effective Instruction State Grants, provides funding to ensure that schools get the funding necessary to provide teachers and school leaders with professional development. Do you find it acceptable that funding for title II has been essentially flat for the last 4 fiscal years? Do you commit to increasing funding for this program? If not, why not?

Answer 51. I agree that ongoing professional development is essential for increasing the skills and knowledge of our educators. If confirmed, I will review the Department's resources and work with the Administration and Congress to determine how best to allocate funding across K-12 programs. I look forward to working with stakeholders and this committee to determine how best to support strategies that have been proven successful.

Question 52. Research shows that teachers with more experience help increase student achievement, while novice teachers can actually have a negative effect on student learning. The Department of Education's Office for Civil Rights has found that Black, Latino, American Indian, and Alaskan Native students attend schools with higher concentrations of first-year teachers at a higher rate than their white peers. Further, Black and Latino students are four times more likely to attend schools where one in five teachers or more are not fully certified. Do you think it is acceptable that low-income and children of color are taught at disproportionate rates by first-year and not fully certified teachers? What are your plans to ensure that every child has access to a fully prepared teacher?

Answer 52. The Every Student Succeeds Act (ESSA), which you supported, maintains a requirement that States report data on disproportionality and take steps to address this problem. States recently renewed those plans with the Obama administration and are working now to implement improvements to teacher recruitment, retention, and other policies and strategies. If confirmed, I will enforce and implement ESSA as written.

Question 53. Providing all students with excellent educators is one of the most important drivers of a well-functioning education system—a system that must prepare diverse students to participate in today's knowledge-driven economy. However, many States are facing a teacher shortage that threatens their ability to deliver a quality education to all children. Shortages are most severe in certain fields (special education, math, science, and bilingual education) and in high-poverty districts and schools, where students most need highly skilled teachers. A recent surge in the demand for teachers, alongside a diminishing supply and ongoing high attrition rates, has left schools scrambling to staff classrooms. These schools face a small number of undesirable options: increase class sizes, cancel classes, or hire underprepared teachers.

All of these stopgap solutions undermine the quality of education. While it can be tempting for States to turn to short-term solutions to a teacher shortage, often by lowering the standards to become a teacher, such solutions can exacerbate the problem over the long haul. For example, if teachers are hired without having been fully prepared, the much higher turnover rates that result (from two to three times as high as for fully prepared teachers) are costly in terms of both dollars spent on the replacement process and decreases in student achievement. High turnover is costly to both students and districts, reducing student achievement and increasing district costs for replacement, which can run as much as \$20,000 per teacher.

In efforts to address teacher shortages, investments should be made at the Federal, State, and local level to implement and support evidence-based strategies and activities.

How will your administration support evidence-based strategies at the Federal, State, and local level to address teacher shortages in the implementation of the Every Student Succeeds Act, the reauthorization of the Carl D. Perkins Career and Technical Education Act, and the Higher Education Act?

Answer 53. As you correctly point out, the teacher shortage problem involves policy challenges at every level of government. If confirmed, I will work with States, school districts, and stakeholders to explore ways the Department of Education can support their efforts to recruit, retain, and develop effective teachers. I will also work with the Institute of Education Sciences to disseminate research and other information that would be helpful to school districts and States seeking evidence-

based strategies. I will also work with this committee to advance the work of the Every Student Succeeds Act (ESSA) in returning more authority to States and school districts. Returning more decisionmaking to the local level will give teachers stronger ownership of their classrooms, which I believe will encourage higher numbers of effective educators to stay in the classroom.

Question 54. I was proud to work with Senator Susan Collins during the last reauthorization of the Elementary and Secondary Education Act (ESEA) that will allow States to move away from the current stale form of standardized testing to new innovative assessments that will be able to measure deeper learning, be embedded with instruction, utilize performance-based measures, and other ideas that States may come up with. Ultimately, these new assessments will focus on what students are learning and how well they are applying what they have learned, rather than on how well they can take a test. Last year, the Department of Education promulgated rules on this innovative assessment pilot. States are eager to participate in this pilot. If confirmed, what are your plans with regards to supporting States that want to take part in this assessment pilot?

Answer 54. If confirmed, I look forward to working with States to implement this innovative pilot program.

Question 55. Research indicates that most students participating in a choice system (such as private vouchers) attend racially and economically isolated schools at higher rates than traditional public school students. This increased segregation leads to vastly inequitable educational offerings for many students living under choice regimes, which can be seen clearly in places like Detroit and Milwaukee. Do you believe that increasing segregation in America's K-12 schools is a problem? If so, why are you supporting policies that would increase segregation?

Answer 55. Yes, I do believe that segregation in our schools is a problem and I do not support policies that would increase segregation. In fact, school choice programs have not been shown to increase segregation. Rather, the research shows that students in school choice programs often attend more integrated schools than their public school counterparts.

Question 56. I have joined with Senator Murphy to introduce the Stronger Together School Diversity Act, which creates a \$120 million grant program to help local communities take voluntary efforts to address segregation and isolation by race and socioeconomic status in schools. This is a common sense approach that addresses the fact that our students are attending schools that are more segregated by race and income than 15 years ago—with nearly 20 percent of children attending schools that are highly segregated by race and income.

If confirmed, do you plan on following in your predecessor's footsteps and including the Stronger Together proposal in your budget? If not, why not?

Answer 56. If confirmed, I will look carefully at the Stronger Together School Diversity Act and determine how best to support States and local communities as they seek to reduce segregation by income or race. Our Nation is stronger and a better place for all when we are educated, work and live together with people from different backgrounds, races and socioeconomic levels.

Question 57. The reauthorization of the Elementary and Secondary Education Act includes the Full-Service Community Schools program. This program provides comprehensive services to ensure all students' needs—both academic and non-academic—are met. At a time when over half of all students come from low-income families and schools are dealing with challenges to learning that exist outside of the school day, what are your plans for the Full-Service Community Schools program?

Answer 57. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Full-Service Community Schools program, when making a proposed budget for future fiscal years. Furthermore, if Congress appropriates funding for this program, I intend to implement it as Congress intended and the law requires.

Question 58. Learning occurs outside of the traditional school day and school year. That is part of the reason why, when I was Mayor of Burlington, I created a Youth Office, which among other important endeavors implemented afterschool programming.

The bipartisan reauthorization of the Elementary and Secondary Education Act (ESEA) recognizes the importance of afterschool and summer programming by reauthorizing the 21st Century Community Learning Centers Program as a standalone program. In fact, I was proud to join the lead sponsor of this amendment, Senator

Lisa Murkowski (R-AK), in making sure that 21st CCLC was its own program in the reauthorization of ESEA.

With research showing that afterschool programming helps children get better grades, reduces risk taking behavior, increases physical activity, improves school attendance, helps close the achievement gap, and more, do you commit to putting forth a budget that strongly funds this vital program?

Answer 58. Afterschool programs are critical to the safety and continued learning of many students. There are many afterschool programs offered by wonderful local community groups and schools that offer valuable opportunities for learning. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the 21st Century Community Learning Centers program, when making a proposed budget for future fiscal years.

Question 59. The Vermont Principals Association polled their members, and a lot of great questions concerning your nomination came forth. One question was straightforward: is your goal to eliminate public schools?

Answer 59. No, I have always supported great public schools and will continue to do so. However, if a school is struggling or unsafe or not meeting the needs of students—such as those with special needs—I believe that we need to help those parents get access to schools that will educate those children well. Children do not have time to wait for the adults to fix the problems. They deserve a high quality education immediately and we should all work to ensure this.

Question 60. What is your position on oversight of schools, including the need for accountability based on publicly elected school boards?

Answer 60. The Every Student Succeeds Act (ESSA) made great strides in returning responsibility for education primarily to States and local communities and I applaud your efforts in this regard. I believe that decisions regarding publicly elected school boards and other local accountability measures like this are best left to State and local decisionmakers and I believe it best to defer to their judgment in this regard.

Question 61. The bipartisan Every Student Succeeds Act includes the Student Support and Academic Enrichment Grant Program. This program is authorized at over \$1.6 billion. We have yet to see funding for this program due to the Republican Congress's inability to pass a full-year funding bill. It is of the utmost importance that this new program—which consolidated numerous existing programs—be funded at its authorized level, at a minimum. Our children deserve a well-rounded education and safe school environments—this program is the vehicle to make these promises a reality. Do you commit to requesting funding that is at least at its authorized level?

Answer 61. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Student Support and Academic Enrichment Grant program, when making a proposed budget for future fiscal years.

Question 62. What is your plan for addressing in a timely and skilled manner the mental health needs of many students who have been exposed to violence and substance abuse, are refugees with trauma or children with other traumatic experiences which impact their ability to learn?

Answer 62. I have seen estimates that trauma has affected as many as one in four students attending school. We all know trauma can affect students in different ways, both silently and outwardly, but can cause challenges to a child's education in any form. It is important for families and school officials to be able to recognize the signs of trauma and access help for students.

Programs like ProjectSERV, authorized in the Every Student Succeeds Act (ESSA), can help provide help to schools to address issues of trauma. Additionally, the funding under the Student Support and Academic Enrichment Grants can be used by school districts to help address the unique needs of their students. If confirmed, I look forward to working with State and local school officials and parents to help share best practices and the tools they need to address these important issues.

Question 63. In recent research reports from Arizona and California, data shows that charter schools provide less access to a well-rounded education, including music and arts, than district schools. How have charter schools you have helped fund supported a well-rounded education, and how would you support a well-rounded edu-

cational experience, including music and arts, for all students in charter schools across our country?

Answer 63. If confirmed, I would welcome the opportunity to share data and research from the Department of Education with State and local officials looking to improve educational opportunities. I look forward to identifying and disseminating best practices in schools, districts and States throughout the country so that they can learn from each other and incorporate successful strategies and programs. I would encourage States and local leaders to think outside the box and innovate, looking for new solutions to vexing educational problems. As it relates to arts and music education, I hope that with the greater flexibility provided to States and local school districts through ESSA, education leaders at the local level can find new ways to provide opportunities to students in the music and arts.

Question 64. Estimates suggest we spend over \$1 billion a year on college remediation. According to NCES, 68 percent of beginning college students at public 2-year institutions and 40 percent of public 4-year students took at least one remedial course during college. Even when students are able to enter college, they may be spending many semesters stuck in remedial or developmental courses, using their financial aid for basic-level courses that often times do not count toward a degree. What are your specific plans to improve college remediation?

Answer 64. I am aware that remedial education is a growing problem for our students. The fact that they have to spend limited Federal aid dollars on remedial courses is completely unacceptable. Simply put, our students should graduate from high school ready to do college level work. If confirmed, I look forward to working with you and your colleagues to address this issue through the Higher Education Act reauthorization. I am also hopeful that ESSA's return of educational decision-making to States and local communities will enable those closest to the students to improve elementary and secondary education so that the need for remedial education is significantly reduced.

Question 65. Do you support increased investments in our high schools, where data from the Office of Civil Rights at the Department of Education shows clear gaps to the access of rigorous coursework in too many of our Nation's high schools?

Answer 65. High schools face many challenges, and, if confirmed, I hope to work with Governors, State legislators, and local school officials to address the needs of our Nation's high schools. While coursework decisions are best left to those closest to the students, I do believe that it's important for rigorous coursework to be available for all students. To make these courses more readily available, online or distance learning could be utilized. I would also welcome the opportunity to share data and high quality research from the Department of Education with State and local officials looking to improve educational opportunities. I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

Question 66. Teachers and other educational professionals have becoming increasingly concerned about the "Trump effect" in schools, where Mr. Trump's rhetoric is reflected in incidents of racism and discrimination on the basis of ethnicity, gender, sexual orientation, or religion on schools and campuses.

Schools and universities need to be inclusive environments, where all students are able to feel safe and welcome, to see themselves in the curriculum, and to be equipped to succeed.

In the weeks following the election, the Southern Poverty Law Center documented 867 hate incidents, in over 300 schools and college campuses. I have been critical of President-elect Trump when he has used rhetoric or put forth policies that seek to divide us up by race, ethnicity, gender, sexual orientation, gender identity, nation of origin, immigrant status, religion, or any other form of identity-based bigotry.

Have you ever been troubled by any comments that President-elect Trump has said publicly?

Do you agree with teachers and other educational professionals that there is a "Trump effect" happening right now in schools? Why or why not?

Regardless of whether or not one agrees with the assessment of the "Trump effect," I hope we can all agree that schools should be safe and inclusive environments where all children can learn.

What specific measures will you take to promote inclusion at all levels of the U.S.-education system?

What will you do to ensure that students of color have safe learning environments in schools and on college campuses?

How will you ensure that students of all faith and non-faith traditions are supported in public schools and universities?

How will you ensure that students can thrive in school regardless of their sexual orientation or gender identity?

What are your plans to combat racism, sexism, and other forms of bigotry in schools and colleges campuses? How specifically will you ensure that schools and colleges are places that support inclusion?

Can you point to specific examples in your background where you have worked to promote diversity, inclusion, or have curbed bullying in schools?

Answer 66. I believe that all children should be able to learn in safe and supportive learning environments and, if confirmed, I will work to promote a positive and inclusive climate in all our schools and on all college campuses. I believe that every student should be treated with decency and respect.

Question 67. Over 30 million adult Americans lack even a high school degree or a GED—double the population of New York City, Chicago, and Los Angeles combined. These Americans include veterans and others with significant barriers to better employment. The challenge is multi-generational: half of their children will also fail to complete high school. As a result, our economy suffers, our Nation isn't as competitive as it should be, and people cannot advance in careers and life. If confirmed as Secretary, how would you address this critical issue?

Answer 67. The fact that millions of Americans lack a high school degree or a GED is a terrible situation that contributes to a persistent unemployment problem. In addition, nearly 1.4 million students drop out of high school each year, significantly limiting their job prospects and resulting in tremendous untapped potential. If confirmed, I hope to work with you and other Members of Congress as well as the Trump administration which has made job creation a central part of its efforts to revitalize our communities and renew the American dream.

Question 68. The Carl D. Perkins Career and Technical Education Act supports career and technical education (CTE) in our Nation. It is currently funded at a little over \$1 billion. That is \$1 billion for our Nation's main investment in supporting CTE for over 50 million K–12 kids and over 13 million students in public higher education that may want to pursue a career in the CTE fields. To put this in perspective, your family's net worth is about five times more than what we spend on CTE a year.

From a historical perspective, we are not doing well. Today's Perkins funding is \$60 million less than funding allocated in 1996—without adjusting for inflation. Further, if we had frozen funding for Perkins as a share of its percentage of national GDP in 1996 (0.019 percent, it would have received over \$2.7 billion last fiscal year (FY). Today, we are \$1.6 billion below that amount at \$1.125 billion for Perkins.

In Vermont, our Tech Centers and the Vermont Technical College rely on this funding.

A promise of President-elect Trump's was to increase support for CTE. How will you do this? Do you pledge to request an increasing in CTE funding through Perkins?

Answer 68. If confirmed, I look forward to reviewing the resources and demands of each program at the Department as I assist in developing a budget.

In many instances, career and technical education programs are providing students with the skills necessary to gain quality employment upon completion of their program. As such, I look forward to reviewing all regulations to ensure they are adhere to the law as Congress intended and comport to the priorities of the President. If changes are warranted, I look forward to working with stakeholders and Congress to ensure changes go smoothly.

Question 69. What is your knowledge base about employment programs for people with disabilities, specifically the Rehabilitation Services Administration within the Department of Education and the Vocational Rehabilitation Programs in each State?

Answer 69. I am aware that this program provides grants to States, based on a formula that covers the cost of a wide range of services, to assist individuals with disabilities to participate in training programs and obtain employment. If confirmed, I look forward to learning more about what the States are doing to increase employment access and outcomes for people with disabilities.

Question 70. Given the very high unemployment rate for people with disabilities, are you committed to supporting the existing or a higher level of appropriation for the Public Vocational Rehabilitation Program?

Answer 70. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, and look for ways to improve the rate of employment for people with disabilities.

Question 71. If confirmed as Education Secretary, what steps will you take to support trauma-informed education approaches and positive behavioral supports and interventions?

Answer 71. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to support evidence-based programs and strategies aimed at helping teachers and other educators work with students whose lives have been affected by trauma. In addition, I will examine ways to support effective approaches to improving school climate such as positive behavioral interventions and supports.

Question 72. Small, rural States like Vermont often do not have the resources and capabilities to aggressively pursue competitive funding like larger States, putting them at a significant disadvantage. Further, formula funding for the basic necessities of a high-quality public education—pre-kindergarten, aid to high-need schools, professional development for teachers, well-rounded course offerings, safe and healthy schools, and more—should not be up for competition.

If confirmed, will you commit to working to strongly fund our formula-based education programs? If confirmed, will you avoid including competitive grant programs in your budget that put rural States at a disadvantage?

Answer 72. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including formula funds and competitive grants, when making a proposed budget for future fiscal years. I am very aware of the concerns of rural communities. Many believe they have been left behind or ignored for too long. I look forward to working with President Trump on efforts to assist rural areas so that all Americans have an opportunity to achieve.

Question 73. The United States needs a revolution in early learning. Today 84 percent of 3-year-olds and 59 percent of 4-year-olds lack access to publicly funded preschool. We lag far behind other developed countries in the enrollment of young children in early learning. Across the member nations of the Organization of Economic Cooperation and Development (OECD), 86 percent of 4-year-olds are enrolled in early education—this number is nearly 90 percent for the same age group of children that live in European Union nations of the OECD. In Vermont, we are national leaders in terms of access to preschool—but even in our State, we have far too many children that do not have access to full-day public preschool or lack access all together.

The research is clear that early learning is a sound investment, giving a 13 percent return on investment. We know from brain science that 90 percent of brain development occurs before the age of five. We know that investments in early learning help close achievement gaps between rich and poor. In short, we know what works; we just need to invest in high-quality programs and make them a reality.

Fortunately, the Every Student Succeeds Act—which passed both chambers of Congress with overwhelming bipartisan majorities—includes the Preschool Development Grant (PDG) Program, a tool in making universal preschool a reality. It is vitally important that this program is robustly funded. If confirmed, do you commit to working with the Department of Health and Human Services to put forth a budget request that significantly increases funding for PDG?

Answer 73. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Preschool Development Grant program, when proposing budgets for future fiscal years. I will also work closely with the new Secretary of Health and Human Services to support early childhood education as the vast majority of funding and programmatic support for early childhood education falls under the responsibility of that agency.

Question 74. You have said you “believe every child, no matter their zip code or their parents’ jobs, deserves access to a quality education.” At what age do you believe this “access to a quality education” should begin?

Answer 74. I believe that education begins at home. Additionally, many families make the decision to utilize early childhood education and care providers. I know that Congress has recently reauthorized the Child Care and Development Block Grant, making significant improvements in the program, increasing quality, and encouraging States to raise the bar. Congress provides nearly \$6 billion in funding for this program in which parents use vouchers to choose the provider that best meets their needs. Child care vouchers, much like Pell Grants, allow individuals to choose the provider that is best for them.

Question 75. The embarrassingly low wages paid to child care workers and early learning educators—the vast majority of whom are women—is well-documented and a national disgrace. The median annual salary for child care workers is \$20,320. According to the Department of Education (ED) and the U.S. Department of Health and Human Services (HHS), those caring for children at the most vulnerable stage of their lives—from birth to age 3—earn \$10.40 an hour on average. Early learning educators with a bachelor’s degree earn over \$12 less an hour than the average earnings of all those with a bachelor’s degree. If we are a compassionate nation, we should at the very least pay people—especially professionals caring for our children—a living wage. Do you find the embarrassingly low wages paid to child care workers and early learning educators acceptable?

Answer 75. The pay of early learning educators is not within the purview of the Federal Government nor within the scope of the Department of Education. But their job is an important one. If confirmed, I will look for opportunities to highlight successful pre-K teachers and work closely with the new Secretary of Health and Human Services to find ways to call attention to successful pre-K programs.

Question 76. Do you find it acceptable that child care workers and early learning educators often cannot afford child care for their own children, and often have to take advantage of our social safety net programs in order to survive?

Answer 76. The cost of childcare is a struggle for many. I look forward to working with the President’s daughter, Ivanka Trump, and others, on this issue.

Question 77. What do you consider a fair wage for childcare and early learning educators?

Answer 77. The Department of Education does not have the authority to determine the wages for educators; States and local communities are the appropriate place for these decisions to be made.

Question 78. If confirmed, how specifically will you work with HHS to address the pay and working conditions of early childhood educators?

Answer 78. Pay for early childhood educators is a State and local issue. If confirmed, I will work with the Secretary of Health and Human Services to ensure the efficiency and effectiveness of early childhood education programs.

Question 79. According to the same ED and HHS report, low earnings and insufficient resources can contribute to turnover among early learning educators; early learning centers with lower turnover and higher wages have more time for positive developmental activity for children. What steps will you take to ensure that there is a robust and stable early learning workforce?

Answer 79. Development of a robust early learning workforce is a State and local issue. I will work with the Department of Health and Human Services to highlight best practices and where appropriate to provide technical assistance.

Question 80. During the campaign, President-elect Trump made hardline immigration policy a central part of his campaign. And, after the election, he stated he would deport two to three million undocumented immigrants immediately. He stated that he would end the Deferred Action for Childhood Arrivals (DACA) program, which allowed many DREAMers, brought to the U.S. as children, to come out of the shadows. Later, in an interview, the President-elect was asked about the future of the DACA students, and stated he “was going to work something out that’s going to make people happy and proud.” Yet, you have virtually no public record on issues pertaining to undocumented children, including in public school. Do you plan to support any potential effort by the Administration to force schools to divulge confidential information about undocumented students or parents who are undocumented?

If yes, explain why this subversion of local control is consistent with your views on education.

Answer 80. Many young people were brought to America at a very young age and came through no fault of their own. We need to be sensitive to these situations. As for which agencies have jurisdiction over enforcement of immigration policy, the Departments of Justice and Homeland Security have that responsibility. I’m pleased that President Trump is looking for solutions that will make people “happy and proud.”

Question 81. Do you support the Supreme Court’s decision in *Plyler v. Doe*, which held that K–12 education must be provided to undocumented children at no cost?

Answer 81. Yes.

Question 82. Do you support or oppose efforts by States to pass laws that would require schools to report the number and cost associated with providing a free K–12 education to undocumented children?

Answer 82. This is not an issue that falls within the scope of the Department of Education.

Question 83. If confirmed, will the Department of Education continue to provide educational resources for educators and students who are immigrants or minorities?

Answer 83. Yes, as per relevant laws.

Question 84. What, as head of the Department of Education, would you publicly say to school districts such as Los Angeles Unified and others about resisting efforts to turn over student records to the Federal Government?

Answer 84. Development and enforcement of immigration policies falls under the jurisdiction of the Departments of Justice and Homeland Security. If confirmed, I would respectfully defer to my colleagues in those agencies about the enforcement of immigration policies.

Question 85. Do you think Immigration and Customs Enforcement should be given free and unfettered access to engage in immigration enforcement activity on school campuses and in students' classrooms?

Answer 85. Development and enforcement of immigration policies falls under the control of the Departments of Justice and Homeland Security. If confirmed, I would respectfully defer to my colleagues in those agencies about the enforcement of immigration policies.

Question 86. Do you believe that undocumented students who were brought to this country at a young age and have spent almost their entire life in U.S. school systems deserve a fair and equal education in our public school and university systems?

Answer 86. I will follow the law of the land, and I understand that the U.S. Supreme Court has already spoken on this issue. Unless Congress acts to change the law, elementary and secondary schools must provide a free public education to all students in the community, regardless of immigration status.

Question 87. If confirmed, do you promise to not punish universities that financially and academically support undocumented students?

Answer 87. I believe institutions of higher learning should be free to use their own non-Federal resources in whatever legal way they see fit. However, the use of Federal funds must comport with Federal law and as you know, to receive title IV student aid, a student must be a citizen or national of the United States, a permanent resident of the United States, or able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident.

Question 88. If confirmed, will you commit to removing barriers to higher education for undocumented students? As a start, would you advocate for DREAMER students to be eligible for Federal financial aid?

Answer 88. As a mom and grandmother, my heart goes out to those whose families and loved ones are impacted by these policies.

Decisions, directives and enforcement in this area are made by the Departments of Homeland Security and Justice so I will respectfully defer to those agencies. The Higher Education Act governs eligibility for Federal financial, and I am sure this is an issue Congress will grapple with when it moves forward with the reauthorization of that law, and, if confirmed, I look forward to working with you on that.

Question 89. Many scholars in non-profit higher education receive support from the National Endowment for the Humanities (NEH). What is your view on NEH? Do you support its programs?

The National Science Foundation and the Department of Education collaborate on STEM research. Do you intend to collaborate with NSF on important STEM education initiatives?

The Institute for Education Sciences (IES) and the National Center for Education Statistics (NCES) provides critical funding and infrastructure to research in education. Because of NCES and IES, we have data on school enrollment, teacher and school staff demographics, college enrollment, costs, and attainment, and many other key indicators needed to assess the State and future of education. IES has also funded many critical K–12 and higher education studies. We are learning more about increasing participation in STEM education, improving remedial education in community colleges, supporting early childhood education, and evaluations of impor-

tant educational inventions. What role do you see federally funded educational science research playing during your tenure as Secretary, if confirmed?

Do you support the work of NCES and IES? How will you make the case that Congress adequately funds and supports NCES?

Answer 89. I fully support educational research with the goal of determining what programs are producing successful outcomes for our country's students and families. While Congress ultimately decides on funding, if confirmed, I will review the initiatives undertaken by IES and NCES to ensure they are using taxpayer dollars efficiently and effectively.

Question 90. The Office for Civil Rights (OCR) enforces Federal civil rights laws and works to prohibit discrimination by sex, race, disability, age, color, and national origin in schools and campuses throughout the Nation. Yet for years, OCR's funding was flat-lined until it received a slight boost in fiscal year 2016. This agency receives about 10,000 complaints a year but does not have the adequate staffing levels to address the complexity of the cases that come before it in a timely enough fashion. What are your plans for funding this vital agency?

Answer 90. If confirmed, I will carefully review the personnel policies and staffing responsibilities within the Department to ensure that the Department is being efficient with taxpayer funding and that the mission and responsibilities are being met. Once that review is complete, I will work with President Trump to create a budget request in accordance with the findings of that review.

Question 91. Do you commit to ensuring that the Office of Civil Rights is a continued part of the Department of Education and not consolidated or merged with another entity?

Answer 91. Yes. The Office for Civil Rights will remain at the Department of Education. If confirmed, I look forward to reviewing all the divisions within the Department to ensure they are operating in the most efficient and effective way to implement our Nation's education laws in the way Congress intended.

Question 92. Under your charge, how would you ensure that the Office for Civil Rights protects all students?

Answer 92. I fully support ensuring all students have a safe place in which to learn. If confirmed, I plan to review all laws, guidance, and policies within the Department to ensure the letter and spirit of the law are being met.

Question 93. It is completely unacceptable that 1 in 5 female undergraduate students and 1 in 16 men are victims of sexual assault. Many campuses do not have proper protocols for investigating and responding to these incidents. I have cosponsored the Campus Accountability and Safety Act, which would require institutions to designate confidential advisors for survivors on campus; establish uniform standards of discipline; conduct a biennial campus survey; enter a memorandum of understanding with local law enforcement agencies on responsibilities regarding crimes and sexual violence; and face penalties for falling out of compliance with the Act. Do you support this legislation, and if confirmed would you urge Congress to enact it?

Answer 93. We must work to ensure all students have safe places in which to learn. If confirmed, I look forward to discussing this legislation with you and others, and working with you and your colleagues on the many issues raised by it.

Question 94. What role do colleges and universities receiving Federal funds have in investigating cases of campus sexual assault?

Answer 94. We must work to ensure our colleges and universities are safe havens for student learning. The title IX regulations require schools receiving Federal funds to investigate any complaints alleging noncompliance with the regulations. Recipients of funds are required to designate at least one employee to coordinate efforts ("Title IX Coordinator") to comply with a school's responsibilities including any investigations.

Question 95. Do you support the Department's current policies with regard to sexual violence, as expressed in the 2011 Dear Colleague Letter and 2001 Guidance? How will your administration enforce title IX in relation to campus sexual assault?

Answer 95. I want to ensure all students have a safe environment in which to learn. Sexual violence perpetrated against any person is wrong. If confirmed, I will carefully review these and other guidance documents to ensure they are in accord with the law and serve as helpful tools to institutions of higher learning.

Question 96. Do you agree with the Republican Party platform that the current application of title IX is "wrongly redefining sex discrimination to include sexual ori-

entation or other categories”? If so, how will LGBT individuals be protected from sexual harassment and discrimination in educational institutions while you are Secretary?

Answer 96. If confirmed, I intend to uphold title IX as interpreted by the courts.

Question 97. With regards to campus sexual assault, harassment, and discrimination, do you support a “preponderance of the evidence” standard? If you do not support a “preponderance of the evidence” standard, what standard do you think is appropriate?

Answer 97. As a mother and grandmother of both boys and girls—we must get the evidentiary standard right, as it has implications for victims and the accused. There is not universal agreement on the appropriate standard. If confirmed, I look forward to working with and hearing from concerned individuals, organizations and institutions to ensure that Department guidance and regulations are clear and effective. It will always be my goal to ensure that our Nation provides safe learning environments for all students.

Question 98a. The State of Vermont does not allow taxpayer money to pay for religious schooling. Our Nation’s Constitution calls for a firm separation between church and State.

You’ve called the big money you have used to remake education systems in localities across the Nation as all having been done for “*greater Kingdom gain*.” Your husband *explicitly said* that if voucher policies are passed, “more and more churches will get more active and engage in education.” The 2016 Republican Platform *calls* for teaching the Bible in schools.

In Indiana, where then-Governor Pence expanded the State’s voucher program, almost all of the \$135 million of taxpayer money that normally goes to public schools now flows to religious schools.

In a pluralistic and diverse nation like ours, with many different faith and non-faith traditions, and clear separations between church and State, why do you think it is appropriate to send public dollars to private religious schools?

Answer 98a. The U.S. Supreme Court long ago settled the question of whether or not it is appropriate for public dollars to be sent to private religious schools. As Secretary, I would not contradict their ruling.

Question 98b. Public schools exist for all children, regardless of race, gender, disability status, and religion. Do you think it is fair that religious schools that receive taxpayer vouchers can discriminate?

Answer 98b. Parents or guardians should have the opportunity to send their children to the schools they believe will best serve them, including a private, religious school, if that is their choice.

Question 99. Do you agree with the 2016 Republican Platform that the Bible should be used as “literature curriculum as an elective in America’s high schools?” As Secretary, would you encourage States to adopt the Bible into their curriculums?

Answer 99. It is not the responsibility of the Federal Government to dictate curricula. In fact, the Elementary and Secondary Education Act, General Education Provisions Act and the Department of Education Organization Act all forbid such interference. I believe these issues are best left up to local school districts.

Question 100. Do you support and promise to uphold the merit system principles set forth in Chapter 23 Title 5 U.S. Code, which prohibit factors other than merit from consideration in civil service employment decisions?

Answer 100. If confirmed as Secretary, I will carefully review the personnel policies and practices of the Department to ensure they are in accord with the law.

Question 101. If confirmed as Secretary, do you believe that Congress’ use of the Holman Rule, which allows any Member of Congress to propose amending an appropriations bill to single out a government employee or cut a specific program, to be an appropriate measure when used against your Department? Will you support Congress in passing an amendment under the Holman Rule or would you oppose such an amendment?

Answer 101. It is the legislative branch’s prerogative to determine what amendments it may include as part of the appropriations process.

Question 102. If confirmed as Secretary, do you believe that you will be better able to recruit and retain top talent if Congress is able to individually target employees based on their political whims?

Answer 102. The Department, as a part of the executive branch of government, has the responsibility to faithfully implement personnel laws, as well as other laws, as written by Congress.

Question 103. If confirmed as Secretary, do you support Congress targeting and altering the salaries of individuals within your Department?

Answer 103. It is the legislative branch's prerogative to determine what amendments it may include as part of the appropriations process.

Question 104. What is your view of the division of responsibility and authority between Congress and the Department you may lead on personnel issues?

Answer 104. I respect the ability of Congress to determine what amendments it may include as bills are moving through the legislative process. If confirmed, I will ensure the Department is a good steward of taxpayer dollars and that the mission and responsibilities of the Department are fully met.

SENATOR CASEY

Question 1. Do you believe that any school that accepts public funds should be accountable to the public? If so, how? How would that accountability extend to all students, including students from minority groups and students with disabilities—as required by ESSA?

Answer 1. I believe all schools should be accountable to the parents and communities they serve. Schools must be transparent about their performance with all students so that parents can make informed decisions about what is best for their children.

Question 2. How do you plan to advocate for adult learners in your role as the Secretary of Education?

Answer 2. If confirmed, I look forward to helping adult learners receive the education and services they need to be successful in the global economy. I will work with the Department of Labor, in particular, to ensure we are providing those services effectively.

Reforms enacted in the Adult Education and Family Literacy Act, which was reauthorized in 2014 as part of the Workforce Innovation and Opportunity Act, were meant to help States and communities improve services for adult learners to better provide them the education and skills they need to obtain employment and increase self-sufficiency. If confirmed, I will work through the Office of Career, Technical, and Adult Education to implement these reforms to improve outcomes for adult learners.

Question 3. Adult education State grants support programs that assist (1) adults in becoming literate and in obtaining the knowledge and skills necessary for employment, (2) parents in obtaining the skills necessary to become full partners in the education of their children, and (3) adults in the completion of a secondary education. Some adults enrolled in adult education are students seeking their high school diploma or equivalent but a surprisingly large number of American adults who have earned a high school diploma still struggle with basic skills. Twenty percent (20 percent) of adults with a high school diploma have less-than-basic literacy skills and 35 percent of adults with a high school degree have less-than-basic numeracy skills. According to a recent study conducted by OECD's Program for International Assessment of Adult Competencies (PIAAC), at least three million low-skilled American adults would like to enroll in Adult Education services, but cannot access a program. Without access, undereducated, under-prepared adults cannot qualify for jobs with family sustaining incomes that require not only a high school equivalency, but also some college preferably a 1- or 2-year certificate in a high demand occupation. And, adults without a high school diploma or functioning below high school level cannot qualify for either community college programs or high demand occupations. Tax reform and relaxing regulations can improve the macroeconomy, but it will not address the needs of millions of Americans who lack the skills to find meaningful work in an increasingly competitive economy. How do you envision the Administration incorporating Adult Education into its competitiveness agenda?

Answer 3. Too many Americans are suffering in the current economy. President Trump made improving the employment opportunities of these Americans a cornerstone of his campaign, and his administration will work to improve the prospects of those left behind in this economy. As stated before, reforms enacted in the Adult Education and Family Literacy Act, which was reauthorized in 2014 as part of the Workforce Innovation and Opportunity Act, were meant to help States and commu-

nities improve services for adult learners to better provide them the education and skills they need to obtain employment and increase self-sufficiency. If confirmed, I will work through the Office of Career, Technical, and Adult Education to implement these reforms to improve outcomes for adult learners. Combined with other efforts across the government, we have an opportunity to help more Americans achieve the American dream.

Question 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 report that the students won't be permitted any modifications of assignments if they are to meet the requirements of the regular high school diploma. 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, adaptations, and different expectations for achievement. Will you provide guidance to States to ensure they provide appropriate supports including accommodations, adaptations, and modifications in order to allow students taking the alternate assessment to meet the requirements of the regular high school diploma?

Answer 4. If confirmed, I will carefully review all existing guidance documents that are in effect to ensure that guidance from the Department of Education serves as a helpful tool to States, school districts, educators, and parents as they work to implement Federal law and ensure all students receive the education they deserve. I will also work with stakeholders to determine what additional guidance is needed to ensure that the Every Student Succeeds Act (ESSA) is implemented as Congress intended and all students are well-served.

Question 5. What are your plans for Federal engagement in charter school funding or regulation? If you endorse such funding, what safeguards would you introduce to strengthen the performance and accountability of such schools and to ensure that all other public schools also are supported to perform well?

Answer 5. I support the Federal charter school program, which was reauthorized as part of the Every Student Succeeds Act (ESSA). The reforms made to the program will allow for the expansion and replication of high-quality charter schools as well as the opening of new charter schools. If confirmed, I will implement programs consistent with the law passed by Congress. In addition, I will seek ways to increase cooperation between public charter schools and traditional public schools. I believe both sectors can learn from each other ways to improve educational outcomes for students, and I believe the Department of Education can better highlight and encourage that cooperation.

Question 6. Do you think the Department should award hundreds of millions of dollars to States because States want it, rather than because States can demonstrate a track record of launching high quality charter schools and having processes in place to close ineffective charter schools?

Answer 6. I support the Federal charter school program, which was reauthorized as part of the Every Student Succeeds Act. The reforms made to the program will allow for the expansion and replication of high-quality charter schools as well as the opening of new charter schools. Those reforms also encouraged States to improve charter school authorizing to ensure that only high-quality schools expand or replicate, and low-performing schools are closed. If confirmed, I will implement programs consistent with the law passed by Congress.

Question 7. As you implement the Charter Schools Program, how will you ensure a State that fails to demonstrate its commitment to quality and accountability does not receive Federal taxpayer funds to grow more charter schools?

Answer 7. I support the Federal charter school program, which was reauthorized as part of the Every Student Succeeds Act. The reforms made to the program will allow for the expansion and replication of high-quality charter schools as well as the opening of new charter schools. Those reforms also encouraged States to improve charter school authorizing to ensure that only high-quality schools expand or replicate, and low-performing schools are closed. If confirmed, I will implement that program consistent with the law passed by Congress.

Question 8. Charter schools are known for having disproportionately harsh discipline practices, including higher rates of suspension for Black and Latino students over their white peers. Do you see this as a problem contributing to the School to Prison Pipeline? How do you intend to address this if confirmed as Secretary of Education?

Answer 8. I oppose unfair discipline practices that unnecessarily punish students rather than supporting them. I also know parents are seeking educational options that will provide their children the education they deserve. This is why tens of thousands of students, many of whom are low-income or students of color, are on public charter school waiting lists nationwide. These families are desperately seeking safe learning environments that will allow their children to thrive. If confirmed, I look forward to working with this committee to find ways to increase the options available to these families.

Question 9. A number of different studies have shown that attending an online charter school leads to worsening academic performance compared to students attending brick and mortar schools. Indeed, students who switch from a traditional public school to an online charter experience a significant drop in academic achievement compared to students who stay in traditional schools. For instance, a middle or elementary school student starting at the 50th percentile of performance in math would, on average, fall to the 36th percentile after 1 year at a virtual school. In addition, a number of reports have documented serious mismanagement at online charters. Despite the terrible academic results of online schools and misuse of taxpayer dollars, why have you supported diverting taxpayer dollars away from traditional public schools and toward online schools?

Answer 9. Unlike traditional public schools, public charter schools can be closed when they fail to meet the expectations outlined in their charters. Public charter schools, whether brick-and-mortar or virtual, that are failing to provide students a quality education as outlined in their charters should be closed.

However, high-quality virtual charter schools provide valuable options to families, particularly those who live in rural areas where brick-and-mortar schools might not have the capacity to provide the range of courses or other educational experiences a student desires. Because of this, we must be careful not to brand an entire category of schools that is working for many students. For example, the following virtual academies have 4-year cohort graduation rates of at least 90 percent:

- Idaho Virtual Academy (IDVA): 90 percent;
- Nevada Virtual Academy (NVVA): 100 percent;
- Ohio Virtual Academy (OHVA): 92 percent;
- Oklahoma Virtual Charter Academy (OVCA): 91 percent;
- Texas Virtual Academy (TXVA): 96 percent;
- Utah Virtual Academy (UTVA): 96 percent; and
- Wisconsin Virtual Academy (WIVA): 96 percent.

If confirmed, I will implement each Federal program under my jurisdiction consistent with the requirements spelled out by Congress to ensure that taxpayer funds are well-spent and students are well-served.

Question 10. Balancing transparency with important accountability requirements is critical to ensuring that all students receive a quality education. Unfortunately, Michigan charter law has freed authorizers from most of their regulatory obligations resulting in a general lack of accountability and reduced transparency including in the required financial reporting for charter schools. For students, the impact of this “free to be you and me policy” has had a disastrous impact on academic achievement, particularly for vulnerable populations of students, including students with disabilities. How committed are you to this model? Do you believe that it has been successful? What lessons have you learned, if any, that will be utilized as you oversee the approval and implementation of charter grants at the U.S. Department of Education?

Answer 10. I am committed to ensuring families have options. In Detroit, the statistics are appalling. Per the National Assessment of Educational Progress, only 7 percent of students are proficient in reading and 4 percent are proficient in math. None of us would leave our children in schools performing so poorly.

Public charter schools have provided a viable alternative. Detroit’s public charters schools outperform their traditional counterparts on the State assessments. Charter students in Michigan gain an additional 2 months of learning in reading and math over their traditional public school peers. In Detroit, the gain is 3 months. In both reading and math, African American students in Detroit’s public charter schools have significantly larger growth compared to African American students in Detroit Public Schools. Hispanic charter students in Detroit show significantly better outcomes in math compared to their Hispanic peers in Detroit Public Schools. If I am confirmed, I hope to work with this committee to expand educational choices for families. I have seen firsthand the positive impact of increased choice in my home State of Michigan.

Question 11. A recent study of Michigan schools found that overwhelmingly, the biggest financial impact on school districts was the result of declining enrollment and revenue loss, especially where school choice and charters are most prevalent. The research shows that as charter schools started to expand, schools in cities statewide in particular, lost about nearly half of their revenue in a span of 10 years. Even more, findings from the report showed that the higher the charter penetration, the higher the adverse impact on district finances. Yet with nearly two decades of school choice growth, Michigan has dropped from its earlier rating near the top of the States to its current rank near the bottom for fourth- and eighth-grade math and fourth-grade reading on NAEP. In addition, the advocacy group, EdTrust reports that roughly half of Michigan's charter schools ranked in the bottom quarter of all public schools for academic performance. Based on this, what do you think needs to be changed in Michigan's approach to funding and managing schools—including charter schools—and how would the failures of Michigan's reform strategy inform your actions as Secretary of Education?

Answer 11. Public charter schools in Michigan are a success story. Charter students in Michigan gain an additional 2 months of learning in reading and math over their traditional public school peers.

In Detroit, the gain is 3 months. In both reading and math, African American students in Detroit charter schools have significantly larger growth compared to African American students in Detroit Public Schools. Hispanic charter students in Detroit show significantly better outcomes in math compared to their Hispanic peers in Detroit Public Schools. I believe in funding what works, and in Michigan, particularly in Detroit, charter schools are demonstrating their value by improving student achievement.

Question 12. Providing evidence, do you believe the current model of choice without uniform accountability has been successful in Michigan and will you commit to upholding the kinds of strong charter accountability that we put in place during ESSA so we're not wasting tax payer money? Please describe how you will go about implementing measures of accountability.

Answer 12. As I said during my confirmation hearing, I support accountability for all schools. In your question, you imply that charter schools have different accountability than traditional public schools in Michigan. This is not the case. Instead, I supported legislation—now law—that imposed the same accountability on all schools. Parents need and deserve to know how their children are performing. Any and all obstacles to good information should be removed. There was an effort by critics of parental choice to limit options for families and call that accountability. Their real effort was to create a new layer of bureaucracy—an eight-person unelected mayoral appointed board that sought to limit the growth of charters and dictate their operations. This legislation would have hamstrung charter schools and kept many failing public schools open at the expense of vulnerable students. I joined with parents and other reformers to oppose this scheme.

If I am confirmed, I will implement ESSA, including the strong accountability measures found in the charter school program.

Question 13. Aside from the market-based approaches that you've advocated for, which do not appear to be helping students and families in Michigan (demonstrated, in part, by Michigan's precipitous drop in NAEP score rankings over the last two decades), what can be done to improve the education for students who attend traditional public schools?

Answer 13. The Every Student Succeeds Act (ESSA) calls for locally developed plans tailored to each school's and community's specific needs and I believe this is the right approach. From my experience, I have seen increased student performance when schools improve quality, increase accountability and expand choice and if confirmed, I will look forward to meeting with stakeholders to discuss ways that we can work to improve student achievement for all students.

Question 14. How do you propose to deal with groups of children who are targeted and disciplined at a much higher rate on the basis of their race, disability, primary language—at a disproportionate rate than white students?

Answer 14. I oppose discrimination of any kind against students. If confirmed, I will enforce all civil rights laws under the Department of Education's jurisdiction to protect students' access to equal educational opportunity.

Question 15. How do you plan to enforce the legal requirements clarified in guidance by the Office for Civil Rights explaining schools' and districts' nondiscrimination requirements with regard to school discipline or equitable distribution of resources?

Answer 15. If confirmed, I will carefully review all existing guidance documents that are in effect to ensure that guidance from the Department of Education serves as a helpful tool to States, local school districts, teachers, school personnel, and others who implement Federal education law.

Question 16. Do you believe the Department of Education has a role in ensuring pregnant and parenting K–12 students have access to the same educational environments as non-parenting students? If so, what role should the Department of Education play?

Answer 16. Schools should be a place of learning and personal growth, and, if confirmed, I will ensure that the Department of Education fulfills its critical role in ensuring all students, including students who are pregnant or parenting, have equal access to educational opportunity.

Question 17. As Secretary how will you work to eliminate the educational disparities that exist for students of color? How will you work with diverse communities to ensure that their perspective, knowledge and expertise are valued and utilized in the policies of the Department of Education?

Answer 17. Seeing the lack of educational opportunities for students of color and other disadvantaged students is what inspired me to become involved in the education reform effort. I have worked with diverse communities across the country to expand educational opportunities for all students, but particularly for students of color.

Question 18. Please describe how you will ensure that students with disabilities have access to accommodations provided by Section 504 of the Rehabilitation Act of 1974, including the importance of oversight and enforcement provided by the Office of Civil Rights.

Answer 18. If confirmed, I will work with the Office for Civil Rights to enforce Section 504 of the Rehabilitation Act of 1973. I will also work with that office and the Office of Special Education and Rehabilitative Services to learn more about what the Department could do better to support efforts to provide students appropriate accommodations.

Question 19. How would you ensure the family of a student, who uses a voucher to attend a school other than the public school they would normally attend, that they would not have to pay for access to specialized instructional support personnel and other related services to provide the student with the tools needed to graduate and succeed in a higher education institution or the workforce?

Answer 19. I believe parents should have the freedom to choose between a high-quality public school, a public charter school, a magnet school, or a nonpublic school. I believe a competitive marketplace in our elementary and secondary education system will work as well as it does in our diverse higher education system, where colleges and universities compete for students, and students and their parents get to choose which school to attend. With a diverse array of good schools, every family should be able to find the best match of school for their child's individual needs. Just as the Pell Grant is not always enough to pay for the cost of tuition and fees at most institutions of higher education, vouchers in the K–12 arena sometimes fall short, but still provide meaningful support to enable students to attend the institution of their choice.

Question 20. If the goal of ESSA's annual assessments is to gauge the knowledge and skill of a student, do you support allowing students with disabilities to use assistive technology and other types of accommodations to access the assessment, provided these tools do not undermine the testing construct?

Answer 20. I believe that we need to enable as many students as possible to participate in the State regular assessments. The Every Student Succeeds Act requires that, to the extent that is practical, all State assessments must be developed using the principles of universal design. For students with disabilities who receive accommodations under the IDEA, States must provide those accommodations on the State regular and alternate assessments. If confirmed, I will work with States to ensure that both laws are properly implemented.

Question 21. Do you believe that due process rights and protections are important to maintain for students with disabilities and their families? If yes, how do you reconcile this position with your position on private school vouchers, which supports Federal funding to follow the child with disabilities but not these necessary protections?

Answer 21. Yes. The procedural safeguards enshrined in IDEA for students with disabilities in public schools are essential to protecting their rights to the free, appropriate public education provided by IDEA, and I will continue to strongly enforce the law if I am confirmed as Secretary.

But I do not believe that there is a conflict between protecting IDEA and ensuring that those rights are enforced and offering parents a different opportunity. Offering parents of students with disabilities the opportunity to choose between a private school, a different public school, or a non-public school setting empowers the parents to receive what works best for their child. Just like in the public schools, not every private school will offer every service for every student with a disability. It would be misguided to seek to impose on individual private schools a standard that is also not imposed on every individual public school. If parents are not satisfied with the private options available, they maintain all their current options and rights within their local public school system. I believe that all students, including individuals with disabilities, deserve an equal opportunity to lead full, productive and successful lives.

Question 22. What changes would you make to ensure family engagement for students with disabilities is improved in special education services?

Answer 22. I have heard from many frustrated parents that the Individuals with Disabilities Education Act has not well served their children. If confirmed, I will work with Congress to examine what reforms are needed to that law to make it work better for parents and educators. I will reach out to parents and advocates who have spent years working to make the public school system provide a better education for their child. I look forward to learning from them what improvements they would seek, and then working with Congress, Governors, State legislators and school districts to make those changes that would help improve opportunities for students with disabilities.

Question 23. Please explain your views on the identification of students with learning disabilities and whether you believe the current Federal policies outlining identification of specific learning disabilities are effective. How do you think we could strengthen early intervention services for all disabilities?

Answer 23. Many schools have made significant strides, through efforts like Response to Intervention, to improve the education and identification of students with learning disabilities. More can certainly be done. For students with the most common learning disability in reading and language, research suggests early intervention using evidence-based programs and strategies makes a big difference in ongoing achievement levels. ESSA and IDEA give schools flexibility to develop and implement these programs, and if confirmed, I will work with the Office of Special Education Programs and stakeholders to ensure that States and school districts are aware of this flexibility.

Question 24. Please describe your plans as Secretary to support students, parents, educators, and schools to have access to special education and related services.

Answer 24. IDEA guarantees parents and their eligible children with disabilities access to special education and related services. If confirmed, I will work with the Office of Special Education Programs to ensure that IDEA is properly implemented and enforced, and I will work with Congress to explore any needed reforms to make IDEA work better.

Question 25. We know from decades of research that an inclusive classroom is the best for all students. Do you believe that students with disabilities should learn alongside their peers? How do you believe students with disabilities should be supported in general education classrooms?

Answer 25. IDEA requires States to provide a free appropriate public education in the least restrictive environment. For most students, this means special education and related services in a fully inclusive classroom, and, if confirmed, I will work to ensure students' access to these classrooms is fully protected and that they have access to the supports and accommodations to which they are entitled. I will also work with stakeholders to ensure that IDEA is properly implemented to provide appropriate learning environments for those students for whom a fully inclusive classroom is not appropriate.

Question 26. Students with disabilities often exit the school system with little planning for transition from school to work or post-secondary education. What is your philosophy on transition services to help ensure career and post-secondary success for students with disabilities and how will your Department of Education support schools and States in supporting students during this critical time? What would

you do to build on the improvements made in the Workforce Investment and Opportunity Act?

Answer 26. One of the best ways to help a child with a disability get a job or pursue post-secondary education is to ensure that they have the skills and resources they need to move on from high school. If confirmed, I will work with States, local school districts, employers, and institutions of higher education to identify best practices in transition services to ensure students with disabilities receive the help they need to pursue their post-secondary goals.

In addition, if confirmed, I will work with States to ensure full implementation of the provision in IDEA that requires students with disabilities by age 16 (or earlier) to have a transition plan that is “results-oriented.”

The reforms to the Rehabilitation Act of 1973 made by the Workforce Innovation and Opportunity Act require vocational rehabilitation agencies to work with schools to provide transition services to students with disabilities. If confirmed, I will work with the Rehabilitation Services Administration to ensure that these reforms are properly implemented.

Question 27. Parent Information Centers provide parents of children with disabilities free access to information related to the law and their child’s rights. These PTIs are woefully under-resourced. How do you plan on supporting the PTIs, if at all?

Answer 27. Parents need good information to make informed decisions about their child’s rights and educational plan. If confirmed, the Department will examine the effectiveness and efficiency of current outreach programs, centers, and events that focus on providing parent information while also exploring new opportunities to use technology to improve this outreach. Our goal is to increase parent and family access to information across the range of essential issues, from evidence-based practices to legal rights for parents of students with disabilities.

Question 28. Describe your vision for how the public school system should address the needs of nearly 6 million children with disabilities, beyond offering school choice options. Should private schools receiving public dollars through vouchers meet the same standard of addressing those needs?

Answer 28. I support great public schools and applaud the high quality education and services they provide to students with disabilities. Enforcing IDEA is a priority, and making sure that local school districts follow the law and provide the services and education that children with disabilities deserve is essential. At the Federal level, we must encourage States to work with parents, schools and districts to create more effective IEPs that are useful for increasing learning gains for students with disabilities. IEPs must include measurable annual goals for monitoring progress and clear information for parents about student progress toward high but achievable expectations.

The IEP should be viewed as a practical blueprint for action. Students with disabilities are accomplishing great things in States and districts that recognize their uniqueness. We can shine a light on these successes so that others know what is possible. If confirmed as Secretary, I will make it a priority to highlight what works best for students with disabilities.

I also believe that parents should have the choice of school to attend, especially for children with disabilities. I will continue to look for ways to increase access by students with disabilities to a broader range of educational options. I have seen exciting changes in students with disabilities when they attend schools that meet their needs. My friends, Sam Myers and his mother Tera, attended my confirmation hearing last week. Sam, who has Down’s Syndrome, was a Jon Peterson Special Needs Scholarship recipient. The program exemplifies how States can—and do—implement the Federal law and use their flexibility to ensure parents can choose the learning environment in which their children with disabilities will achieve and thrive.

Question 29. I’m sure you’re aware that most private school voucher programs permit schools to discriminate in their admission policies and refuse to admit students with a disabilities. As a result, students with disabilities are often systematically excluded from voucher programs. For instance, most private schools in the Milwaukee voucher program “lack the full complement of educational programs that students with disabilities are entitled to if they receive their education in the public sector,” and as a result, students with disabilities have been discouraged or excluded from participating. This has also occurred in the District of Columbia. Do you believe private schools should be prohibited from denying admission to students with disabilities? Yes or no? *If Yes:* Then how would you hold private schools that receive Federal education funding accountable for providing special education services and supports? *If No:* If families are left with no protections, which data shows is incred-

ibly detrimental, how would you ensure that students with disabilities were able to receive high quality services?

Answer 29. No educational program, public or private, is ideal for all students, especially students with disabilities. Even today, there are public school districts that do not have the services to meet the needs of all students with disabilities and suggest to those parents that they should enroll their children in nearby charter schools or the district arranges to have those students to go to another district to have their needs met. So, let's be honest. No individual public school provides the full of range of high quality services for every student with a disability; this is true for private schools as well.

Public school systems have the right to establish specialized programs at certain schools for students with specific disabilities and, through the IEP process, to assign students with specific disabilities to these schools to meet their needs more effectively. When this occurs, the public schools that do not offer these services within the system are not "discriminating" against the students with these disabilities.

In far too many cases, the parents of students with disabilities in the public schools are currently not satisfied with the services their children are receiving. In fact, public schools contract out educational services for almost 2 percent of students with special needs to ensure they receive their education in private schools where the student's educational needs are better met. But too often the only way that parents can obtain what is best for their child is through legal recourse. This can take months and sometimes years. Children don't have years to wait for courts to decide. I believe they should not have to wait.

Offering parents of students with disabilities the opportunity to choose between a private school, a different public school, or a non-public school setting empowers the parents to receive what works best for their child. Just like in the public schools, not every private school will offer every service for every student with a disability. It would be misguided to seek to impose on individual private schools a standard that is also not imposed on every individual public school. If parents are not satisfied with the private options available, they maintain all their current options and rights within their local public school system.

Question 30. Studies in a number of States have indicated there has been systematic over-representation of students of color in special education, specific categories of special education eligibility, and the use of discipline. What is your understanding of over-representation or disproportionality of students of color in special education? If there is over- or under-representation, specifically how would your Department of Education address the issue? What is your understanding over representation of students of color in specific categories of eligibility for special education (e.g., intellectual disability)? If there is over representation in specific categories, specifically how would your Dept. of Education address the issue? What is your understanding of overuse of discipline procedures for students with disabilities, particularly students of color who have disabilities? Specifically, how would your Department of Education address the overuse of discipline procedures?

Answer 30. If confirmed, I will work with States, school districts, and other stakeholders to address over-identification of students of color in special education where it is occurring, and address discriminatory discipline practices that may rob students of their right to an education. IDEA requires such efforts, and I will work to ensure that the law is properly implemented and enforced.

Question 31. Under your leadership, will the Department of Education enforce the disproportionality regulation? Please describe how you will enforce the regulation or your reasoning of why you will not enforce the regulation.

Answer 31. If confirmed, I will carefully review all new regulations to ensure they are consistent with the relevant statute as Congress wrote them and are necessary to enable successful implementation of Federal law.

Question 32. ESSA made a number of changes designed to improve the continuum of learning from birth through 3d grade. In particular, ESSA now allows for joint professional development between kindergarten and preschool teachers. How will you support this continuum if confirmed as Secretary of Education?

Answer 32. If confirmed, I will work to implement the Every Students Succeeds Act and all laws as written. In this case, I will work to ensure States and school districts are aware of the flexibilities they have under ESSA to meet their unique local needs.

Question 33. Early childhood educators are the linchpin of quality in early childhood education. They benefit from strong professional development and higher education systems that help to prepare them with the knowledge, skills and com-

petencies they need to be successful in caring for and educating our Nation's youngest learners. As Secretary, what resources, regulations and policies will you direct toward supporting excellence in the teaching profession, beginning in the early years and continuing throughout K-3?

Answer 33. Research is clear that early childhood education is important and can help put a child on a path to success. That is why it is exciting to see so many States invest in and support early education programs for families. If confirmed, I will work to ensure that States and school districts are aware of the flexibilities they have under Federal law to meet their unique needs. I am also aware that the overwhelming majority of the Federal Government's early childhood efforts fall under the jurisdiction of the Department of Health and Human Services. If confirmed, I will work with that Department as appropriate to support educators and students throughout the early grades.

Question 34. According to the 2013 National Survey of Early Care and Education, the median wage for center-based early childcare staff was \$9.30 an hour, or about \$19,000 a year. This means child care workers on average make less than parking lot attendants, manicurists, and massage therapists. One amazingly dedicated worker I met told me she had to choose between paying for food and her medicine. This problem is repeated in Head Start as well. We say that children are our most valuable resource, so we should be paying the individuals who take care of them accordingly. I believe high quality early learning opportunities for all children are critical for success later in life—if children learn more now, they'll earn more later. What will you do to help increase wages for our child care and early childhood workforce?

Answer 34. This issue falls primarily under the responsibility and jurisdiction of the Department of Health and Human Services, so I would respectfully defer to that agency. If confirmed, I will work with that Department as appropriate to improve coordination between our two agencies so we can help States and local school district maximize their Federal resources more efficiently.

Question 35. Given the critical need for more access to more high quality early learning services, how will you work to strengthen and expand our system of early learning so more children can receive high quality supports?

Answer 35. This issue falls under the responsibility and jurisdiction of the Department of Health and Human Services so I would respectfully defer to that agency. If confirmed, I will work with that Department as appropriate to support educators and students throughout the early grades.

Question 36. Early childhood educators—including those working in publicly funded preschools—are often paid less than their equally qualified counterparts in K-12. Do you believe the pursuit of compensation parity is important? If yes, how would you support States to promote and implement policies that support it?

Answer 36. This issue falls primarily under the responsibility and jurisdiction of the Department of Health and Human Services so I would respectfully defer to that agency. If confirmed, I will work with that Department as appropriate to improve coordination between our two agencies so we can help States and local school district maximize their Federal resources more efficiently.

Question 37. Please describe whether you will support policies that support access to a regular high school diploma for the overwhelming majority of students with disabilities? What steps will you take to uphold the ESSA definition of "regular high school diploma" as it relates to students with disabilities? Describe under what conditions you believe a lesser, non-regular diploma should be provided to students with disabilities.

Answer 37. ESSA appropriately assumes the vast majority of students can obtain a regular high school diploma and requires States to incorporate graduation rates into State accountability systems. ESSA also acknowledges students with the most significant cognitive disabilities assessed using the alternate assessment aligned to alternate academic achievement standards may be awarded State-determined alternate diplomas. If confirmed, I will work to implement these provisions of ESSA.

Question 38. As our next Education Secretary, what would your priorities be regarding ESSA implementation?

Answer 38. If confirmed, the Every Student Succeeds Act (ESSA) implementation will be one of my top priorities. I will work with this committee and stakeholders around the country to ensure implementation is carried out as the law was written. I would like to encourage States and local school districts to innovate and think outside the box on how better to improve education in their local communities.

Question 39. 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 which 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 positive behavioral interventions and supports (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?

Answer 39. Universal Design for Learning (UDL) strategies can be an effective tool for ensuring educational systems are appropriately tailored to the needs of all students. The Every Student Succeeds Act (ESSA) encourages States and school districts to utilize UDL strategies where appropriate. If confirmed, I will work with States and school districts to ensure they understand the flexibilities they have under ESSA to implement UDL and other strategies to support all learners.

Question 40. In November 2015 the Department issued guidance indicating that the Individualized Education Program (IEP) of a student with a disability must contain annual IEP goals that “are aligned with the State academic content standards for the grade in which [the] child is enrolled,” and must

“include the specially designed instruction necessary to address the unique needs of the child that result from the child’s disability and ensure access of the child to the general education curriculum, so that the child can meet the State academic content standards that apply to all children.”

How will you uphold this guidance and ensure IEP teams around the country are ensuring students with disabilities access to general education?

Answer 40. If confirmed, I will carefully review all existing guidance to ensure that guidance is helpful to States, local school districts, teachers, school personnel, and others who implement Federal education law.

Question 41. What is the role of Federal funding, including formula funds and discretionary grants, in supporting schools serving large numbers of low-income students and students of color?

Answer 41. While Federal funding makes up a relatively small percentage of all education funding, the purpose of most Federal education funding is to support our Nation’s most vulnerable children. I believe we can do better, though, in giving States and school districts sufficient flexibility to use those funds to best support the students the funding is intended to serve. If confirmed, I look forward to working with the committee to determine how best to utilize Federal resources to support student learning.

Question 42. The College Scorecard, released in September 2015 by the Obama administration, provided new data which could potentially be accountability measures for institutions of higher education. Data in the College Scorecard was from numerous data sets across the Federal Government and contained no personally identifiable information. If confirmed, will you continue to release the College Scorecard in its current form? Will you commit to maintaining public access to all of the data that is currently available on the College Scorecard? If not, please indicate which data items you plan to eliminate and your reasoning for why you do not believe students and taxpayers should be able to access each data point.

Answer 42. If confirmed, I will review the information that the Department currently collects from institutions and evaluate how that data aligns with requirements in the Higher Education Act, including determining what additional information may be necessary. Further, I will ensure that the information provided conforms with the requirements of the Higher Education Act for the College Navigator and college cost information.

Question 43. Do you believe everyone should be able to go to college? Yes or no. If no, who do you think should not be able to go to college? If no, who do you believe should choose who should not go to college?

Answer 43. Yes, I believe everyone should have the opportunity to pursue a college education if they believe it is the most appropriate post-secondary education option for them. I also believe greater access to high-quality career and technical education is needed, and that we need to explore other innovative post-secondary education options. Students should have a wide range of post-secondary options so they can identify the most appropriate opportunity for them.

Question 44. Not all students who enter post-secondary education do so on an equal academic, financial, or emotional footing. Those who start with greater deficits will need more assistance to reach their potential. How will the Department of Education under your leadership work to advance and promote equitable outcomes among disparately impacted populations?

Answer 44. If confirmed, I will work with this committee to ensure that all students have an equal opportunity for educational success. This has been my life's work in Michigan and around the country. I believe this starts by providing all students with an equal opportunity for a quality elementary and secondary education, so that fewer students enter post-secondary education needing remedial instruction.

If confirmed, I also look forward to working with this committee to explore ways to provide support to students who have been poorly served by the elementary and secondary system.

Question 45. Do you believe that liberal arts education, which cultivates knowledge that informs active citizenship, is at risk of becoming a domain restricted to highly selective private universities? Do you believe the Federal Government should support students that choose to enter into a liberal arts program?

Answer 45. I believe liberal arts education plays a vital role in our society and that all students need access to an education that prepares them for a career and to be engaged and informed members of society. One of the great things about our higher education system is that the Federal Government supports a broad array of post-secondary choices. What President Trump and I agree is students should be given good information to be able to make those choices wisely. We do not force students into one-size-fits-all education models or instructional programs.

Question 46. The education, employment, and community outcomes for individuals with intellectual disability (ID) have historically been bleak in our country, with the vast majority living in poverty and relegated to subminimum wage jobs in sheltered workshops, or living at home with aging parents and little opportunity for productive work or activities. Prior to 2008, a number of higher education programs for students with ID had sprung up around the country, but there was no Federal financial aid or federally funded technical assistance, and there were no model programs to encourage the expansion of this important educational movement. The Higher Education Opportunity Act (HEOA) enacted in 2008 created exciting opportunities for students with ID to access certain forms of Federal financial aid, and authorized new model Transition and Post-Secondary Programs for Students with Intellectual Disabilities (TPSIDs). A National Coordinating Center (NCC) was also authorized to provide technical assistance and evaluation of the TPSID projects and to develop model accreditation standards for such programs. According to a recent count, we now have 246 higher education programs in the United States, including new model programs due to the HEOA. As colleges and universities open their doors to students with ID, these individuals are experiencing substantially better outcomes in employment, social engagement, and community living. TPSIDs have been funded since fiscal year 2010 and the National Coordinating Center evaluation is showing very positive results, including favorable exit outcomes. For instance, the percentage of students who were engaged in employment or career development within 90 days of program exit has increased from 30 percent in fiscal year 2010 to 76 percent in fiscal year 2015. Will you support the continuation of TPSID model demonstration programs and a National Coordinating Center in the reauthorization of the Higher Education Act? Will you support continued funding for the TPSIDs and NCC?

Answer 46. You correctly point out the challenges students with intellectual disabilities (ID) have faced in pursuing post-secondary education opportunities and employment. If confirmed, I will work with the Senate Committee on Health, Education, Labor, and Pensions to ensure students with ID have opportunities to pursue education and work. I will work with this committee and stakeholders to review all our efforts to support students with ID, including through the TPSID program, to ensure we strengthen successful efforts to improve student outcomes.

Question 47. Students with disabilities are graduating high school at higher rates than ever before and going on to higher education. Unfortunately, their graduation rate from college still lags behind students without disabilities. What will you do to ensure higher education is more accessible and responsive to the needs of students with disabilities? What will you do to help raise the graduation rate for students with disabilities?

Answer 47. If confirmed, I will work with the Office of Special Education and Rehabilitative Services and the Office for Civil Rights, leaders of the higher education community, and representatives of the disability community to ensure that students

receive the services and accommodations they are entitled to under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, and will learn more about what the Department could do better to help colleges and universities meet the needs of students with disabilities on their campuses.

Question 48. With regard to the ongoing application process for the new student loan servicing contract, what will you do to ensure that this process proceeds smoothly so that loan servicing is not disrupted when current contracts expire in 2019?

Answer 48. If confirmed, I look forward to reviewing existing policies and procedures currently underway at the Office of Federal Student Aid, comparing them to efficiencies used in the financial sectors, and implementing policies that ensure students and borrowers are receiving quality treatment and care that is responsive to individual needs while maintaining proper protections for taxpayers.

Question 49. In his New Deal for Black America, President-elect Trump has indicated that he will ensure funding for Historically Black Colleges and Universities, which for over 100 years have played a major role in educating disadvantaged minorities for the workforce and leadership roles in society. Can you explain what this commitment means and how this will be achieved?

Answer 49. President Trump acknowledges the important role Historically Black Colleges and Universities play in helping our country's youth achieve their dreams of a post-secondary education. These institutions should be commended for all the good work they accomplish. If confirmed, I look forward to working with you and other Members of Congress to engage this community and help strengthen their efforts.

Question 50. Since graduate students no longer qualify for subsidized Stafford Loans, taking on student debt to pursue an advance degree has become challenging. Borrowers who plan to utilize Public Service Loan Forgiveness commit to a career of service for America while paying their loans on an income-driven plan. Can you guarantee that you will not support policies that will increase costs for graduate students or increase the burden of their student debt?

Answer 50. I am very concerned about the rising costs of college. And I recognize the importance of graduate education. If confirmed as Secretary, I hope to put forward policies that will help lower student debt while also increasing access to post-secondary education, including graduate education. I look forward to a robust discussion on these issues during the upcoming reauthorization of the HEA.

Question 51. While the first recipients of the Public Service Loan Forgiveness program will receive the benefits of the program in late 2017, it will be important to track this first group's progress of how they maintained their payments during these past 10 years and to take steps to address any confusion that may arise when borrowers submit the complex forms required for forgiveness and determine which payments qualified. Will you commit to reaching out to public service entities and borrowers who have submitted any PSLF documents in the past to provide them with guidance and support?

Answer 51. If confirmed, I will ensure that the Department is appropriately answering any technical assistance request we receive from entities or individuals interested in learning more about the Public Service Loan Forgiveness program.

Question 52. In the 2015–16 school year, 46 States recorded spending less per student for higher education than they did at the start of the recession. Thus, tuition costs at 4-year public colleges have risen by 33 percent since 2008. Prior to these tuition increases, studies identified that the share of students coming from communities of color at public 2- and 4-year colleges had risen significantly. In a study conducted at New York University, researchers found that with all else equal, a \$1,000 tuition increase for full-time undergraduate students is associated with a decrease in campus diversity of almost 6 percent. Do you believe that higher education today is reinforcing economic inequality? What will you do to reverse this trend toward excluding lower and middle income people from higher education?

Answer 52. It takes a partnership between the Federal Government, States, institutions of higher learning, and families to ensure post-secondary education remains affordable. If confirmed, I will work with States to ensure that they are holding up their part of the bargain.

Additionally, I look forward to working with you and your colleagues on the Senate Committee on Health, Education, Labor, and Pensions on reauthorization of the Higher Education Act to ensure that the Federal student aid programs are flexible

enough to meet the law's goals of providing students with access to post-secondary education.

Question 53. Data show that 70 percent of Income-Based Repayment participants and 83 percent of Pay As You Earn participants earned less than \$20,000 per year. How will you ensure that students do not default on their Federal loans, and how will you expand these repayment plans for those from low-income backgrounds?

Answer 53. If confirmed, I will work to ensure all students are aware of all the benefits, including the numerous repayment plans, associated with their Federal student loans. I will also look forward to working with you and your colleagues to move forward with President Trump's campaign proposal to create a new income-driven repayment plan that will cap borrowers' repayment at 12.5 percent of their discretionary income and offer loan forgiveness after 15 years.

Question 54. I have heard from many constituents who are deeply concerned over the future of individuals protected under the Deferred Action for Childhood Arrivals (DACA) program. These young individuals who are protected under the DACA program were brought to the country as children by their parents, have never been in trouble with the law, and are frequently pursuing education or productively contributing to society. What would you do to reassure these young people they have nothing to fear and that they will be able to remain a vital part of the fabric of our Nation?

Question 55. If the Trump Administration rescinds the DACA policies, do you have a plan for DACA recipients who are currently pursuing higher education to remain at their institutions, continue with their education, work to support themselves, and, if applicable, maintain residency for in-State tuition and State financial aid? Please describe how you plan to address this issue.

Answers 54–55. Enforcement of our Nation's immigration laws falls under the responsibility and jurisdiction of the Department of Justice and the Department of Homeland Security so I would respectfully defer to those agencies.

Question 56. What do you see as the necessary supports for providing a well-rounded education for our Nation's children, including music and arts, in our Nation's schools—be they district or charter schools? And what role does the Federal Government play in insuring those supports are available for all students and in all schools?

Question 57. According to a recent National Endowment for the Arts (NEA), only 26 percent of Hispanics ages 18–24 surveyed reported getting any arts education, in comparison to 28 percent of African Americans and 59 percent of whites. Further, 3.9 million public elementary school students do not have access to visual arts classes and 1.3 million public elementary school students have no access to music classes. What policy measures can be put in place to create access for more minorities to receive a music and arts education?

Answers 56–57. In general, I believe it is best to defer to the judgment of State and local officials about how to implement education policies. If confirmed, I would welcome the opportunity to share data, best practices, and strong research from the Department of Education with State and local officials so they can adapt it to their needs. But I also hope States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. Regarding arts and music education, I agree they can be an important part of a well-rounded education and hope that local education leaders can find new ways to expand student opportunities in these areas, particularly with the greater flexibility provided to States and local school districts.

Question 58. How do you propose to ensure that the rights of lesbian, bisexual, gay, and transgender students' under Title IX of the Education Amendments Act and students with disabilities under Section 504 of the Rehab Act and Title II of the ADA aren't violated?

Question 59.* In the last fiscal year, the OCR continued to face an increasing number of complaints from students who attend schools that may have violated their civil rights, while at the same time working with a very low number of staff to handle enforcement. Under your leadership, will the Dept. continue to pursue the many complaints and compliance reviews that will be pending with OCR at the time of the transition between administrations? Will you prioritize funding for this critical office?

Answers 58–59. The Office for Civil Rights has an important mission to play in enforcing the law. If confirmed, I will ensure that the Department enforces the law

appropriately to protect all of our Nation's students. I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars when proposing budgets for future fiscal years.

Question 60. The Office of Civil Rights Civil Rights Data Collection has provided parents, educators, and policymakers with invaluable data on critical issues that impact a student's access to a meaningful education. Do you support the continuation of this collection? If yes, please explain how you will ensure that this data is provided to parents & public in a transparent way, and how you will use the findings to inform policy decisions. If no, how do you intend to provide parents, educators and policymakers with data on key issues?

Answer 60. If confirmed, I will carefully review all existing data collections conducted by the Department to ensure that they serve as a helpful tool and provide meaningful information.

Question 61. Over the last 8 years, OCR has enhanced transparency by posting on its website many more resolution agreements and letters, policy guidance documents, technical assistance materials and information about OCR's enforcement processes. Will you commit to continuing such transparency in the Department's publications and online resources so that Congress and the public can readily track the Department's enforcement of each anti-discrimination law?

Answer 61. I believe in transparency and accountability. If confirmed, I will carefully examine this issue before making such a commitment, but I look forward to discussing this with you after I have studied this further.

Question 62. How should charter schools be monitored by the Department of Education's Office of Civil Rights for compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act? Should charter schools be held to different standards for compliance than traditional public schools? If so, why? What should be the standard for compliance for charter schools and how do you legally justify such a difference?

Answer 62. Charter schools are public schools and are subject to the same standards of compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act as traditional public schools.

Question 63. The Rehabilitation Services Administration is located within the U.S. Department of Education and implements the multi-billion dollar Vocational Rehabilitation (VR) Program that helps adults with disabilities obtain employment and access independent living supports. Despite its budget, not every eligible adult can access VR services. Moreover, the Bureau of Labor Statistics reports that the unemployment rate for adults with disabilities is 10 percent compared to the general population rate of 4.2 percent. What specific actions will you take to increase the employment rate of adults with disabilities?

Answer 63. I believe the underemployment of individuals with disabilities speaks volumes about low expectations. If confirmed, I am interested in working with Congress, States, and other stakeholders to conduct a complete examination of the VR programs to improve effectiveness and efficiency.

Question 64. In recent years, Congress has made significant progress toward preparing youth and young adults with disabilities to succeed in the 21st century workforce. The workforce Innovation and Opportunity Act (WIOA) was a shining example of bi-partisan legislation that will empower a future generation of workers with disabilities. Although, we can't ignore the millions of older working age adults who find themselves faced with an age-related disability like blindness or significant hearing loss, and who do not have the resources to retire early or sustain themselves on our safety net programs. To this end, are you committed to strengthening our rehabilitation system in a manner that provides opportunity for the millions of Americans who have worked hard their entire life, but find their labors threatened by the onset of an age-related disability? If so, what pathways do you envision as a solution through the department's Rehabilitation Services Administration?

Answer 64. If confirmed as Secretary, I look forward to working with Congress, the Department of Health and Human Services, the Department of Labor, States, and other stakeholders to review ways to increase access to services and materials for individuals with age-related disabilities.

Question 65. The Office of Special Education and Rehabilitative Services has promoted inclusion, equity and opportunity. Please explain whether you intend to uphold this focus and what changes in direction, if any, you envision. Additionally, please explain how your policy direction will embrace these areas.

Answer 65. I agree that inclusion, equity, and opportunity are important principles in working with individuals with disabilities. If confirmed, I will review the actions and guidance of the Office of Special Education and Rehabilitative Services and determine what, if any, changes need to be made. I will also consult with the President's nominees for Assistant Secretary and Commissioner of Rehabilitation Services when nominated.

Question 66. In 2014, the Department of Education announced a revised accountability system called Results-Driven Accountability (RDA), which the Department would shift its accountability efforts from a primary emphasis on compliance to a framework that would focus on improved results for students with disabilities. RDA emphasizes student outcomes such as performance on assessments and graduation rates. Should the Department maintain its focus on outcomes for students with disabilities through RDA, or do you think the Department should discontinue RDA? Why or why not? If the Department discontinues RDA, will it continue to hold States and school districts accountable for the outcomes of students with disabilities? How? If the Department maintains RDA, how will it hold States and school districts accountable for the outcomes of students with disabilities?

Answer 66. I believe in accountability for all students, including students with disabilities. If confirmed, I will review the actions and guidance of the Office of Special Education and Rehabilitative Services and determine what, if any, changes need to be made.

Question 67. Following a 2012 Government Accountability Office report, various Federal agencies have acknowledged that they must better coordinate programs to support the needs of individuals with disabilities. This will require deliberate, strategic program alignment. Please explain how you intend to further this necessary work.

Answer 67. If confirmed, I will review the 2012 GAO Report. But in general I agree government needs to improve its efforts to support the needs of people with disabilities. I look forward to working with my colleagues to find ways that the Trump Administration can improve those services and help Americans with disabilities thrive.

Question 68. Historically, the Personnel Preparation program, funded through the Office of Special Education Programs, has had a demonstrated impact on increasing the number of special education teachers produced in States. Additionally, this program has produced thousands of special education faculty members who are responsible for preparing special education teachers and conducting the intervention work that has been so vital to schools. Do you believe that funding for this program should be continued at its current level and even increased? Will you work with the President and Congress to ensure that funds available for this program are maintained at current levels or increased?

Answer 68. If confirmed I will work with Congress to evaluate effective ways to increase the number of qualified special education teachers. Having an effective teacher is essential to student success.

Question 69. As you may be aware, the House and Senate came close last Congress to passing a reauthorization of the Perkins Career & Technical Education Act, which I spent a great deal of time working on. We were able to get agreement on a lot of positive areas like greater employer involvement, streamlined requirements for participating schools, support for innovation, and greater supports for individuals with disabilities. We were unable to agree on the issue of secretarial authority. Like many in PA, I believe that the Secretary of Education should maintain oversight of State CTE performance targets that has existed in Perkins for decades. Do you have any ideas on how we can further enhance the areas of agreement I've outlined above?

Answer 69. Career and technical education programs are vital for many students who need the skills to enter into quality employment upon completion of their program. As such, if confirmed, I look forward to working with you, the committee, and the Congress as the debate to reauthorize the Carl D. Perkins Career and Technical Education Act unfolds.

Question 70. Some in the manufacturing community say there are many jobs that could come back to the United States, if the United States had a workforce with the baseline academic and nonacademic skills needed to be trained in new technologies. How can the Department of Education under your tenure provide leadership in this area?

Answer 70. As a proponent of local control, I believe that those closest to student and to the needs of regional economies have the best knowledge about the types of training needed to close the skills gap. If confirmed as Secretary, I would welcome the opportunity to work with Congress as you reauthorize the Perkins Career and Technical Education Act. Additionally, as Secretary I can share data, best practices, and strong research with State and local officials so they can adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I would welcome that opportunity.

Question 71. Today's global economy demands investment in a highly qualified and technical workforce. While more women are working more than ever before, they tend to be overwhelmingly clustered in low-wage, low-skill jobs. In many high-wage, high-skill fields, women's representation falls well below the 25 percent threshold. Equitable opportunity to high-wage, high-skill fields is critical to ensuring that the United States remains competitive and continues to meet the needs of the Nation's evolving high-tech workplaces. The Carl D. Perkins Career and Technical Education Act includes critical gender equity provisions intended to increase the number of women in nontraditional careers. How do you plan to enforce performance measures and ensure States are taking aggressive steps to increase women's enrollment and completion in nontraditional careers?

Answer 71. I agree reauthorization of the Perkins Career and Technical Education Act is an important priority, and, if confirmed, I look forward to working with the Senate Committee on Health, Education, Labor, and Pensions along with other interested Members of Congress to update and improve the law. I believe we should work to align Federal laws to ensure consistency across programs, reduce duplication and unnecessary requirements, and provide a seamless set of policies. It is also important to provide flexibility at the State and local level so local officials on the ground can create and run programs educate students to attain the skills needed to work in those in-demand jobs. Finally, I support transparency of data so parents, students, and other taxpayers can see how well their programs are working.

Question 72. Given your limited managerial experience with public school systems and higher education, if confirmed, will you commit to appointing undersecretaries and assistant secretaries with deep experience working in and managing public school systems and institutions of higher education?

Answer 72. Leadership skills and experience are transferrable. If confirmed, I commit to putting a team of highly capable and experienced individuals together to work on behalf of all students of all ages and life-stages.

Question 73. As Secretary, will you commit to strengthening and investing in the public system—and keeping it public?

Answer 73. I am a strong supporter of public education, and will continue to look for ways to support and strengthen our public schools so that all children receive a high quality education. In addition, I support great schools in all forms—public, nonpublic, magnet, home, religious, and virtual. If confirmed, I will work with States to increase educational opportunities to ensure that all students have equal access to a quality education.

Question 74. A recent report indicated that, in Michigan, special education students in both Michigan's traditional public schools and Michigan's charter schools made significantly smaller gains in proficiency in reading and math than students not receiving special education services. But charter school students with disabilities made significantly smaller gains in both reading and math than did students at traditional public schools. Why do these disparities exist in Michigan? Do you think these disparities are a problem? Why or why not? What, if anything, should the Department of Education do about such disparities in academic achievement between special education students in charter schools and special education students in traditional public schools?

Answer 74. The enrollment percentage of special education students in Detroit is 16 percent in DPS and 9 percent in charter schools, with roughly 1,100 (or 10 percent of special education students) enrolled in center-based programs outside of DPS or charter buildings. The statewide average is 11.8 percent.

While proficiency rates of special education students at DPS schools and in charters are very similar, data from the 2015 CREDO study showed smaller learning gains for special education students in charters when compared to DPS, and it was the only subgroup to have this performance. This was the first known comparison of these particular students, and we're looking forward to a deeper dive into this particular issue.

As you know, each child with a disability faces unique circumstances and Individualized Education Programs vary for each child. It's entirely possible that the future reports of the study will show that these problems have been corrected. We also know that academic progress can take time. Sometimes students do not make progress in the year when they change a school, only to make dramatic improvements in future years after they have acclimated. Other times the school proves not to be a good fit, and the parents decide to move their child to another school.

However, if confirmed, I would work with the State of Michigan to maintain vigilance on this issue, and encourage them to include this in their monitoring and enforcement systems to ensure that students with disabilities are being provided the services they need to make appropriate learning gains.

Question 75. What do you think are some of the main challenges faced by teachers in today's classrooms? What about the teaching profession as a whole? What do you think would be the best strategy for improving teachers skills so that they are better able to drive student learning?

Answer 75. Educating, training and preparing great teachers is critical work. All students, including our special education students, deserve effective teachers to help them achieve and succeed. If confirmed, I will work with States, universities, colleges of education and other stakeholders to ensure we have a strong pipeline of well-prepared and effective teachers to meet the important demands of today's student population. We must also strive to attract new teachers to the workforce to address the teacher shortage in urban and rural schools.

Question 76. Teacher turnover is a significant problem in many high-need schools and high-need fields. Research tells us that a large degree of teacher turnover has a negative impact on student performance. As Secretary of Education, how would you envision reducing teacher turnover and extending the retention of teachers in the profession so that our workforce is more experienced, particularly for high-need schools and students?

Answer 76. I agree that reducing teacher turnover is an important part of improving educational outcomes for students and I look forward to further conversations with stakeholders. As a proponent of local control, I believe State and local officials know best how to implement policies to improve teacher recruitment and retention. If confirmed I would welcome the opportunity to share data, best practices, and strong research from the Department of Education and other agencies with State and local officials so they can adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

Question 77. Do you think teachers are paid too much or too little? Why? Do you think paying teachers more for their work would change the profession? Why or why not?

Answer 77. Teacher compensation is a decision made at the local level. I would certainly encourage local school districts to use their resources wisely and pay teachers what they can within the constraints of their budgets.

Question 78. Under what circumstances do you believe a school or college receiving Federal funds would not be required to follow parts or all of title IX, which bans discrimination against students and educational professions on the basis of their gender? Please provide facts, legislative history, statute, regulation, and public policy reasons that support your answer.

Answer 78. Schools that receive Federal funds must comply with Federal laws. But in some cases institutions may choose to use the exemption that is provided in the statute to exempt themselves from title IX or parts of it. If confirmed, I will enforce the laws under the jurisdiction of the Department of Education.

Question 79. If the Department receives a complaint from a transgender student that she has been bullied severely at her school after coming out as transgender, and the student and her family asked the school repeatedly and the school did nothing about the bullying, and the student is now suffering every day and struggling in classes—is that a case the Department should investigate for possible violations of title IX?

Answer 79. Bullying and harassment of any student should not be tolerated. Schools should be an environment of learning and, if confirmed, I will work with the First Lady, who has indicated she intends to make this issue a priority, and State and local school officials to prevent bullying and harassment.

If a school is failing to protect any student from bullying and harassment and a complaint is made to OCR, I would expect that office to investigate as required under the law.

While the focus on bullying is important, it is also important to focus on encouraging positive behavior. Simply put, let's share best practices which encourage students to be kind, civil and treat everyone with dignity and respect.

Question 80. How will you work with States, LEAs and schools to ensure that they have the resources necessary to support the work of title IX coordinators through training, education, and outreach to students and employees about title IX?

Answer 80. I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 81. Are you in favor of expanding the Child Care Access Means Parents In School program, which provides childcare grants for colleges with high concentrations of student parents?

Answer 81. I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years, and will consider carefully the financial needs of students and parents.

Question 82. If a student enrolled in a virtual school requires behavioral interventions, how is this need addressed and who is responsible for ensuring effective implementation of interventions? When a student's disability requires related services such as speech or occupational therapy, who is responsible for paying for this and providing the services and how? When a student with a disability requires accommodations to access an online learning environment, who is responsible for providing the accommodations and ensuring access?

Answer 82. All public schools are obligated to provide special education and related services to IDEA-eligible students. This includes virtual public schools. Like any other school, the virtual school would work with parents as part of an IEP process to determine what services the child needs, how they will be provided, and who will provide them. And the IEP team would periodically review the services to ensure the child is making appropriate progress. Parents that have chosen a virtual public school are entitled to the same IDEA protections as any other child.

Question 83. Public education is one of the cornerstones of our Nation. Public schools serve students of all economic, geographic, ethnic, religious, gender, and racial backgrounds. History has shown that American public schools are a significant unifying factor in our society, bringing together students of diverse backgrounds. What are your top three priorities for strengthening public education in the United States?

Answer 83. As a strong supporter of public schools, I will use evidence-based best practices to encourage strong accountability, high achievement, and successful school leaders and teachers. While in general I believe it is best to defer judgment to State and local officials about how best to improve public education, if confirmed, I will welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities.

Questions 84. What accountability measures or quality controls would you recommend regarding where vouchers may be used, such as only at schools with proven records of success?

Question 85. You have advocated to allow for title I dollars to be used for private school vouchers. I strongly oppose this idea and during ESEA reauthorization, it was an idea that was not supported by Congress and left out of the Every Student Succeeds Act. Will you respect the will of Congress and agree not to pursue, in any form, a policy that Congress has explicitly rejected including shifting title I dollars to private vouchers?

Question 86. If for whatever reason, a student leaves a private school whose tuition was paid for, at least in part, with Federal funding, before finishing out the academic school year, should the school be required to return the remaining money? If no, why not?

Question 87. If a school voucher program was enacted at the State or Federal level, what oversight would your Department of Education recommend so as to ensure that students with disabilities, students of minority faiths and no faith, and

LGBT students receive the same legal protections they would be afforded in public schools?

Answers 84–87. President Trump has made a robust school choice proposal a centerpiece of his platform, and, if confirmed, I look forward to working with you on our proposal and hope to convince you to support the legislation. When we have more details I look forward to meeting with you to discuss the proposal and see if we can develop a consensus.

Question 88. The Workforce Innovation and Opportunity Act (WIOA) strengthened the Rehabilitation Act to increase emphasis on employer involvement in the vocational rehabilitation program. WIOA added a new section that permits State vocational rehabilitation agencies to use their Federal grants to target relationships with employers. Based on your experience as an employer and the laws protecting the employment rights of people with disabilities, what recommendations do you have for the vocational rehabilitation program to improve outreach and services to employers?

Answer 88. From my experience as an employer, I have found working with local business and civic groups to inform employers is a good way to create greater awareness of vocational rehabilitation programs.

Question 89. Youth with disabilities are often denied the opportunities to learn job skills through work in their youth and early adulthood, leading to unemployment and underemployment throughout their lives. How would your Department engage youth with disabilities in pre-employment opportunities that will lead to successful transitions from school to work or higher education? How would you ensure that the public workforce system fully integrates people with disabilities, especially youth with disabilities, into the economic development of regional economies?

Answer 89. The unemployment rate for people with disabilities is very disturbing and something President Trump and I, if confirmed, would like to work with Congress to find bipartisan solutions to remedy at the pre-employment and employment levels.

Question 90. How will you ensure that sufficient resources are allocated for States and programs to successfully implement the programmatic changes required by Title II of the Workforce Innovation and Opportunity Act?

Answer 90. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 91. Will you pledge to protect and expand the Pell Grant which has been such a bedrock support for first generation and low-income college students?

Answer 91. I look forward to working with you, the Senate Committee on Health, Education, Labor, and Pensions and the Congress during the debate of the reauthorization of the Higher Education Act to ensure that the Federal role of access remains a core goal of that law.

Question 92. What are your views on the current title IV student aid programs? Will you seek to make changes to any of these programs either through the budget/appropriations process or reauthorization process?

Answer 92. The Federal aid program includes several areas of confusion, first among them is the number of repayment options, and number of income-driven repayment options. If confirmed, I look forward to working with you to reduce the confusion in the Federal aid system, including repayment options, so that students and families may better understand and navigate the programs and to provide borrowers with the opportunity to repay their loans at reasonable amount for a reasonable period of time.

Question 93. The Institute of Education Sciences (IES), provides rigorous and independent research and evaluation on our Nation's education programs. What are your views on IES and will you pledge to support it?

Answer 93. This is an important component of the Department of Education, and serves a valuable role in providing high-quality research to benefit the country. If confirmed, I look forward to finding ways to help translate that research into effective practice.

Question 94. What specific actions do you believe could be taken to improve struggling rural schools?

Answer 94. Clearly, more can be done to support rural schools. Many of our rural communities have not shared in the same economic prosperity of our urban and suburban areas. Schools serving these communities and populations continue to face

unique challenges, including, but not limited to, resources, staffing, and services for students.

I am pleased with the steps Congress took under the Every Student Succeeds Act (ESSA) to reauthorize the Rural Education Assistance Program (REAP) and other provisions in the law to provide more flexibility to rural school districts in how they apply and compete for, as well as combine and utilize, Federal funding to meet local needs. I look forward to helping States and rural school districts fully take advantage of the change in the law.

More and more, technology can bring greater and richer content to classrooms, both rural and urban. Access to the requisite infrastructure to enable these innovations is an important conversation for the current Administration and Congress.

It is my understanding, that even at the U.S. Department of Education, competitive grants often ignore the realities of rural areas or unintentionally exclude them based on their requirements.

Question 95. The Kirwan Report issued in 2013 presents views on the regulation of higher education as well as specific policy recommendations. What plans, if any, do you have for implementing or supporting congressional action based on the recommendations included in the report?

Answer 95. I applaud the bipartisan group of Senators that put together this Commission and the work that the Commission did. If confirmed, I look forward to working with the committee to develop a specific plan for implementation of these recommendations, as well as reviewing and evaluating those items the report identifies the Department can address on its own.

Question 96. There have been policy proposals from within the Trump administration that suggest privatizing the Corporation for Public Broadcasting (CPB). The CPB plays a critical role in supporting public television across Pennsylvania and the Nation. Given the overlap between the Department of Education and CPB, do you support privatization?

Answer 96. I would respectfully refer you to Congressman Mulvaney, President Trump's nominee for the Office of Management and Budget, for any answer to that question.

SENATOR FRANKEN

Question 1. In your 2001 comments at the Christian philanthropist's conference, "The Gathering," you said that the work you were doing to change the education system in the United States would lead to "greater Kingdom gain in the long run." What did you mean by this and what do you believe to be the role of religion in the taxpayer-funded U.S.-public education system?

Answer 1. My faith is very important to me and informs my work. In education, it teaches me that every child is special and deserves the best we can offer them. That said, I do not believe in imposing my faith on others and, if confirmed, I will implement the laws as intended by Congress. That includes the provisions about the prohibition against religious instruction in schools.

Question 2. Given that one in five youth between the ages of 13–18 have or will have a serious mental illness, mental health is one of the country's most pressing unmet needs. The Every Student Succeeds Act (ESSA) that became law last year included provisions to increase access to mental health services in schools. If you are confirmed by the Senate, what can the Department of Education do to support school districts that are trying to expand mental health services at the local level?

Answer 2. Mental health is an important issue many families, schools, and communities struggle with. Provisions in the Every Student Succeeds Act, such as the Full Service Community Schools, is just one example of how the new law can help local school officials and families address the issues facing their children, such as mental health issues.

Another is through the Student Support and Academic Enrichment Grants which provides funding for local districts to utilize funding to address the needs in their schools. This funding could be used to provide critical support for mental health issues. If confirmed, I intend to implement the law as written and I look forward to working with Congress to do so.

Question 3. Children in foster care often change schools when they move between foster homes—this can have a devastating impact on their education. There are an estimated 260,000 children of school-age in foster care. They often are victims of abuse or neglect, have been separated from their parents and siblings, and have been taken into custody of the child welfare system and placed in unfamiliar new

families and neighborhoods. An estimated 56 to 75 percent of them change schools when they first enter into foster care. Data show that more than one-third of the 17- or 18-year-olds in foster care have experienced five or more school changes. A General Accountability Office (GAO) study found that changing schools negatively affects student academic outcomes. In fact, foster youth score significantly lower than their peers on standardized tests and drop out of school at higher rates. A stable educational experience is essential for children in foster care. School may be the only stable familiar connection they have. In June 2016, the Department of Education released non-regulatory guidance on Ensuring Educational Stability for Children in Foster Care. If confirmed by the Senate, how will you work to increase the educational stability of and improve educational outcomes for students in foster care?

Answer 3. Children in foster care face unique challenges in accessing a high-quality education, and I am eager to help States continue to develop or improve policies that prove effective at helping foster students pursue their education.

If confirmed, I will carefully review all existing guidance documents that are in effect to ensure that guidance from the Department of Education serves as a helpful tool to States, local school districts, teachers, school personnel, and others who implement Federal education law, and not as a hindrance to State and local efforts to follow the laws as Congress wrote them.

Question 4. We need to make sure that kids have a safe, enriching place to be afterschool gets out. After school programs play a critical role in increasing student achievement, keeping students safe, and helping working families. There are over 100 21st Century Community Learning Centers across Minnesota that provide high-quality afterschool enrichment for young people. My amendment to the Every Student Succeeds Act (ESSA) re-authorized a current program for community learning centers that provide academic enrichment opportunities during afterschool hours for children, particularly students who attend high-poverty and low performing schools. If confirmed by the Senate, how do you plan to support rich and high-quality afterschool learning experiences for students?

Answer 4. Afterschool programs are critical to the safety and continued learning for many students. There are many programs offered by wonderful local community groups and schools that offer valuable opportunities for learning.

As you noted, the Every Student Succeeds Act included the reauthorization of the 21st Century Community Learning Centers, a program that helps to provide afterschool services to many children. If confirmed, I will implement the law as intended and funded by Congress, including the 21st Century Community Learning Centers program.

Question 5. Many of our Nation's children live in extreme poverty. Such children may experience physical abuse and neglect, they may have parents that misuse drugs and alcohol, and they may witness domestic violence and violence in their neighborhoods. Have you heard of research on trauma and adverse childhood experiences? Do you know how it relates to the ability of children to learn?

Answer 5. I have seen estimates that trauma has affected as many as one in four students attending school. We all know trauma can affect students in different ways, both silently and outwardly, but can cause challenges to a child's education in any form. It is important for families and school officials to be able to recognize the signs of trauma and access help for students.

Question 6. The Department of Education administers many programs in K-12 and early childhood education. For example, the STEM Master Teacher Corps is a program I have championed through legislation that is now part of the Every Student Succeeds Act (ESSA). This program was designed to address the shortage of teachers in STEM fields—science, technology, engineering, and math. Given you will have the ability to determine funding levels for various programs, which ESSA programs will you prioritize?

Answer 6. The need for more STEM teachers is important and programs like the STEM Master Teacher Corps is one way to address that need. If confirmed, I will implement the law as written by Congress.

Additionally, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years. I look forward to talking with local school officials and other stakeholders to better understand the needs in our schools and communities, and to helping provide support for the activities and programs they need.

Question 7. I have been fighting hard to make college more affordable and improve college access for all students. Our Federal student aid programs are what,

in large part, make college accessible for the vast majority of America's college-going youth. What do you believe are some of the most important Federal student aid programs that increase access to higher education for populations such as low-income families, first-generation college students, foster youth, or single parents? If confirmed by the Senate as Education Secretary, what will you do to support and expand these programs?

Answer 7. As I understand it, the Higher Education Act (HEA) was designed with many of the students you mentioned in mind. The goals of the Federal student aid programs such as grants, loans, and work study are to ensure access to post-secondary education for traditionally underserved populations. I think it is important to ensure that these students understand the programs that are available to them so they can make informed choices about their post-secondary options. I look forward to working with you and your colleagues to strengthen the Federal student aid programs for these very students during the upcoming reauthorization of the HEA.

Question 8. I have long supported full equality for LGBT individuals and strongly advocated for protecting LGBT students from bullying and harassment at school. More than 30 percent of LGBT kids report missing at least 1 day of school in the previous month because they felt unsafe. In the hearing you said that you feel that you believe in equality and that every student should have a right to a safe education environment. Please explain what you mean by this and elaborate on your plan to specifically protect LGBT students from being bullied, harassed, or even physically harmed based on their sexual orientation and/or gender identity in our public schools.

Answer 8. Like you, I too have long supported equality.

As a parent, I cannot imagine the helplessness, fear, and anger that parents feel when confronted with the unfortunate reality that their child is being targeted by these actions and hurt in terrible ways. This is an issue for all students, including LGBT students, students with disabilities, and children harassed because of their race or religion.

If confirmed, I look forward to working with the First Lady's office on this important issue, as she has indicated this will be a priority for her. And, I look forward to working with State and local school officials and parents to help them protect students from bullying.

Question 9. There has been considerable evidence published over the years demonstrating that not only are the first 5 years of a child's life the most important in terms of developmental abilities and preparing them for school, but it is also the best age range to "invest" in and get a rate of return. In particular, Dr. James Heckman found that for every dollar spent on early childhood education, there is an \$8 return. Former senior vice president and director of research at the Federal Reserve Bank of Minneapolis, noted economist and Minnesota early childhood education researcher Art Rolnick has said,

"We think of early childhood development as economic development in human capital . . . the public gets a better return on its investment if government focuses its resources on human capital (education, especially education in the very early years) than on physical capital (businesses). The problem with promoting early childhood development as economic development is that it is a much longer term project and a much less visible one than an investment in physical capital. Investments in early childhood education do not result in a factory or an office tower or a sports arena. Early childhood development is mostly invisible to the public and its benefits are mostly in the distant future."

In other words, investing in these children is great for the economy, and the Obama administration (via the Office of Early Learning) and many Republican and Democratic Governors invested a considerable amount of new funding to expand and enhance quality childcare and early childhood development programs. What is your view on investing in children ages birth to 5, and what would the Office of Early Learning's priorities be under your leadership?

Answer 9. Research is clear that early childhood education is important and can help put a child on a path to success. That is why it is exciting to see so many States invest in and support early education programs for families.

If confirmed, I look forward to working with State and local leaders to support their efforts to provide early childhood education. As you know, the Every Student Succeeds Act included the authorization of the Preschool Development Grants which will help States improve the services they are providing. I will work with the Secretary of Health and Human Services to ensure that program serves as a tool for

States to improve the efficiency and effectiveness of their early childhood education programs.

Question 10. When I talk to employers around Minnesota, they constantly tell me that they are starving for workers who have a good grasp of science, technology, engineering, and math (STEM). This is not just a problem for Minnesota—it's an issue all over the country. Nearly all of the top 30 fastest growing jobs nationwide require STEM skills, but our students in the United States are lagging behind the rest of the world. Given that you have donated to and served on the board of directors for several anti-science organizations and foundations including the Acton Institute, which has funded efforts to promote teaching creationism in schools and supported efforts to deny climate change, please explain how, if confirmed by the Senate, you will make sure our students are prepared for the 21st century careers in STEM fields that are so important for our country's economic future?

Answer 10. STEM is an important part of education, no matter a student's background. Most jobs today require a much higher degree of technical competence than even 5 years ago. If confirmed, I will work with States, local school districts and institutions to encourage them to prioritize STEM education, and I will help identify best practices wherever possible to serve as models of where it is being done well.

Question 11. Over 25 percent of all Federal financial aid goes to students attending for-profit colleges and universities. While there are good actors in the for-profit sector, many of these institutions have been putting their own financial gains above the best interests of their students. Even the President-elect himself was recently forced to pay out \$25 million to settle multiple State and Federal lawsuits against Trump University for deceptive claims and sales tactics which allegedly cheated students out of thousands of dollars. Over the last several years, tens of thousands of students throughout the country have been victims of fraud and predatory lending practices by for-profit institutions. In my home State of Minnesota, Globe University and Minnesota School of Business are two examples of institutions whose fraudulent actions have left their students deep in debt, with worthless degrees and futures compromised by bad credit. I have written multiple letters urging the Department of Education to take action against these for-profit institutions and to help students get the debt relief that they deserve. More has to be done to make sure that students are not left with worthless degrees and buried under large amounts of debt. In order to protect students and taxpayers, if confirmed by the Senate, are you willing to uphold and continue to increase oversight and accountability among for-profit schools?

Answer 11. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws. If confirmed, I will review the current tools authorized by the Higher Education Act at the Secretary's disposal to address situations involving bad actors.

Question 12. If confirmed as Secretary of Education, are you committed to ensuring that students who have been victims of fraudulent behavior receive the debt relief that they deserve by continuing the Department's work in processing all current and future claims from students eligible for borrower defense to repayment?

Answer 12. As it relates to the Borrower Defense regulations issued in November, if confirmed as Secretary, I will carefully review all regulations to ensure they are consistent with the relevant statute as Congress wrote them and are necessary to enable successful implementation of Federal law. There should be a fair process for the discharge of student debt that looks out for interests of students, institutions, and taxpayers. As I review the process that has been put in place, I'll be looking to ensure it meets that standard.

Question 13. The 2015 CREDO study out of Stanford University shows that student outcomes for online charter schools are worse than for students in public schools. The report shows gaps in online charter schools that equal a loss of 72 days of learning in reading and 180 days of learning in math out of a 180-day school year. This means that students enrolled in online charter schools can be up to a full year behind in math. Under President-elect Trump's school choice plan, rural students may be relegated to online charter schools. If confirmed by the Senate, how will you make sure that students living in rural areas will have equal access to high-quality education?

Answer 13. Students in rural communities deserve access to high-quality education options as well as their urban counterparts. State and local officials and public charter school authorizers must work diligently to ensure they are promoting quality school options for rural communities. In addition to virtual schools and

choosing a different school, there are also options to implement course choice, allowing students to take one or more classes online, while still attending a traditional public school. If confirmed, I will share best practices for providing high quality choices in rural areas.

Question 14. Nearly 90 percent of American students attend traditional public schools. Over and over, you have offered school choice as the solution to improving our Nation's education system. However, attending private schools or charter schools isn't a viable option for everyone, and many students will prefer to attend public schools. Other than urging 90 percent of our Nation's youth to go to private or charter schools, what are some of the plans that you have to specifically improve our neighborhood public schools?

Answer 14. Congress recently reauthorized the Every Student Succeeds Act (ESSA), and many of those provisions are designed to help improve public schools. Those provisions and programs are just beginning to take effect, and, if confirmed as Secretary, I will work with Congress to implement the law as intended.

Question 15. While Federal student aid makes college possible for students, many students leave college with substantial debt. The amount that Americans owe in student loan debt exceeds credit card debt, car loans, and is now second only to mortgage debt. This is a huge problem for both new borrowers and those who are struggling to make their monthly payments. What is your plan for addressing the issue of student debt, and what actions will you take to make sure that college is more affordable for future generations?

Answer 15. I think we can all agree the growing amount of student debt in America is a serious challenge. I think solutions to this challenge must be multi-faceted. One of the best ways to tackle student debt is to ensure students are able to actually get jobs after they complete their post-secondary program. President Trump has spoken extensively about his plans to put Americans back to work and boost the Nation's stagnant economy.

Finally, we need to simplify and streamline the repayment options offered to borrowers to help them better understand their options. While on the campaign trail, President Trump spoke about his plan to streamline the income-driven repayment plans into one plan that will cap a borrower's monthly payment at 12.5 percent of his or her discretionary income, and ensure a borrower has relief from his or her loan after 15 years of payment.

If confirmed, I look forward to working on these issues as the committee begins the process of reauthorizing the Higher Education Act.

Question 16. In 2004, as Chairwoman of the Michigan Republican State Committee, you stated that Republicans,

"support marriage between one man and one woman because that is the way God set it up and because children need a mother and a father to love and care for them."

Since making this statement, several studies have proven that this is just not true. Research by the Department of Health and Human Services and the Centers for Disease Control and Prevention have shown no difference between families with same-sex parents and those with opposite-sex parents with regard to children's health and well-being. As many as 6 million Americans have at least one LGBT parent, and over 200,000 of our Nation's school children under the age of 18 live in a household headed by a same-sex couple. Please explain how you plan to make sure that schools do not discriminate against these families and how you plan to make sure that schools offer an inclusive and supportive culture for all families within their school community?

Answer 16. If confirmed, I will ensure the Office for Civil Rights continues to enforce the civil rights laws under the Department's jurisdiction.

For the record, my statement was in the role in which I served. As you may know, the evidence demonstrates I worked to prevent that ballot proposal from being placed for a vote. I support equality.

Question 17. School health and safety programs including Safe and Drug-Free Schools and Communities, National Center for School and Youth Safety, Elementary and Secondary School Counseling Programs, and Grants to Improve the Mental Health of Children were consolidated in ESSA into a block grant called the Student Support and Academic Enrichment Grants program (SSAEG). ESSA authorizes \$1.65 billion for SSAEG, although Congress is not obligated to actually appropriate the full amount. In fact, the President's proposed budget only allocates \$500 million to this program for fiscal year 2017. The total fiscal year 2016 funding for the pro-

grams that were consolidated into this new block grant is \$275 million. Do you acknowledge that school mental health programs are important and if so, how will you work, if confirmed, to support school health programs?

Answer 17. As I responded earlier, I believe this program can help school officials meet the unique needs of their students, such as mental health issues. If confirmed, I will work to implement the law as written by Congress and that includes protecting the flexibility of this program so school officials can tackle those difficult issues they may face.

Question 18. Children in foster care have some of the worst educational outcomes of any group of children. They are more likely to be: suspended or expelled, score lower on standardized tests in reading and math, and to drop out of high school. ESSA took steps to address high mobility rates for children in foster care by requiring that children in foster care receive transportation to their school of origin when they move placements and therefore schools. This language was a product of bipartisan compromise, and one that many Senators support. How will you monitor States, school districts, and child welfare agencies to ensure that every child in foster care receives such transportation if it is in their best interest to stay in their original school?

Answer 18. Foster care children face unique challenges in accessing a high-quality education and I am eager to help States continue to develop or improve policies that prove effective at helping foster students pursue and achieve a high quality education.

Question 19. Do you believe we are adequately funding States to ensure any student with disabilities receives the support and resources they need to succeed in school? If not, in what ways will you work to increase funding for special education services without cutting funding for other programs that support teachers, students, and parents?

Answer 19. If confirmed, I look forward to talking with school officials and parents to look at ways to support the educational needs of students with disabilities. This is not only through funding, and I do support adequate funding for IDEA, but also through helping to share best practices between schools so programs with greater effectiveness and efficiency may be used by schools to better educate their students.

Question 20. Given that student debt in this country exceeds \$1 trillion, do you support allowing the opportunity for students to more easily refinance their student loans at a lower interest rate?

Answer 20. The issue of loan refinancing has been a topic of conversation for the past several years. If confirmed, I look forward to discussing whether loan refinancing is the best use of taxpayer resources as you and your colleagues move forward with the reauthorization of the Higher Education Act.

Question 21. Do you believe it is important for our international competitiveness to be able to have an assessment that accurately compares student progress from State to State and is also linked to high quality standards?

Answer 21. I believe it is important for States to have strong assessments that provide a good look at their schools and give parents the information needed to accurately determine how their schools are performing and to ensure students are being prepared to compete in the global economy. The Every Student Succeeds Act requires States to develop their assessments to ensure they are adequately measuring student achievement against the rigorous State standards. Parents and local, State, and Federal education policymakers can look at this information from schools and review the results from NAEP to understand how education across the Nation is measuring.

Question 22. Our Nation is faced with serious teacher shortages across all States and regions, and especially has challenges in recruiting minority teachers into the profession. What will you do to help recruit more minorities to become educators?

Answer 22. Teacher hiring is a local issue, but a common issue shared amongst school districts. A diverse workforce is helpful to schools, especially in diverse communities. If confirmed, I look forward to working with State and local school officials and help facilitate the sharing of best practices to bring more teachers into the schools. We need more good teachers.

Question 23. As you may know, ESSA requires States to test students in grades 3 through 8 and once in high school, in math and reading. Are you in support of these testing requirements?

Answer 23. Testing is important, but it needs to be done the right way. Used the right way, tests can be an effective tool for educators to know the content they have taught is being understood and retained. Testing is one measure of learning and is required under the law. If confirmed, I will faithfully implement the law, including the testing requirements under the Every Student Succeeds Act.

Question 24. In light of the Every Student Succeeds Act's (ESSA) requirement for States, school districts, and child welfare agencies to provide students in foster care with greater protections (including a right to remain in their school of origin), why would a student in foster care be better served by a private school that does not have to guarantee the new services and protections for students in ESSA?

Answer 24. School choice is about the student finding the right education environment for their unique learning needs. I am not familiar with any school choice program that would force a student into a school the student or their parents or guardians do not believe adequately meets their needs.

Question 25. Do you believe that every school should receive comparable amounts of title I funding per poor student? Should schools receive comparable amounts of State and local funding per poor student? Why or why not?

Answer 25. Title I funding is about supporting students in school. I would like to see the funding follow the individual child to give each child a chance for a better education. However, Congress determines how the title I funding is provided to the States and, if confirmed, my job as Secretary of Education will be to implement the law as Congress intended.

Question 26. What are your ideas/priorities for supporting at-risk students (including those in foster care/those who are experiencing homelessness) enrolled on college campuses?

Answer 26. The Higher Education Act was designed with many of the students you mentioned in mind. The goals of Federal student aid is to ensure access to post-secondary education for traditionally underserved populations. These programs are supported by college access programs like TRIO and GEAR UP. If confirmed, I will review these programs and any others we determined helpful to supporting this population of students to ensure they are operating as effectively as they can be. Should these programs need reform, I look forward to working with you and your colleagues to strengthen them during the upcoming reauthorization of the Higher Education Act.

Question 27. More than ever before, girls are studying and excelling in science and mathematics. Yet the dramatic increase in girls' educational achievements in scientific and mathematical subjects has not been matched by similar increases in the representation of women working as engineers and computing professionals. Just 12 percent of engineers are women, and the number of women in computing has fallen from 35 percent in 1990 to just 26 percent today. The numbers are especially low for Hispanic, African American, and American Indian women. Black women make up 1 percent of the engineering workforce and 3 percent of the computing workforce, while Hispanic women hold just 1 percent of jobs in each field. American Indian and Alaska Native women make up just a fraction of a percent of each workforce. Women continue to face environmental and social barriers—including stereotypes, gender bias, and an adverse climate in science and engineering departments at colleges and universities that continue to block their progress in STEM. If confirmed by the Senate as Secretary of Education, how do you plan to close the systemic achievement gap currently faced by women and minorities in high demand, high paying STEM fields such as computer science and engineering?

Answer 27. A strong pipeline of students interested in pursuing STEM careers, including research in these subject areas, is important to our Nation's success. This strong pipeline will not be complete if we do not work to dramatically increase the number of girls and minorities who pursue STEM careers. If confirmed, I will work closely with other agencies, including the National Science Foundation, to improve coordination of STEM education and research initiatives and to highlight best practices related to engaging more girls and minorities in these fields of study.

Question 28. Gender and racial gaps continue to persist in STEM fields. Although women fill close to half of all jobs in the U.S. economy, they hold less than 25 percent of STEM jobs. Eight States have fewer than 10 girls take the AP Computer Science exam and two States have zero girls who took the exam, a strong example of the inequities within computer science education. What will you do to address core equity issues in K-12 computer science education?

Answer 28. Computer science is an important discipline. Most jobs today require a much higher degree of technical competence than even 5 years ago. The gaps that exist in this and other STEM fields must be addressed. If confirmed, I will work with States and local school districts to encourage them to prioritize computer science education, and I will help identify best practices wherever possible to serve as models of where it is being done well. I will also look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 29. What, if any, Federal policies around the collection, use, storage, security, and destruction of student data and educational records do you recommend implementing for schools and districts?

Answer 29. The current Federal law covering student privacy is the Family Educational Rights and Privacy Act, known as FERPA. I believe the intent of that law is as important to follow today as it was over 40 years ago when it was first adopted by Congress. The law provides parents' and student's rights and protections over the content of their education records.

However, that law is very outdated and does not contemplate the technology used in classrooms today. If confirmed, I look forward to working with Congress to update the law so that it will continue to provide clear guidelines on privacy protections and proper access for parents and families to the individual records, but the law should not stifle the use of technology in the classroom nor should it be used to stifle the use of data for accountability in schools.

Question 30. As Secretary of Education, how would you make sure States, school districts, and schools are transparent and engaged with families on the development, implementation, and notification of student data privacy policies and procedures?

Answer 30. As a part of the update to Family Educational Rights and Privacy Act, I believe it is important to talk with State and local school officials and parents to understand what their concerns are about student privacy and what protections they would like to see in the law. I also believe it is important for school officials to work with parents and students to develop their data safety plans and data privacy policies and procedures.

Question 31. Do you believe that Christian schools should be allowed to kick out or ban LGBT students or students with LGBT parents? If yes: Do you stand by that position when public tax-payer funding is used to pay for part, or all, of the tuition at that private school?

Answer 31. I believe it is important to enforce the laws faithfully and fully. When an entity is in receipt of Federal funding the entity must abide by the rules governing that funding. If confirmed, I will ensure every grantee and subgrantee is in compliance with the law, including all anti-discrimination laws.

I will use the bully pulpit of my office to work to make sure that every child and their parents feel welcome and safe in the school of their choice. I will use the powers of my office to enforce every Federal law against discrimination wherever they apply.

Question 32. Research shows that access to quality early learning programs can have positive outcomes for students later in life. If confirmed by the Senate, how will you support work in quality early learning programs including Early Head Start, Head Start, the Child Care and Development Block Grant and the Maternal, Infant and Early Childhood Home Visiting Program?

Answer 32. If confirmed, I will work with the Secretary of Health and Human Services (HHS) to support early childhood education. As I previously responded, one program that I will have a specific role in implementing is the Preschool Development Grants. I will work with the Secretary of HHS to implement that program, which can be a valuable tool for States to support their efforts in early childhood education.

Question 33. States, even within a framework of flexibility, look for direction from the Federal Department of Education. Will you provide direction to States that supports their inclusion of early learning in their ESSA plans and their use of Federal funding to invest in early childhood education?

Answer 33. If confirmed, I will implement the law as Congress intended. In some instances, that may require guidance from the Department to States. However, one of the hallmarks of the Every Student Succeeds Act is giving States increased flexibility over how to prioritize spending Federal funds.

Question 34. For-profit entities have the obligation to maximize revenues. How does that obligation square with the obligation to put students first in our education system at both the K–12 and post-secondary levels?

Answer 34. I believe that a school's tax status does not determine its effectiveness. Most families and students judge a school based on its quality, not its management structure. Those schools that succeed in attracting families and students and providing a quality education the family or student is looking for should be allowed to continue to operate. Those that fail to meet standards should shut down.

Question 35. While it grew during the 1990s, the University of Phoenix was, by many accounts, of reasonable quality. Many people, including one of the co-founders, John Murphy, say that what kept the school from going rogue was its reliance on market accountability without Federal aid. In particular, many of the students, half or more in fact, had their tuition payments supported by their employers or they were paying on their own. This type of value-for-the-price accountability is the original concept behind what is known as the 90/10 rule, which was first implemented as a GI bill reform in the 1950s to prevent for-profit colleges from pricing their programs at the highest level that the government would pay for. The 90/10 rule, however, does not work well the way it is currently designed. Will you commit to working with Congress to close the 90/10 loophole so that it actually provides the market-value accountability that was originally intended? Do you think schools that actively recruit veterans but leave them with meaningless degrees and dead-end jobs should get taxpayer dollars?

Answer 35. If confirmed, I will enforce the Higher Education Act as written. G.I. bill benefits are not currently included. Should Congress change this calculation, I will ensure that its implementation is implemented in the manner Congress prescribes.

Question 36. What potential consequences could you foresee resulting from a large-scale rollback on regulations that apply to post-secondary institutions as a condition of receiving Federal student aid? Please include the specific potential impact on students and families.

Answer 36. As is customary at the beginning of all new Administrations, if confirmed, I will review all regulations. If changes are warranted, I look forward to working with stakeholders and Congress to ensure changes go smoothly.

Question 37. Over the past 6 years, the intermediaries who guaranteed loans for banks, known as guaranty agencies, have grown their war chests of Federal dollars to the billions by charging defaulted borrowers unreasonable percentages of their loan balances to rehabilitate loans. One of these guaranty agencies is even suing the agency for the ability to continue to charge these overburdened borrowers extra fees equal to 18.5 percent of their loan balance. What will you do as Secretary to make sure that these large companies no longer take advantage of the system and serve the public interest as their charity status requires them to do?

Answer 37. As you well know, the U.S. Department of Education is now one of the country's largest lenders. Managing the caseload is a large undertaking and one that I believe needs a thorough review to ensure borrowers are being treated fairly and the Department can adequately manage the workload so as not to harm borrowers. If confirmed, I will review how this program is working and look forward to discussing these issues with you as a part of the reauthorization of the Higher Education Act.

Question 38. What is your opinion on the Department of Education's move to Results Driven Accountability for the education and support of students with disabilities? What aspects of the initiative do you believe have been the most effective thus far and how would you plan to bolster the results as Secretary of Education?

Answer 38. If confirmed, I will carefully review this initiative to determine if it provides meaningful access to special education and related services for students with disabilities. I would appreciate hearing your thoughts on the initiative as I consider it.

Question 39. What role do you see schools—both public and charter, playing in regards to supporting foster youth to stay in their school of origin—for example, transportation—when they are moved to a new foster care placement outside the school district of origin?

Answer 39. First, I want to clarify charter schools are public schools. Second, if confirmed, I will ensure the laws are implemented as intended. Foster care students are among our most vulnerable students and schools must do what they can to work

with the foster care system to provide a quality education for students and that includes getting them to school.

Question 40. As you probably know, the gainful employment regulations were put into place in 2014 to address major concerns in about the lack of quality in for-profit colleges. Many students across the United States were enrolling in, and sometimes being aggressively recruited into, programs that left them unable to find work and saddled in unmanageable debt. According to newly released gainful employment earnings data, there are over 1,700 career college programs across the country where graduates typically earn less than the Federal poverty line. And over 3,400 programs failed to have over 50 percent of their students successfully repaying their loans. Should you be confirmed by the Senate, can we be assured that you will continue to hold these programs accountable and protect our tax dollars from funding programs that are not providing a benefit to students who take out loans to attend?

Answer 40. I believe all institutions of higher education participating in the title IV programs should provide value to students and taxpayers alike. There are many tools to provide information to students, parents, and the public and if confirmed, I look forward to working with Congress to reform the Higher Education Act in a way that will allow all institutions to appropriately demonstrate their value to students and the public.

Regarding the gainful employment regulations, the Department has had significant implementation issues, including questions as to the accuracy of the data originally reported, the design of a system that would allow schools to challenge incorrect data, and providing the necessary technical assistance required. The last thing any of us want is to unnecessarily close important programs, putting students on the street with limited or no other options. As President Trump has directed, we will review and assess all regulations and make determinations once that review is complete.

Question 41. The Congressional Budget Office found in 2016 that repealing the Gainful Employment Rule would increase spending by \$1.3 billion over 10 years. Do you agree that taxpayers should not subsidize career education programs that consistently leave students with debts they cannot repay?

Answer 41. If confirmed, I will faithfully implement the Higher Education Act, including the use of all tools authorized in that law to ensure institutions are treating students fairly.

Question 42. Do you acknowledge that more than 6 in 10 (61 percent) of the programs passing the gainful employment rule are at public colleges?

Answer 42. While I have not had the opportunity to review the data issued by the Department, if confirmed I look forward to reviewing it and ensuring its validity.

Question 43. The U.S. Court of Appeals for the District of Columbia Circuit has noted that,

“It would be strange for Congress to loan out money to train students for jobs that were insufficiently remunerative to permit the students to repay their loans. And it would be a perverse system that, by design, wasted taxpayer money in order to impose crippling, credit-destroying debt on lower income students and graduates. Had Congress been uninterested in whether the loan-funded training would result in a job that paid enough to satisfy loan debt, it would have created a Federal grant system instead of a Federal loan system focusing on preparation for gainful employment.”—(*Association of Private Sector Colleges and Universities, Appellant v. Arne Duncan*, in his Official Capacity as Secretary of the Department of Education. No. 1:14-cv-01870. March 8, 2016).

Do you agree with the Court’s statement? Do you believe it makes sense to allow institutions and programs access to student loans when they do not prepare students for gainful employment?

Answer 43. I believe this is a very important issue to evaluate. If confirmed, I look forward to working with you, the Senate Committee on Health, Education, Labor, and Pensions, and the Congress to address the best direction for Federal aid programs in a manner that protects students and taxpayers during the reauthorization of the Higher Education Act.

Question 44. If you are confirmed as Secretary of Education, will you ensure that the U.S. Department of Education will do everything in its power to prevent recruiters at colleges and universities from using deceptive or misleading tactics to recruit students whose background and prior education may not have prepared them to be successful in their programs?

Answer 44. If confirmed, I will use the tools at the Secretary's disposal and faithfully implement the provisions of the Higher Education Act in a manner that protects students to the extent allowable under the law.

Question 45. Given a number of State and Federal complaints and investigations into for-profit schools at both the K–12 and post-secondary level, should States be able to regulate for-profit schools differently than not-for-profit schools?

Answer 45. I believe schools in receipt of Federal funds should be held accountable for the provisions of the law for which they have received funding. The tax status of these grantees should be irrelevant. If confirmed, I will work to ensure all grantees are in full compliance with the law as Congress intended.

Question 46. In the 2015–16 school year, 46 States recorded spending less per student than they did at the start of the recession in higher education. Thus, tuition costs at 4-year public colleges have risen by 33 percent since 2008. Prior to these tuition increases, studies identified that the share of students coming from communities of color at public 2- and 4-year colleges had risen significantly. In a study conducted at New York University, researchers found that with all else equal, a \$1,000 tuition increase for full-time undergraduate students is associated with a decrease in campus diversity of almost 6 percent. Continual price hikes and spikes in student debt amount to the privatization of higher education as public institutions are weakened and become more reliant on tuition revenue. Do you agree that higher education today is reinforcing economic inequality? If confirmed by the Senate, what will you do to reverse this trend toward excluding lower and middle income people from higher education?

Answer 46. I, too, am concerned with the increasing costs of higher education, for all students, but especially those who are already struggling to afford it. For too many Americans, higher education has become unaffordable and disconnected from the Nation's economic realities. I believe we need to work with higher education leaders and State leaders to address the core challenges in higher education. If confirmed, I look forward to working with you, the Senate Committee on Health, Education, Labor, and Pensions, and the rest of Congress to find viable solutions to help address these concerns.

Question 47. What would you do in your role as Secretary of Education to ensure that students in U.S. schools are academically prepared to participate competitively in the global economy?

Answer 47. Education is largely a local issue, and parents and State and local school officials work hard to prepare students for the workforce. If confirmed, I will work with States and local school officials to implement the new provisions under the Every Student Succeeds Act to ensure the law is implemented as intended by Congress. These new provisions provide greater transparency to families and the local community so they can push schools to do their job in educating students ready to compete in the global economy.

Question 48. Native American leaders have sought to govern their own people for more than two centuries with little recognition of the deference due tribes. In 1975, President Ford signed the Indian Self Determination and Educational Assistance Act into law, allowing tribes the ability to assume authority of education for their people. Consistent with that law, which remains in effect today, would you support providing deference to tribes who wish to keep Indian schools tribally controlled and who also have concerns about funding private schools through the already-limited funds provided for their schools serving Native students?

Answer 48. Native American students deserve an opportunity for excellent education, just as all other students do. If confirmed, I look forward to working with Tribal leaders and the Secretary of the Department of Interior to help ensure Native American students have access to a quality education.

Question 49. You have said you are a supporter of increased control of education at the local level. Native communities and tribes across the country have long advocated for Native control of Native education, as a recognition of the respect due to tribes consistent with Article I, Section 8 of the Constitution. As Secretary would you support increased tribal control of Native education?

Answer 49. Yes. Native American students deserve an opportunity for excellent education, just as all other students do. If confirmed, I look forward to working with Tribal leaders and the Secretary of the Department of Interior to help ensure Native American students have access to a quality education. The reauthorized ESSA requires meaningful consultation with Tribal leaders. I will ensure States and school districts fully comply with the law.

Question 50. Do you agree with the following statement: Federal funding should support the whole child, from physical and mental health to the development of fundamental lifelong learning skills?

Answer 50. I believe Federal funding supports State and local funding for a child's education. Federal funding, especially after the passage of the Every Student Succeeds Act, allows for additional flexibility for States to support the needs of the students in their schools and districts.

Question 51. Too often, family engagement in education is not systematically included in policy proposals, thereby reducing the opportunity to have an impact. As Secretary of Education, what would you do to integrate family engagement into all appropriate policy initiatives in the next administration?

Answer 51. As reauthorized, the Every Student Succeeds Act requires more consultation in several policy areas. If confirmed, as a part of the Department's role in monitoring States' proper implementation of the law I will ensure families are a part of the development of State and local plans as required under the new law.

Question 52. During a 2015 talk to SXSWedu, you said that anyone who believed that our education system will ever be fixed by political parties was "delusional." Why do you now believe that the Republican political party, with you at the helm at the Department of Education, can fix the educational system, when just a year ago you thought that idea was "delusional"? The exact quote is:

"How many of you believe that our education system will ever be fixed by political parties? Well good, if you raised your hand for that last group, I was just going to say, I have some bad news for you: you are delusional. I was once in that group, though, and there is hope for you."

Answer 52. Thank you for your question about my 2015 SXSWedu speech. The quote you reference was a rhetorical question to begin my speech. What I said, and what I continue to believe is education must innovate.

We are the beneficiaries of startups, new ventures, and innovation in every other area of life, but we don't have that in education. It still operates like it did 150 years ago. My job, if confirmed, will be to work to provide every child, regardless of zip code, with the best possible opportunities this great Nation can provide. Later in my speech I referenced political leaders from both parties who worked across the aisle to advance student-centric education reforms.

Question 53. Are you concerned at all that President Trump's bigoted rhetoric is deeply affecting children across the Nation—making students who fall into one of the many groups of people that Trump has attacked feel like they don't belong in their own communities and in their own schools?

Answer 53. All students deserve access to a quality education. If confirmed, I will enforce the laws under my jurisdiction to ensure the laws are faithfully implemented.

Question 54. How will you support the need for school-based mental health providers like school social workers and school psychologists to effectively address the social, emotional and mental health barriers that impact a student's academic success and achievement?

Answer 54. As I responded earlier, I believe Student Support and Academic Enrichment Grants can help school officials meet the unique needs of their students, including issues involving mental health. If confirmed, I will work to implement the law and that includes protecting the flexibility of this program so school officials can tailor their responses to difficult issues.

Question 55. If confirmed by the Senate as Secretary of Education, will you commit to maintaining the important resources on school mental health that exist now on the Department of Education's website? Will you ensure that other resources—promoting rigorous research and best practice—of value and use to local educational agencies, schools, principals, parents, students, universities and teachers be maintained on the Department of Education's website under your leadership?

Answer 55. If confirmed, I will carefully review all existing guidance documents that are in effect to ensure that guidance from the Department of Education serves as a helpful tool to States, local school districts, teachers, school personnel, and others who implement Federal education law, and not as a hindrance to State and local efforts to follow the laws as Congress wrote them. This process will include a review of the resources posted on the Department website.

Question 56. Please describe how you, if confirmed by the Senate as the leader of the Department of Education, plan to work with business and industry leaders

to identify key education and workforce issues and use Federal resources to empower State and local education leaders and their communities, as well as public universities, with the resources they need to promote STEM as a priority and to drive change.

Answer 56. If confirmed, I look forward to engaging with business and industry leaders to help schools and institutions of higher education better communicate about what is needed to prepare students for important jobs in the STEM fields. One way to do this is to implement the Career and Technical Education program (CTE) and, if confirmed, I look forward to working with Congress to reauthorize the Perkins Career and Technical Education Act to better connect the CTE programs with in-demand jobs, including STEM jobs.

Question 57. How is the Department of Education during the Trump administration specifically planning to support education for historically underrepresented minorities, especially those in economically and educationally disadvantaged rural and urban communities?

Answer 57. If confirmed I will work to implement statutory responsibilities assigned to the Department, including provisions intended to support disadvantaged youth.

Question 58. In 1984, Congress passed and President Ronald Reagan signed into law the Equal Access Act, requiring public secondary schools to provide equal access for extracurricular clubs. In the years since, several courts have ruled that under the Equal Access Act schools cannot ban a Gay-Straight Alliance from meeting on school grounds and ensures they be treated like other student groups. These groups can be a lifeline for many students and can promote the values of tolerance and understanding in our school communities. On June 14, 2011, the Department issued a Dear Colleague letter to schools making them aware of this case law and providing guidelines for compliance with the Equal Access Act. Will you commit to fully enforcing the Equal Access Act for all student groups and to maintaining the 2011 guidance if confirmed by the Senate?

Answer 58. As I previously responded, if confirmed, I will carefully review all existing guidance documents that are in effect to ensure that guidance from the Department of Education serves as a helpful tool to States, local school districts, teachers, school personnel, and others who implement Federal education law.

Question 59. What are your thoughts on how the Federal Government can better support English language learners?

Answer 59. As reauthorized, the Every Student Succeeds Act has improved provisions to support English learners. If confirmed, I will ensure those provisions of the law are implemented as Congress intended.

Question 60. What is your formal training in education policy and how are you qualified to be Secretary of Education?

Answer 60. It would be an honor to lead the Department of Education. As I mentioned during the hearing, this is personal.

As my husband and I began thinking about schools for our children we learned about a small urban school that served a different population than where we lived. As I became more involved in helping that school, my passion grew for changing policy more broadly to help more children. I now have more than 30 years of engagement in education reform and education policy.

If confirmed, I look forward to bringing the skills I have acquired while leading businesses, nonprofits, and other organizations with hundreds of employees and complex challenges to the Department. Through the years I've spent years working with Governors, State legislators, and other policymakers, I have learned that moving policy takes a strong plan and leadership to direct an organization and deliver results.

Question 61. Do you believe that title IX protects individuals from discrimination on the basis of their sexual orientation?

Answer 61. If confirmed, I will carefully review the law and all existing guidance documents that are in effect on title IX to ensure the Department is faithfully implementing the law.

Question 62. Do you believe that title IX protects individuals from discrimination on the basis of their gender identity?

Answer 62. If confirmed, I will carefully review the law and all existing guidance documents that are in effect on title IX to ensure the Department is faithfully implementing the law.

Question 63. Do you believe that title IX protects individuals from discrimination for not conforming to sex stereotypes (i.e., harassment against a male for engaging in activities considered to be stereotypically female)?

Answer 63. If confirmed as Secretary, I will carefully review the law and all existing guidance documents that are in effect on title IX to ensure the Department is faithfully implementing the law.

Question 64. If the Department of Education were to receive a complaint from a transgender student saying that they have been severely bullied at school after publicly identifying as transgender, repeatedly requesting that the school intervene with no action from the school, how would you direct the Department of Education to respond? Do you believe that the department should investigate for possible violations of title IX?

Answer 64. Bullying and harassment of any student should not be tolerated. Schools should be an environment of learning, and, if confirmed, I will work with the First Lady, who has indicated she intends to make this issue a priority of hers, and State and local school officials to prevent bullying and harassment. If a school is failing to protect any student from bullying and harassment and a complaint is made to the Office for Civil Rights I will expect that office to investigate.

Question 65. In a 2010 Dear Colleague Letter, the Department of Education made clear that failure to address harassment based on gender stereotypes, actual or perceived sexual orientation, or gender identity, is sex discrimination under title IX. Will you maintain the 2010 guidance? If no: Do You realize such a position flies in the face of a majority of Federal circuit courts who have said that discrimination based on gender stereotypes is prohibited under title IX? How would you justify such action? Are you aware that LGBT students face some of the highest rates of harassment and violence?

Answer 65. If confirmed, I will carefully review the law and all existing guidance documents that are in effect on title IX to ensure the Department is faithfully implementing the law.

Question 66. In May, the Department of Education released guidance explaining that title IX prohibits schools receiving Federal funding from discriminating against transgender students on the basis of their sex, sending a message to transgender students across the country that they deserve a safe academic environment where they can thrive free from discrimination. Will you uphold the Department's guidance ensuring equal educational access for transgender students? If not, what is your plan for the guidance? If you rescind the guidance, do you believe that action changes the requirements under the law that schools are prohibited from discriminating against lesbian, gay, bisexual, or transgender students on the basis of their gender identity or sexual orientation?

Answer 66. If confirmed, I will carefully review the law and all existing guidance documents that are in effect on title IX to ensure the Department is faithfully implementing the law as intended by Congress.

Question 67. In response to a statement of concern about your past record released by members of the civil rights community, your spokesperson said that you were "fully committed to ensuring that all children are safe to learn and thrive in high-quality schools." Does your commitment extend to protecting the civil rights of all students regardless of sex, sexual orientation, or gender identity?

Answer 67. Enforcement of civil rights laws are an important responsibility of the Secretary of Education. If confirmed, I will work with State departments of education and local educational agencies to ensure civil rights of all students are protected. This administration takes its responsibility to ensure equal access to education seriously and is committed to working with State and local school officials to root out any vestiges of discrimination.

Question 68. Do you support measures of socio-emotional learning—soft skill development—in addition to traditional measures of achievement to assess gains in students growth who have extensive trauma histories?

Answer 68. As reauthorized, the Every Student Succeeds Act allows States to include both achievement measures and other measures as determined by the State in their accountability systems. If confirmed, I will enforce the law as intended by Congress, which includes States determining which measures are appropriate.

Question 69. You were quoted saying,

"My family is the biggest contributor of soft money to the Republican National Committee. I have decided to stop taking offense at the suggestion that

we are buying influence. Now I simply concede the point. They are right. We do expect something in return. We expect to foster a conservative governing philosophy consisting of limited government and respect for traditional American virtues. We expect a return on our investment.”

In your role as Secretary of Education, if confirmed by the Senate, what return are you expecting from your previous investments?

Answer 69. None. I will comply with all ethics requirements required by the Office of Government Ethics and the Ethics Office at the Department of Education.

Question 70. In 2001, you singled out education reform as a way to “advance God’s kingdom” and said that school choice would lead to “greater kingdom gain.” Your husband added:

“We are working . . . to allow for our Christian world view, which for us comes from a Calvinist tradition, and to provide for a more expanded opportunity someday for all parents to be able to educate their children in a school that reflects their world view and not each day sending their child to a school that may be reflecting a world view that may be quite antithetical to the world view they hold in their families.”

Do you believe that the separation of church and State should be eliminated in public education?

Answer 70. No. As I stated previously, my faith is very important to me and informs my personal life. In education, it teaches me that every child is special and deserves the best we can offer them. That said, I do not believe in imposing my faith on others and, if confirmed, I will implement and respect the law, including provisions prohibiting religious instruction in public schools.

Question 71. Do you have ideas/plan for how to reduce teacher turnover and increase teacher preparation for teachers who will be or are currently employed in alternative high schools?

Answer 71. Teacher hiring is a local issue, but a common issue shared amongst school districts. If confirmed, I look forward to talking with State and local school officials, helping facilitate the sharing of best practices to bring more teachers into the schools, especially in alternative and high-need schools.

Question 72. By all accounts, you have had very big influence on the education system in Michigan through your foundations, political contributions, and lobbying efforts. And yet, school conditions are so bad that Detroit students filed a civil rights suit charging that the State has

“violated the 14th Amendment’s equal protection clause by effectively excluding them from the State’s system of free public education and denying them the right to literacy.”

What do you say to the public and especially to parents of children in Detroit—who do not have the influence that you have had, when they ask about the policies that you’ve helped enact that has led to atrocious conditions in Detroit schools?

Answer 72. First, I love Detroit and that is why I have worked so hard to bring quality education options to those families and students. And to clarify, the policies I have supported have led to improved conditions for the school children of Detroit.

Let’s consider the facts—in 1993, around 20 percent of all individuals in Detroit over the age of 25 did not have a high school diploma, African American school-aged males had a dropout rate of close to 45 percent, and per a study by the National Institute for Literacy 47 percent of all individuals in Detroit were functionally illiterate. Over the last two decades, families who have the ability to, have left the city. In short, for the past few decades the students in the city of Detroit have been failed.

The families in Detroit needed help. I, and many others, did what we could to help provide those families a better life and better opportunities for their children. I, organizations I support, and others advocated for bills in the Michigan legislature that helped protect the individual rights of Detroit parents to make education choices that are best for their family, while also strengthening the Detroit Public Schools. Because of this legislation, the traditional school district is today much stronger than it was last year or the year before last. When you consider the past academic and financial failures in Detroit Public Schools, the policies we’ve helped enact have given over 100,000 students in Detroit a chance for better outcomes. There is undoubtedly more work to be done and I will continue to do what I can to help the children in Detroit, and, if confirmed, help more students gain access to a quality education.

Question 73. Do you support the guidance letter the Department of Education published on October 26, 2010 on harassment and bullying on the basis of race, color, national origin, sex, or disability? Would you maintain and continue to enforce this guidance in schools across the country?

Answer 73. I have previously responded about my concern about bullying and belief that it is important for everyone to work together to prevent bullying so students have a safe learning environment. If confirmed, I will carefully review all existing guidance documents that are in effect to ensure that guidance from the Department of Education serves as a helpful tool to States, local school districts, teachers, school personnel, and others who implement Federal education law.

Question 74. As you consider a role overseeing all public schools in the United States, do you think it is the Federal role to foster positive school climates? If so, what specific steps would you take to ensure that all schools are held accountable for this element of a child's experience?

Answer 74. Students deserve to have an opportunity not only to learn in a safe environment free from bullying and harassment, but also in a positive and nurturing environment. School leaders have the responsibility to educate and to set the tone for their schools and classrooms. If confirmed, I will implement and enforce the laws under my jurisdiction and look forward to talking and working with school leaders to do what I can to help them meet their obligations.

Question 75. Studies continue to show that quality dual enrollment, concurrent enrollment, and early college high school programs help all students access and complete college at higher levels by giving them a jump start on college while in high school and saving students time and money. Under your leadership, if confirmed by the Senate, how will the Department of Education support the growth of these successful programs, and what can Congress do to ensure that more students have access to these innovative tools to boost college access and completion?

Answer 75. I believe programs like dual or concurrent enrollment are important to help increase access, reduce remediation and help students complete college more quickly. When done well, they have the added benefit of helping reduce college costs. If confirmed, I also look forward to working with the Senate Committee on Health, Education, Labor, and Pensions in the effort to reauthorize the Higher Education Act to explore ways to support innovative efforts that will increase access to post-secondary education and boost students' chances of success.

Question 76. Dual enrollment, concurrent enrollment, and early college high school provide successful options to help students in high school prepare for and succeed in college. The Every Student Succeeds Act (ESSA) contains a number of new provisions to support these programs to ensure that more students have the option to start college-level work while in high school. But despite clear research showing the benefits of these programs to students, they fall through the bureaucratic cracks at the Department of Education due to the separation between K-12 and Higher Education functions. Do you believe that the Department should increase its focus on the transition between high school and college, and would you commit to examining the role that post-secondary transition can play in any plans to reorganize the Department's structure?

Answer 76. I concur that this is an area ripe for focus. If confirmed, I will examine the structure of the Department of Education and would welcome dialog on better approaches to organizing the offices to support improving student outcomes and transitions.

Question 77. While dual enrollment, concurrent enrollment, and early college high school are effective, evidence-based tools for increasing college access and completion, a number of States are facing challenges in ensuring that their high school teachers have the right qualifications to teach college coursework and that college professors have the right certifications to teach in a high school setting. What role do you think the Department of Education can play in helping States solve these challenges so that we can bring more opportunities for high school students to complete college coursework nationwide?

Answer 77. As you know, the challenge you cite above is a growing problem as more and more States are enacting and implementing dual enrollment programs. Research is limited, but if confirmed, I look forward to sharing that research with States and highlighting effective best practices as they develop. I also look forward to working with Congress as you begin your work to reauthorize the Higher Education Act where many important issues will be addressed.

Question 78. The Carl D. Perkins Career and Technical Education Act, which supports the capacity of secondary and post-secondary educational institutions to offer high-quality career and technical education (CTE), is currently awaiting congressional reauthorization. What are your top three priorities for the Perkins Act reauthorization?

Answer 78. I agree reauthorization of the Perkins Career and Technical Education Act is an important priority, and, if confirmed, I look forward to working with the Senate Committee on Health, Education, Labor, and Pensions and other interested Members of Congress to update and improve the law.

I believe we should work to align Federal laws to ensure consistency across programs, reduce duplication and unnecessary requirements, and provide a seamless set of policies. It is also important to provide flexibility at the State and local level so officials on the ground can create and run programs that help students attain the skills needed to work in those in-demand jobs. Finally, I support transparency of data so parents, students, and other taxpayers can see how well their programs are working.

Question 79. You and your husband co-founded West Michigan Aviation Academy, which is a charter high school that offers educational pathways for careers in aviation. As an advocate for the expansion of charter schools, do you believe that Federal policies should promote a larger role for charters in delivering career and technical education?

Answer 79. First, let me clarify that my husband, Dick, founded the West Michigan Aviation Academy. I am very proud of the work being done there, and believe it represents the kind of innovation that is needed in education. I believe one of the purposes of education is to prepare students for their future after high school, which is likely college or a meaningful career. To do that, charter schools should be engaged in career and technical education, just as other traditional public and private schools should be. CTE is an important program that can help many individuals find work in in-demand jobs in their communities. If confirmed, I look forward to working with Congress as you work to reauthorize the law.

Question 80. As we look toward reauthorization of the Higher Education Act, how will you work to, should you be confirmed, help students to better access, pay for, and complete post-secondary education, including 2-year college and short-term training programs at technical institutions?

Answer 80. In responding to these written questions, I have suggested several areas where I believe we can work together, if I am confirmed, to help students to better access, pay for, and complete post-secondary education. President Trump and I agree that an important part of that answer is 2-year colleges and short-term training programs. They play an important part in our Nation's economic success. In addition to working with you on broader Higher Education Act issues, I look forward to engaging you and your colleagues in a dialog about how we can ensure students are aware of 2-year and shorter term colleges and programs and have the ability to pursue their offerings.

Question 81. Career and technical education plays an important role in strengthening the American economy, closing the skills gap and helping more students to become college- and career-ready. The Perkins State grant program, the primary source of Federal funding for career and technical education (CTE), serves 11 million students nationwide by ensuring access to high-quality CTE programs aligned to the needs of business and industry. Will you make a commitment to, should you be confirmed, supporting our Nation's high schools, technology centers and community colleges through an increased investment in Perkins?

Answer 81. I agree reauthorization of the Perkins Career and Technical Education Act is an important priority, and, if confirmed, I look forward to working with the Senate Committee on Health, Education, Labor, and Pensions and other interested Members of Congress to update and improve the law. I believe that we should work to align Federal laws to ensure consistency across programs, reduce duplication and unnecessary requirements, and provide a seamless set of policies.

It is also important to provide flexibility at the State and local level so local officials on the ground can create and run programs that help educate students to attain the skills needed to work in those in-demand jobs. I also support transparency of data so parents, students, and other taxpayers can see how well their programs are working. I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years.

Question 82. You have an extensive record of working to promote education voucher systems in which tax dollars that would normally go to the public schools serving 90 percent of our Nation's children end up going to private and religious schools. The tuition for religious schools is typically lower than that of a non-religious private school. In fact, recent data from the National Center for Education Statistics reveals that the tuition for non-religious private schools is, on average, \$21,810, while the average tuition for Catholic schools is only \$6,890 and \$8,690 for other religious schools. Pushing for vouchers that most often do not cover the full cost of tuition for private schools ends up being an efficient way of diverting taxpayer dollars from public schools to religious schools. If confirmed by the Senate, will you advocate for the use of taxpayer dollars to provide vouchers for religious schools?

Answer 82. Every child should be given the opportunity to succeed and parents should feel empowered to make choices that best fit their child. If there is a mismatch between the school and their child, parents can pick an educational setting that best meets the needs of their child. They need the best information possible upon which to make those decisions. However, those specific choices should not be mandated, nor directed, by the Federal Government. If confirmed, I do look forward to working with Congress to develop President Trump's proposal that would provide the opportunity for choices to be offered.

Question 83. Successful charter schools are one way to provide a high-quality education to all students regardless of their zip code. However, public charter schools relying on taxpayer money to operate must be held accountable for providing that high-quality education. You have played a role in promoting charter schools in your home State of Michigan including serving as the chairwoman to several education interest groups that promote school choice. And, until recently, you fought against oversight and accountability for charter schools in Michigan. On November 29, 2016, the Office of Elementary and Secondary Education in the Department of Education released the final regulations for the implementation of accountability, data reporting, and State plan provisions of the Every Student Succeeds Act (ESSA). The collection and reporting of student achievement data is critical in protecting certain minority subgroups of children—specifically, those who are Hispanic, black, low-income, learning English or disabled—from falling through the cracks. If confirmed by the Senate, how do you plan to ensure the oversight necessary to hold all publicly funded schools including charter schools accountable for providing equitable and effective educational services for all students?

Answer 83. As I have said before, I support accountability in all public schools. If confirmed, I will implement the law as intended by Congress.

Question 84. The Every Student Succeeds Act provided for increased spending on title I, part A (title I) which provides Federal funding to low-income school districts. The Every Student Succeeds Act, as signed into law, allows for no title I portability whatsoever. You have advocated for the use of title I money for vouchers for public charter schools as well as religious and private schools. What are your plans for ensuring that title I funding provides financial assistance to local educational agencies (LEAs) and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging State academic standards?

Answer 84. If confirmed, I will implement the law as passed and intended by Congress.

Question 85. Through political donations, your group All Children Matter (ACM) spent millions of dollars to promote the use of taxpayer money for private schools through school vouchers. You claim that vouchers allow low-income students to attend the school of their family's choice. However, vouchers actually do little to help low-income students because they do not cover the entire cost of tuition and other fees required to attend private schools. In reality, vouchers end up mainly benefiting those families who can afford the excess tuition, transportation, uniforms, and other supplies needed to attend a private school. Vouchers often just end up subsidizing families who already send their children to private school and can afford it even without vouchers. In Indiana, for example, where you were actively involved in developing their voucher program, more than half of the State's voucher recipients are students who never actually attended Indiana public schools in the first place. So, in Indiana, taxpayers are covering private school tuition for children whose parents were already footing that bill, including families earning up to \$150,000. In other words, local public schools subsidize the costs for high-earning families to send their kids to private school. Do you agree that our public school dollars should go to families who are able to pay tuition for private schools?

Answer 85. I believe every child is entitled to a publicly funded education. For most children, that will be in a traditional public school, but in 25 States families can use public funds or publicly incented funds to attend a nonpublic school. You make an incorrect assumption that “vouchers actually do little to help low-income students because they do not cover the entire cost of tuition.” Also, I disagree with your assertion that taxpayers are paying for families who can afford private school tuition.

In fact, many of these private school choice programs are focused on helping poor children only and they have been very successful in helping these children access private schools. For instance, for more than a decade the Nation’s largest scholarship tax credit program in Florida served tens of thousands of students whose family incomes were so low that they qualified for Free and Reduced Price Lunch. The same was true for many years in the DC Opportunity scholarship program where poor families could send their children to high tuition schools like Sidwell Friends. To this day, in Washington, DC, the average income of a participating family is \$21,434. Private schools across America routinely accept students who cannot afford to pay the full amount for tuition—and this includes students with vouchers.

Question 86. When vouchers do not fully cover the costs of attending private schools including the full cost of tuition, uniforms, supplies, or other costs associated with attending, private schools are not an option for low-income families. According to a report in the Grand Rapids Press, your husband said of this discrepancy that “he was convinced parents concerned about their children’s education will earn the extra money.” In other words, according to your husband, parents can just “earn the extra money” to make up for the costs that vouchers don’t cover. This suggests that you may be unaware of the myriad of issues that low-income parents face that relate to the issue of school choice. Can you please explain what you know about these issues and how you would propose that low-income families make up the difference between what they may receive in a voucher and the cost of the private schools that they want to attend?

Answer 86. That quote, as you noted, is attributed to my husband. I speak for myself. However, I know there is nothing stronger than a parent’s will to provide for their child and I believe that’s what my husband was referencing.

Most of the Nation’s more than 50 nonpublic school choice programs are designed to help children disadvantaged by income or disability. As noted in my answer to Question 85, because of publicly funded school choice programs and because nonpublic schools routinely accept students who cannot pay the full tuition or fees, tens of thousands of children from poor families are presently attending a school that was previously not an option for them. Much like our Nation’s colleges, private elementary and secondary schools work with families to make up the difference between the funds available to the family and the costs of attending the school through things like private scholarships, tuition discounts and counting parental volunteer hours as a contribution.

Question 87. Many of our Nation’s early childhood education programs are housed at the Department of Health and Human Services. If confirmed by the Senate, how would you work with the Department of Health and Human Services to support Head Start and other early childhood education programs?

Answer 87. As the Secretary of Education I would not have a direct role in Head Start or many other Federal early childhood care programs. However, as I previously responded, the Preschool Development Grants authorized under the Every Student Succeeds Act does require the agencies to work together and I would look forward to that collaboration to help States better utilize State and Federal funding to support early childhood education.

Question 88. Are there specific programs at the Department of Education that you see as wasteful, duplicative, or obsolete? If so, which one(s)?

Answer 88. If confirmed, I will review the programs I am responsible for implementing and if, during that review, I determine there are wasteful, duplicative, or obsolete programs, I will recommend to Congress those programs be eliminated.

Question 89. Every year, the Department of Education releases its list of nationwide Teacher Shortage Areas (TSA). This report shows the Nation’s teacher shortage areas by State. For the 2016–17 school year, “rural areas” was named as a geographic shortage area. If confirmed by the Senate, how do you plan to support rural schools by attracting and retaining excellent teachers in rural areas?

Answer 89. Teacher hiring is a local issue, but a common issue shared amongst school districts. Teacher hiring can be even more difficult for rural communities. If

confirmed, I look forward to talking with State and local school officials and help facilitate the sharing of best practices to bring more teachers into the schools.

Question 90. In your work for charter schools and professional background, you advocated for religion to be taught in schools. As Secretary, would you push for religion to be taught as part of the curriculum in public schools and will you enforce the law and agency authority to prohibit public schools from mandating religion in the curriculum?

Answer 90. If confirmed, I will implement and respect the laws as intended by Congress. That includes provisions about the prohibition against religious instruction in schools. In addition, I believe that curriculum decisions are best determined at the State and local level.

Question 91. Overwhelmingly, students of color are more likely to be suspended and/or expelled than their Caucasian peers in our Nation's schools which leads to further widening of achievement gaps in education. What will you do to ensure that all students are treated fairly when it comes to discipline practices? How will you promote restorative justice and solutions instead of suspensions and expulsions?

Answer 91. Discipline is a local issue and State and district school officials should work with their school leaders to develop appropriate policies to promote proper discipline techniques that limit any time out of school or class for students. If confirmed, I will work with school officials to help share best evidence-based practices as appropriate so that they may be developed and implemented.

Question 92. More and more research is showing that being bilingual has benefits for children's learning beyond just language learning. What are your thoughts on existing Federal law or regulations that encourage students to learn a second language?

Answer 92. Being bilingual is a great benefit for individuals as it not only helps them be more competitive in a global market, some studies have shown it helps improve cognitive abilities. If confirmed, I will ensure any laws passed by Congress are implemented as intended, including any programs supporting foreign language learning.

Question 93. As part of the sale of the University of Phoenix, the U.S. Department of Education put conditions in place to protect students and taxpayers. Do you think these conditions are important? Will you commit to ensuring that the institution meets the legal requirements established by the Department?

Answer 93. I cannot make a judgment about this question now. If confirmed, I plan to review the conditions of this sale as compared to the conditions placed on other sales over a period. I will also review the law to determine whether the conditions placed on this sale are within the scope of what is permitted under the law. Once that review is complete, I will decide about this matter.

Question 94. Have you or your family ever invested in, owned, or been in any way involved with Apollo Global Management? If yes, please provide details.

Answer 94. An interest is held in Apollo Investment Fund IV, which holds an interest in Hexion Inc., a producer of specialty chemicals and performance materials.

An interest is held in SwanCap Opportunities Fund SCS—SIF, which, in turn, holds interests in Apollo Investment Fund VI, Apollo Investment Fund VII, and Apollo Investment Fund VIII. The interest in SwanCap Opportunities Fund SCS—SIF will be divested in accordance with the terms of the ethics agreement.

More generally, I want to assure the Senate Health, Education, Labor, and Pensions Committee, if confirmed, I will comply with all ethics requirements required by the Office of Government Ethics and the Ethics Office at the Department of Education.

Question 95. Your brother-in-law, Dan DeVos, serves on the board of Alticor along with Allen Weiss. Alan Weiss also serves on the board of the Apollo Group, a company that owns several for-profit colleges, including the University of Phoenix, one of the largest for-profit colleges in the country. UoP has been investigated by the FTC for deceptive marketing practices, accused of aggressively recruiting veterans, and at one point, banned by the Department of Defense from recruiting on military bases after finding that it did not get proper approval to hold events. The Department of Education recently approved the sale of Apollo Group to a group of investors. Given your family's connection to someone on the board of Apollo, will you recuse yourself from the conditions of sale?

Answer 95. If confirmed, I will comply with all ethics requirements required by the Office of Government Ethics and the Ethics Office at the Department of Education.

Question 96. During our questioning, you told Senator Hassan that you had never served on the board of the Edgar and Elsa Prince Foundation. You stated that there was a clerical error on the foundation's 990 tax forms, which listed you as a vice president on the board. This alleged clerical error took place since at least 2001. Who made this clerical error? Why was this error repeatedly made since 2001? Why didn't you correct this clerical error over the years? Did you attend any board meetings or participate in any other official action on behalf of, or related to, the foundation during the period in which you were listed as a vice president on the board? Can you confirm that your attendance is not noted in the minutes of any foundational board meeting?

Answer 96. I have never served as an officer or director of the Elsa and Edgar Prince Foundation, nor have I made any decisions for that Foundation's contributions. Upon review of documents in preparation for the Senate hearing, the Foundation representatives were alerted to these errors, and several Foundation tax filings and State of Michigan corporate filings were amended to correct them.

SENATOR BENNET

Question 1. How do you think about your role as Secretary of Education with respect to schools, districts, cities, and States?

Answer 1. If confirmed, I view my role as working with Governors, legislators, students, parents, teachers and other school personnel, institutions of higher education, and business and community leaders to expand—and improve—educational opportunity for all students.

I believe the role of the Department of Education is to empower States and localities to provide an excellent education for all their students. Since these educators are ultimately responsible for a students' academic success, they must be empowered to make decisions about their education and given the resources, flexibility, and opportunities to succeed. That is what was intended with the passage of the Every Student Succeeds Act (ESSA). I will work with you to implement the law, if confirmed.

As we go forward, I would look to streamline the Department of Education by consolidating programs and creating flexible funding streams; promoting research and overseeing State accountability systems; modernizing the Pell grant program to meet the needs of today's students; making college more accessible and affordable; and creating pathways for lifelong learning.

Question 2. If a school, district, or city came to you and asked for advice, suggestions, and strategies to improve schools that are struggling, what would you say? What evidence is there that your response would prove effective?

Answer 2. I would encourage them to look to neighboring or other high performing districts to see what programs are being successfully implemented to improve student achievement. Since it is not proven that what works in one State would necessarily work in another State, I think that it is best to foster a collaborative local effort to learn from best practices. As a strong supporter of public schools, my approach is to use evidence-based best practices to encourage accountability, achievement, and high-quality school leaders and teachers.

Question 3. What is your plan to improve the whole system of education for our country?

Answer 3. We must empower States and localities. To "make America great again," those closest to students must be empowered to make decisions about their education and given the resources, flexibility, and opportunities to succeed. That is what was intended with the passage of the Every Student Succeeds Act.

If confirmed, I intend to work with you to implement the law as intended. As we go forward, I would look to streamline the Department of Education by consolidating programs and creating flexible funding streams; promoting research and overseeing State accountability systems; modernizing the Pell grant program to meet the needs of today's students; making college more accessible and affordable; and creating pathways for lifelong learning.

We must reduce regulatory burdens in our education system. States and localities are burdened by red tape and restrictions from Washington. Educators spend too much time focusing on complying with Federal regulations.

As Chairman Alexander likes to say, the department of education was never intended to be the national school board.

We must provide incentives for innovation in education. Innovation, both at the K–12 and post-secondary levels, can only come with the input of parents, educators, and business and civic leaders. Industry is critical to creating an American workforce that can meet the demands of an ever-changing world and global economy. We have experienced innovation in every other area of our lives—why not education?

We must be a voice for parents. Low-income and special-needs students in our Nation deserve the opportunity to receive the best education available, regardless of their resources or zip code. Parents must be afforded the ability to make the best educational choices for their children. What is right for one child may not be a good fit for another—hence the need for good choices.

Question 4. When I was superintendent, I found it very useful to spend 2 hours each morning in a different school in the district. Will you commit to a schedule that allows you to spend a substantial amount of time in different public schools across the country?

Answer 4. If confirmed, I look forward to traveling the country, meeting with education stakeholders, and promoting what works in all sorts of schools across the Nation. Additionally, I would be happy to join you in visits to schools in Colorado.

Question 5. In September, President-elect Trump proposed reprioritizing \$20 billion in Federal funding to create a new private school choice initiative. States would be able to spend this funding on public or private schools.

From where would this \$20 billion be reprioritized? Are you proposing to “reprioritize” title I funding? Title II? Title III? Title VI? IDEA?

Answer 5. The President made a robust school choice proposal a centerpiece of his platform, and, if confirmed, I look forward to working with you on our proposal and hope to convince you to support the legislation.

As we finish developing this proposal, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 6. Do you think ESEA is a civil rights law?

Answer 6. The Elementary and Secondary Education Act is a law designed to make grants, through both formulas and competitions, to States and local school districts. It has its foundation in the war on poverty and the civil rights era. I believe that education is a civil right and hope to expand opportunities for all students to attend the best school that meets their individual needs.

Question 7. In your opinion, what is the difference between transparency and accountability?

Answer 7. Transparency is the simple act of reporting information about the performance of students and schools (in an education context). Accountability is the process of taking information and deciding what to do about results, whether by offering support for doing well or assistance to improve where results are less than needed.

Question 8. In your opinion, what, if any, were the strengths of No Child Left Behind?

Answer 8. I think that the No Child Left Behind Act had positive goals behind it, helping States develop accountability systems, ensuring transparency of data for all students, and encouraging States to help schools that need the most assistance. However, it was far too prescriptive from “Washington, DC” and ignored the wisdom of empowering local and State education agencies.

Question 9. Ensuring access to a high quality education is about more than just the low performing schools. It is about making sure that all groups of students, including kids from low-income families and kids of color are succeeding. In ESSA, we worked to ensure that schools and districts must be held accountable for all kids, including when our historically disadvantaged students live in some of our most advantaged communities.

Will you commit to enforce these core accountability and civil rights protections vigorously in ESSA?

Answer 9. If confirmed, I will enforce the Every Student Succeeds Act as Congress wrote it.

Question 10. ESSA includes a very important requirement that States identify schools where one or more groups of students are consistently underperforming. What do you think is the best approach to defining “consistently underperforming?” What approaches are inconsistent with the language and intent of the law?

Answer 10. The law defers to States to determine how best to define and identify “consistently underperforming” schools and I look forward to working with States to see what proposals they put in their State plans.

Question 11. How will you enforce the accountability provisions in ESSA? How would you use regulations, guidance, the peer review process and State plan review, approval and denial to ensure that States meet the accountability requirements in the law?

Answer 11. I believe regulations and guidance documents should be a helpful tool to States, local school districts, teachers, school personnel, and others who implement Federal education law to improve their understanding of the law and how to comply with the requirements of the law as Congress wrote it.

Question 12. In the next decade, the country will need to hire somewhere between 1.5 million and 3 million teachers. To put that in perspective, today, the entire teacher workforce is about 3.5 million. We know that nothing in school makes a bigger difference for student learning than great teaching. But, many poor children do not have access to the education they need to succeed.

We need a system of recruiting, training, supporting, and retaining educators to work in high poverty schools that are attractive to the most effective teachers and school leaders in the country.

How do you think we can create such a system?

Question 13. What specifically should we change about our existing approach?

Question 14. How as Secretary of Education will you ensure the country has the 1.5 million or more high-quality teachers it needs? Do you believe creating more school choice will alone produce the number of high-quality teachers we need? What evidence is there that your approach will prove effective?

Question 15. What do you think are the challenges of recruiting strong students to teaching? What do you think are the challenges of recruiting great teachers to high-poverty schools? What policies do you support to address these challenges?

Answer 12–15. If confirmed, I look forward to working with you, and others in Congress and around the country, to explore this issue and determine what the combination of Federal, State, local, and institutional efforts could do to help encourage more qualified individuals to pursue a teaching career, keep those good teachers in the field longer, and help those teachers who need to improve their skills do so.

We need more good teachers. Hopefully that is a goal that can earn bipartisan support.

Question 16. Do you believe we should pay teachers more? How do you think schools and States should achieve that objective?

Answer 16. Teacher compensation is a decision made at the local level. I would certainly encourage local school districts to use their resources wisely and pay teachers well.

For the record, I have supported more and better pay for good teachers.

Question 17. Do you think we need to improve teacher preparation? If so, how do you think we achieve that and what will you do as Secretary of Education?

Answer 17. Yes, I believe that we need to improve teacher preparation. I look forward to working with you and other Members of Congress as you undertake reauthorization of the Higher Education Act to develop bipartisan, consensus proposals to improve title I’s ability to strengthen our teacher preparation programs.

Question 18. In the recent reauthorization of the Elementary and Secondary Education Act, we worked hard to include language and funding to support strong school leadership, particularly in high-poverty schools. How will you and the Department of Education work to ensure that all schools have access to strong school leaders, including teacher leaders, assistant principals, principals, and principal supervisors?

How will you and the Department implement and support schools, districts, and States to implement the school leadership provisions and grant program?

Answer 18. If confirmed, I will enforce the law. I will work with States and local school districts to encourage them to take advantage of the flexibility and resources made available under the Every Student Succeeds Act to improve the number of well-qualified school leaders.

Question 19. As Secretary of Education, how will you support teacher leadership opportunities?

Answer 19. If confirmed, I will work with States and local school districts to encourage them to take advantage of the flexibility and resources made available under the Every Student Succeeds Act to improve the number of well-qualified school leaders.

Question 20. As Secretary of Education, how will you implement title II and support schools, districts, and States to provide high quality, personalized, evidence-based professional development for public school teachers?

Answer 20. If confirmed, I will work with States and local school districts to encourage them to take advantage of the flexibility and resources made available under the Every Student Succeeds Act to improve the number of well-qualified school leaders.

Question 21. Right now, we often spend more money in our high-income schools than we spend in our low-income schools. Do you think this approach to school funding will close the achievement gap?

Answer 21. There are many ways to close the achievement gap. Some schools can operate with great efficiency and efficacy with their resources, while others need more support.

In general, I believe it is best to defer to the judgment of State and local officials about how to implement education policies and close the achievement gap. If confirmed, I look forward to sharing data, best practices, and strong research from the Department of Education with State and local officials so that they can adapt it to their needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I would welcome that opportunity.

Question 22. Do you support creating more equitable funding systems in order to reverse the trend and invest more money in the schools that need it most? Will you commit to work with me to support and encourage such systems?

Answer 22. State and local funding systems are complicated and vary from State to State. Decisions about those systems are best left to States and their elected officials who have a better understanding of their resources and needs. If confirmed, I will commit to discussing this issue with you to gain a better understanding of your goals and see what the appropriate Federal role might be, if any.

Question 23. According to some rough estimates, there are around 725,000 elementary and secondary students who are undocumented. Are you familiar with *Plyler v. Doe*?

Question 24. Will you commit to enforce *Plyler* vigorously to ensure schools and districts are providing an education to all kids, regardless of immigration status?

Answer 23–24. If confirmed, I will follow and respect the law of the land, including the *Plyler* decision.

Question 25. Will you commit to enforce *Plyler* consistent with the policy set forth in the Department of Education’s May 8, 2014 Dear Colleague and accompanying guidance?

Question 26. Will you commit to enforcing the Dear Colleague’s statement that, “Enrollment practices that may chill or discourage the participation, or lead to the exclusion, of students based on their or their parents’ or guardian’s actual or perceived citizenship or immigration status . . . contravene Federal law?”

Answer 25–26. If confirmed, I will carefully review all existing guidance documents and Dear Colleagues that are in effect to ensure that guidance from the Department of Education serves as a helpful tool to States, local school districts, teachers, school personnel, and others who implement Federal education law, and not as a hindrance to State and local efforts to follow the laws as Congress wrote them.

Question 27. As Secretary of Education, what will you do if a school, district, or State stopped enrolling or educating students who are undocumented?

Answer 27. If confirmed, I would consult with Department lawyers and the Department of Justice about what actions are required under the law to address any allegations of failure to follow the law.

Question 28. In Colorado, about 17,000 and across the country roughly 750,000 kids and young adults have signed up for DACA. We have heard from students, families, teachers, and districts about their feelings of uncertainty and anxiety about the future for these young DREAMers. They are scared and looking to hear that they will be safe.

Will you oppose any efforts by the Administration to force schools and districts to divulge confidential information about students and their parents, particularly as it relates to immigration status? Will you support schools and districts efforts to protect students?

Answer 28. Enforcement of our Nation's immigration laws falls under the responsibility and jurisdiction of the Department of Justice and the Department of Homeland Security, so I would respectfully defer to those agencies. But know that where the Department of Education has a role, my guiding principles are founded in compassion and sensitivity.

Question 29. As Secretary of Education, you will be responsible for implementing the Federal Charter Schools Program. Chairman Alexander and I worked hard to reauthorize, improve and expand this program in the new Every Student Succeeds Act. We introduced the Expanding Opportunity Through Quality Charter Schools Act and worked to include this in the new law.

The new law includes the definition of a high-quality charter school. This definition includes a requirement that the school:

(A) shows evidence of strong academic results, which may include strong student academic growth, as determined by a State;

(B) has no significant issues in the areas of student safety, financial and operational management, or statutory or regulatory compliance;

(C) has demonstrated success in significantly increasing student academic achievement, including graduation rates where applicable, for all students served by the charter school; and

(D) has demonstrated success in increasing student academic achievement, including graduation rates where applicable, for each of the subgroups of students, as defined in section 1111(c)(2), except that such demonstration is not required in a case in which the number of students in a group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

The replication and expansion of high-quality charter schools program provides Federal funding directly to high-quality charter schools or charter management organizations to expand or replicate. The State grants provides support to open more charter schools or replicate high-quality schools.

Will you commit to enforce the definition of "high-quality charter school" in the replication and expansion program and in the State grant program? If not, what specific components, words, or phrases in the definition do you object to?

Answer 29. Yes, I will enforce the law.

Question 30. Will you commit to ensure that Federal funds only support the replication and expansion of charter schools that have demonstrated academic success?

Answer 30. Yes, I will enforce the law.

Question 31. Under the reauthorized Charter School Program, a State must demonstrate its commitment to provide strong accountability in order to receive one of the State grants to grow more schools. Will you commit to implementing the Charter School Program as authorized and to make quality and accountability heavily weighted factors in deciding how to award Federal funds to States?

Answer 31. Yes, I will enforce the law.

Question 32. I have advocated for increasing funding for the Federal Charter Schools Program. Last spring, I led a letter to the Labor, Health and Human Services and Education Appropriations Subcommittee requesting an increase in funding for the program. As Secretary of Education, will you commit to work with me to increase funding for the Federal Charter Schools Program?

Answer 32. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years. I strongly support the public charter school program in the law and look forward to working closely with you and others in Congress to continue and expand this program.

Question 33. In a September 2016 speech, President-elect Trump said his school choice proposal would "create a massive education market that is competitive and produces better outcomes." He is reported to have also said, "Competition always does it."

In the context of education, do you agree with President-elect Trump that "competition always does it"?

Question 34. In an education market of low-performers, where slightly better than terrible is the success story, what incentive is there to do the hard work to open and operate a good school?

Question 35. In education, does the market alone create that incentive?

Question 36. In your opinion, does relying solely on the market in education ever fail to produce high-quality outcomes? Why or why not? Can you please give examples of where and when?

Answer 33–36. Traditional public schools don't work for every child. A traditionally assigned public school might not work for a child because they may need something different than what is offered at their neighborhood school. We can make other options available in this country. I believe that every child is special and unique; they are individuals to be developed. Often parents tell me that a public school worked for one of their children, but not another. They need choices, like those of us from different neighborhoods or families with different financial means.

We are no longer in an industrial age. We are changing at warp speed. We're seeing so many developments where technology can help us individualize and personalize education in different settings. Traditional public schools, public charters, private schools, homeschooling, online or distance learning, and forms of delivery that we haven't yet thought of, so I believe we need to embrace progress.

I believe parents should have the freedom to choose between a high-quality public school, a public charter school, a magnet school, or a private school. I believe a competitive marketplace in our elementary and secondary education system will work as well as it does in our higher education system, where colleges and universities compete for students, and students and their parents get to choose which school to attend. With a diverse array of good schools, every family should be able to find the best match of school for their child's individual needs.

Rural areas obviously face more challenges in providing a range of educational choices. In those situations, we can and should do everything possible to improve the school in the community and consider ways that technology might add to the educational options for students, such as greater course offerings.

Question 37. What do you believe should happen if schools, charters or traditional, do not improve?

Answer 37. I believe States and local school districts should develop accountability systems for schools, both traditional and public charter schools, that meet the needs and desires of their communities.

Question 38. Is closing down very low-performing schools enough to ensure a high-quality option for all kids? What if this results in a cycling through of low-quality schools?

Answer 38. Closing a low-performing school is an important part of a robust accountability system. It sends a signal to other schools that accountability works, it sends a signal to parents and students that their success is important, and it creates pressure for other schools to improve and help their students improve.

Question 39. What should happen after those schools are closed? How would you ensure the new schools that open are better? How would you ensure the new schools are opening in the neighborhoods where they are needed?

Answer 39. Deciding what to do after a school closes is a State and local decision. If confirmed, my responsibility is not to make decisions for States or local school districts, but to create an environment where they have the freedom and flexibility to decide what to do to improve education in their local communities.

Question 40. Do you believe a choice among five low-performing schools is a meaningful choice?

Answer 40. No.

Question 41. What do you believe are best practices and policies for creating a strong public choice system? Where do you believe those practices and policies have been best carried out?

Answer 41. If confirmed, my responsibility is not to make decisions for States or local school districts, but to create an environment where they have the freedom and flexibility to decide what to do to improve education in their local communities. It is also my desire to challenge States and local districts to share best practices, and to challenge their counterparts to excellence.

Question 42. The Coalition for the Future of Detroit School Children proposed creating citywide performance standards. Do you support such a proposal?

If not, why? How would high performance standards limit choice? Don't they just limit the existence of low performing schools?

Answer 42. In the Michigan context, I have supported a statewide level of accountability. It is, in my opinion, inappropriate to have one standard for Detroit and another standard for the rest of the State.

Question 43. The National Alliance for Public Charter Schools recently updated its model State charter law that it believes would

“increase the focus of State-level charter school laws on creating high-quality charter schools while holding underperforming schools and authorizers accountable.”

There is growing evidence that State policies matter to create effective charter systems. How do you think the Department should contribute to those efforts to improve the quality of State charter school policies and practices?

Answer 43. If confirmed, I will work with Governors, State legislators, and local leaders to ensure that there is an environment for charter schools to succeed, grow, and thrive. I believe that charter schools provide an important opportunity for parents, students, and teachers to improve their education.

Question 44. In your hearing statement, you said students are “having increasing difficulty accessing affordable higher education.” You specifically mentioned “escalating tuition” and debt.

Can you describe your plans to make college more affordable and to reduce student debt? What do you hope to achieve in reauthorization of the Higher Education Act? What evidence is there that your approach will prove effective for all students?

Answer 44. See below.

Question 45. We need a higher education system that promotes quality, rewards success, and holds programs accountable. We need to ensure the billions of dollars the Federal Government invests is actually producing the outcomes we need.

Federal programs should incent States and colleges to keep costs lower and focus on strong outcomes, while taking money away from institutions that do not produce quality results or show a return on investment.

Do you support creating such a system that rights incentives in higher education and creates strong accountability, in addition to better transparency? Will you commit to advocating for this and working with me on it during reauthorization of the Higher Education Act?

Question 46. How do you think we should create accountability in higher education? What approach do you support? How does your approach move beyond just better transparency?

Answer 44–46. Chairman Alexander has said that the reauthorization of the Higher Education Act is one of his top priorities this Congress. If confirmed, I look forward to working with you and all members of the Senate Committee on Health, Education, Labor, and Pensions to develop bipartisan, consensus proposals to improve our institutions of higher education, reduce student debt, and ensure that taxpayers are not burdened with additional costs.

Question 47. Will you commit to work with me to better align workforce education and training and higher education within the Department of Education and across agencies, specifically at the Department of Labor, in the Federal Government?

Answer 47. Yes.

Question 48. Is there anything that, in your view, the Obama administration and the U.S. Department of Education have done right that you are hoping to continue or emulate in the incoming administration?

Answer 48. My mother, a public school teacher, taught me to always find something good to say about someone. I believe that both Arne Duncan and John King tried their best to be strong advocates for their views and work with States and local school districts to improve education. If confirmed, I will follow their model of speaking up when I have a view that I want to share.

Question 49. As Secretary of Education, how will you and the Department of Education work to improve the quality of early childhood education as well as expand the opportunity for low-income children to participate in early childhood education through title I?

Answer 49. If confirmed, I will work with States, local school districts, early childhood providers, and the Department of Health and Human Services to better coordi-

nate early childhood education programs and services and encourage States to continue their efforts to expand early childhood education programs appropriately.

Question 50. Will you support programs that foster innovation and invest in building the evidence base such as the Education Innovation and Research grant and the Supporting Effective Educator Development program?

Answer 50. Yes.

Question 51. As Secretary, what will you and the Department do to increase the use of evidence, data and evaluation to inform policy and drive continuous improvement in education programs?

Answer 51. If confirmed, I will work with the Office of Educational Research and Improvement to expand awareness of best practices that are evidence-based and encourage States and local school districts to review the findings of Department-sponsored research to improve their schools.

Question 52. How will you ensure that LGBT kids are free from discrimination in school?

Answer 52. I am opposed to bullying and harassment of any student for any reason. Schools should be a place of learning and improving oneself, and, if confirmed as Secretary, I will work with the First Lady to speak out against bullying and harassment and encourage States and local school districts to improve policies and procedures to prevent and deter this shameful behavior. On the flip side, I will work to promote a culture of kindness and respect for others.

Question 53. As part of the recent reauthorization of the Elementary and Secondary Education Act (ESEA), the Congress made clear that a set of well-rounded educational activities can be funded through title I, title II, and the Student Support and Academic Enrichment Grant program. Among the activities that make up a well-rounded education is the arts. The arts play a strong role in ensuring that our Nation's students can express themselves confidently and think critically in response to complex problems.

Prior to the passage of the recent ESEA reauthorization, confusion too often existed over whether Federal funds could be used to support the arts as an academic area. With these thoughts in mind, how will the Department under your leadership as Secretary implement the well-rounded education provisions across the programs within ESEA?

Answer 53. In general, I believe it is best to defer to the judgment of State and local officials about how to implement education policies. If confirmed as Secretary, I would welcome the opportunity to share data, best practices, and strong research from the Department of Education with State and local officials so they can adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I would welcome that opportunity. With regard to arts and music education, I agree that they can be an important part of a well-rounded education and hope that local education leaders can find new ways to expand student opportunities in these areas, particularly with the greater flexibility provided to States and local school districts and the reduced focus on standardized tests seen under new accountability systems.

Question 54. In the recent reauthorization of ESEA, we worked to include a new weighted student funding pilot to focus on improving equity in the way a district allocates funds to public schools in the district. Will you commit to implement this pilot as it was intended to create more equitable within-district public school funding systems that ensure districts provide more State and local resources to high poverty public schools and that Federal programs continue to serve the students they intended to benefit?

Answer 54. If confirmed as Secretary, I look forward to working with States and local school districts as they submit innovative proposals under this exciting new pilot program. I believe the law provides a great opportunity to be creative and flexible, and I look forward to seeing what the States propose.

SENATOR WHITEHOUSE

K-12 EDUCATION—MIDDLE SCHOOLS

Question 1. During our meeting on January 4, I provided you with a copy of my letter to Secretary King outlining a series of requests for guidance outlining best practices for how States and districts can meet the requirements in ESSA to support middle school students. Please respond to that letter outlining the steps you will

take in support of middle level education if confirmed Secretary of Education as well as your timeline for initiating these steps.

Answer 1. If confirmed as Secretary, I look forward to responding to letters you send to me. I do believe that an appropriate role of the Department is to share best practices.

Question 2. The middle grades represent a tremendous opportunity to intervene with at-risk students and get them back on track. Evidence shows that up to 60 percent of high-poverty sixth graders who demonstrated at least one negative indicator relating to either attendance, behavior, or failing a course did not graduate high school on time. Supporting them before they get too far off track is easier and more effective than late stage interventions. What measures will you promote to incentivize States to focus on the middle grades? What direction on this matter will you give to States as they submit their draft plans for review?

Answer 2. I agree that middle school education is an important issue. However, I do not believe that it is wise to look to Washington for an answer or to try to impose a top-down system of education from the Nation's capital. In our decentralized system, States are responsible to develop and maintain their own systems of education and I think that is preferable.

The role of the Department of Education, and, if confirmed, mine as Secretary, is to work with people around the country to identify best practices, highlight what works, call out educational failures where we see them in order to help people on the ground in the States, local school districts, and colleges and universities improve their own operations.

Question 3. Chronic absenteeism is a problem at all grade levels but is especially an issue in the middle grades. Nationally, 12 percent of middle school students miss at least 10 percent of school days per year in 2015. Thankfully, students in this age are exceptionally responsive to interventions even though they are largely overlooked by the current educational system. Do you agree chronic absenteeism is a problem? What specific actions will you take to combat chronic absenteeism? Will you direct the Department to release guidance about attendance best practices?

Answer 3. I agree that absenteeism is a problem. However, I do not believe that it is wise to look to Washington for an answer or to try to impose a top-down system of education from the Nation's capital. In our decentralized system, States are responsible to develop and maintain their own systems of education and I think that is preferable.

The role of the Department of Education, and, if confirmed, mine as Secretary, is to work with people around the country to identify best practices, highlight what works, call out educational failures where we see them in order to help people on the ground in the States, local school districts, and colleges and universities improve their own operations.

INNOVATION

Question 4. During our meeting on January 4, I provided you with a copy of my letter to Secretary King outlining a series of requests for guidance regarding the opportunities for innovation that were included in ESSA. Please respond to that letter outlining the steps you will take to support greater innovation within the public school system, other than vouchers, if confirmed Secretary of Education as well as your ideal timeline for initiating these steps.

Answer 4. If confirmed as Secretary, I look forward to promptly responding to letters from you and other Members of the House and Senate. ESSA was a bipartisan effort and the law includes many opportunities for greater innovation, which can be facilitated by, for example, the Department's Office of Innovation and Improvement. ESSA also was an effort to give States more authority, something I fully support. I want the Department to be a partner with the States in implementing the new law and putting the interests of students first. If confirmed, as I stated at the hearing, I am 100 percent committed to supporting great public schools and I am committed to ensuring the Department continue to identify and share innovative methods and practices nationwide.

Question 5. In speaking with Rhode Island educators, I have found that the most innovative solutions for improving education often come from teachers themselves. Will you commit to meeting with public school teachers on a regular basis to discuss their ideas for improving public schools? How will you work with States and districts that have collective bargaining agreements to ensure that teachers have the flexibility to do what is best for their students without undermining the protections for their jobs?

Answer 5. Parents, students and teachers should have a voice in education innovation. If confirmed, I look forward to meeting with all stakeholders, including about how to innovate.

JUVENILE JUSTICE

Question 6. During our meeting on January 4, I provided you with a copy of my letter to Secretary King outlining a series of requests for guidance to support the implementation of Title I, Part D of ESSA, which addresses intervention programs for children and youth who are neglected, delinquent or at-risk. Please respond to that letter outlining the steps you will take if confirmed Secretary of Education as well as your ideal timeline for initiating these steps.

Answer 6. If confirmed as Secretary, I look forward to responding to letters you send to me. I will carefully review all existing guidance to ensure it is consistent with relevant statutes and necessary to enable successful implementation of Federal law. I will also work with stakeholders to determine what additional guidance is needed to ensure statutes are implemented as Congress intended and this population of students are well-served.

Question 7. In ESSA, I authored several provisions to help keep kids who encounter the juvenile justice system stay on track, including having States establish procedures around timely transitions, back to school or re-entry programs upon release, and to better facilitate transferring academic credits and records between school and juvenile justice facilities. What steps do you believe are needed to ensure that students are able to transition smoothly back into their schools?

Answer 7. I agree that helping kids in the juvenile justice system stay on track is important. However, I do not believe that it is wise to look to Washington for an answer or to try to impose a top-down system of education from the Nation's capital. In our decentralized system, States are responsible to develop and maintain their own systems of education and I think that is preferable.

The role of the Department of Education, and, if confirmed, mine as Secretary, is to work with people around the country to identify best practices, highlight what works, call out educational failures where we see them in order to help people on the ground in the States, local school districts, and colleges and universities improve their own operations.

Question 8. In the Obama administration, efforts to reform the criminal justice system were coordinated and spanned across agencies and included the Department of Education. Will you commit to keeping the Department of Education involved in Trump Administration efforts on criminal justice reform?

Answer 8. Yes.

Question 9. What are your priorities when it comes to addressing the needs of individuals who have been involved in the criminal justice system? What specific policies will you promote or what guidance will you issue regarding the education of individuals who have had contact with the criminal justice system?

Answer 9. I agree that helping kids in the juvenile justice system stay on track is important.

However, I do not believe that it is wise to look to Washington for an answer or to try to impose a top-down system of education from the Nation's capital. In our decentralized system, States are responsible to develop and maintain their own systems of education and I think that is preferable.

The role of the Department of Education, and, if confirmed, mine as Secretary, is to work with people around the country to identify best practices, highlight what works, call out educational failures where we see them in order to help people on the ground in the States, local school districts, and colleges and universities improve their own operations.

Question 10. Do you oppose "zero tolerance" school discipline policies that mandate the suspensions, expulsions, or arrest of students for certain misconduct? Why or why not?

Answer 10. In general, I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will travel around the country hoping to identify best practices of what is working in the hopes that it encourages others to look to solutions that have worked and adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing edu-

cational problems. I have seen remarkable things happen in schools that use positive behavioral supports and interventions, and I would welcome the opportunity to encourage more States and local school districts to make use of the tremendous research behind that system.

Question 11. Do you support the presence of police in schools as “school resource officers”? Why or why not? What is the proper role of police in schools?

Answer 11. I believe that School Resource Officers can serve a vital role in helping schools maintain order, deescalate violent situations, and make students, teachers, and parents feel safe in their schools. I am grateful that the ESSA provides significant flexibility on the use of professional development dollars and can help School Resource Officers get and maintain the education they need to improve their important skills.

Question 12. What specific actions have you taken to ensure that the charter schools you have supported examine their discipline practices to safeguard against policies that disproportionately impact students of color and students with disabilities?

Answer 12. Michigan’s charter Authorizers require the annual submission and review of student handbooks which detail discipline policies and behavioral expectations for all students in their schools. Additionally, the MDE collects and disaggregates discipline data at the school building-level. Details are here; http://www.michigan.gov/mde/0,4615,7-140-6530_6598-378103--,00.html.

However, while MDE collects subgroup data they do not publicly report it, so it’s difficult to answer your questions with more specificity. In the end, we have no evidence that discipline issues with minority students in charter public schools are disproportionately occurring as compared to traditional public schools.

Question 13. Do you believe it is appropriate for the Department to work to mitigate the demonstrated or potential disparate impact of discipline policies? Do you believe the Department of Education should issue regulations or guidance on this issue? If so, what regulations or guidance will your Department release to ensure that schools work to improve in this respect?

Answer 13. I have seen remarkable things happen in schools that use positive behavioral supports and interventions, and, if confirmed, I would welcome the opportunity to encourage more States and local school districts to make use of the tremendous research behind that system.

Question 14. In many schools across the Nation, students, particularly students of color, are suspended, expelled or even arrested for minor or status offenses. Many times this behavior stems from a history of abuse, neglect, poverty, or learning disabilities. However, instead of getting much-needed treatment and rehabilitation, these students are forced out of school. Most of these students do not succeed when removed from school in this manner, and some become hardened, stigmatized by their peers, and end up falling further behind in their studies. Often these students end up committing crimes as young adults, and become involved in the justice system, where we spend \$70 billion annually on incarceration, probation and parole. What specific actions will your department initiate to combat this so-called “school-to-prison pipeline”?

Answer 14. I believe that a good education is the foundation to becoming a good citizen. A good school can provide a lifeline to a struggling student and help prevent them from slipping through the cracks and into our justice system. If confirmed as Secretary I would look forward to working with you and others in Congress to better understand what an appropriate Federal role could be to help our State and local leaders address this important issue.

Question 15. What role do you see for the Department of Education in re-engaging disconnected youth who have exited high school without earning a high school diploma?

Answer 15. I would encourage States and local school districts to address this issue with the flexibility that the Federal law provides.

Question 16. Please explain your understanding of the application of “Restorative Justice” in schools. As Secretary of Education would you promote the use of restorative justice in public schools?

Answer 16. I would welcome the opportunity to work with the Attorney General, after he is confirmed, as well as you and other Members of Congress to determine what the appropriate Federal role would be in helping States and local school districts address the need to help those who have been incarcerated re-enter society.

SCIENTIFIC INTEGRITY

Question 17. Research universities have played an important role in the development of advances that allow us to live longer and healthier lives than ever before. Climate scientists, who help us understand how our world is changing as a result of CO2 emissions, are increasingly under attack by an apparatus of denial organizations funded by the fossil fuel industry. Do you believe in anthropomorphic climate changes? As the Secretary of Education, how will you work to protect scientific integrity and ensure that scientists have both the resources and the intellectual freedom to address questions raised by climate change?

Answer 17. The Department of Education does not have any jurisdiction over climate change or climate issues so, if confirmed, I would respectfully defer to my colleagues in other agencies, like the Department of Energy, on these issues. Additionally, the Department of Education is prohibited from dictating curricula in our Nation's schools so I respectfully defer to State and local school districts about what they will or will not teach.

Question 18. Soon after the election, the conservative non-profit Turning Points USA released the Professor Watchlist, which intends to "expose and document college professors who discriminate against conservative students and advance leftist propaganda in the classroom."

So far, 162 professors have been identified. Do you denounce the targeting of these or any other professors for their viewpoints? What will you do as Secretary to protect the teachers and professors who are individually targeted by this or other similar websites? What will you do as Secretary to protect the right of professors to disagree and ensure that civil discourse is not threatened on our college campuses?

Answer 18. Freedom of speech is a very important issue, especially on our college campuses. If confirmed as Secretary, I will encourage civil discourse and help colleges and universities understand what their responsibilities are to protect all who wish to speak freely on college campuses.

Question 19. The President-elect has said climate change is a hoax "created by and for the Chinese in order to make U.S. manufacturing non-competitive." Do you agree with that argument? What steps are you going to take to ensure fact-based scientific instruction does not come under attack in the Trump Administration?

Answer 19. The Department of Education does not have any jurisdiction over climate change or climate issues so, if confirmed, I would respectfully defer to my colleagues in other agencies, like the Department of Energy, on these issues. Additionally, the Department of Education is prohibited from dictating curriculum in our Nation's schools so I respectfully defer to State and local school districts about what they will or will not teach.

Question 20. In the aftermath of the election, there was a national outpouring of frustration regarding the false news. As Secretary of Education, you will have a role in setting the tone for the national conversation regarding instruction and have a responsibility to ensure that all schools are teaching facts. Does the Department have an interest in ensuring that taxpayer dollars are not being spent to promote false news or instruction that is not fact-based?

Answer 20. The Department of Education is prohibited from dictating curriculum in our Nation's schools so I respectfully defer to State and local school districts about what they will or will not teach.

Question 21. Your foundation has donated over \$1,200,000 to the Acton Institute for the Study of Religion of Liberty. Acton counts ExxonMobil as one of its biggest donors and calls climate change "unfounded and [of] undue concern". Were you aware of their views on climate change when you made these contributions? Do you agree with these views?

Answer 21. The Department of Education does not have any jurisdiction over climate change or climate issues so, if confirmed, I would respectfully defer to my colleagues in other agencies, like the Department of Energy, on these issues.

SECULAR EDUCATION/RELIGIOUS FREEDOM

Question 22. Please articulate your views on the establishment clause of the First Amendment and your views on how that clause should be applied to our Nation's schools?

Answer 22. As you know, the courts have spent much time over the years interpreting the meaning of the Establishment Clause in the schoolroom setting. If confirmed, you can be assured I will abide by the law, and seek the advice and counsel

of Department of Education and Department of Justice lawyers on constitutional issues affecting our Nation's schools.

Question 23. In the past, you have been a staunch advocate for Christian education and, in 1995, you stated,

“[t]he fact is that every time legislation is passed, its passed from someone’s view of right and wrong. It’s not a question of if we are legislating morality, but whose morality are we legislating.”

How will your religious beliefs affect your decisions as Secretary of the U.S. public education system?

Answer 23. If I am confirmed, I will have a duty as an officer of the Department and the Federal Government, to uphold the U.S. Constitution and the laws of the land. I intend to do so.

Question 24. Do you believe that every student—regardless of religion, family income, sexual orientation, gender, or ethnic background—has the same rights in their school and to a quality education? If so, what have you done in your career to ensure those rights?

Answer 24. The civil rights laws of our land provide for protections against various forms of discrimination. You can be assured that I will uphold the laws of our land, and will seek the advice and counsel of Department of Education and Department of Justice lawyers as such issues arise. Additionally, my own beliefs decry discrimination in any form.

Question 25. Will you oppose efforts to allow any school that receives funding from public sources to choose students based on their or their parents religion?

Answer 25. If confirmed, I will respect and follow the laws relevant to these issues.

Question 26. Do you believe intelligent design should be taught in schools alongside and/or instead of evolution?

Answer 26. The Department of Education is prohibited from dictating curriculum in our Nation’s schools so I respectfully defer to State and local school districts about what they will or will not teach.

ROLE OF THE SECRETARY

Question 27. Please list the topics of guidance you would direct the Department to release on ESSA in the first year of your term. What procedural steps will you implement to ensure that the final regulations of ESSA are consistent with the intent of the underlying statute?

Answer 27. If confirmed as Secretary, I will implement the requirements of ESSA as Congress specified and carefully review all existing regulations to ensure they too adhere to the law.

Question 28. What do you believe is the purpose of title I funding? Do you believe that there is too little, just enough or too much title I funding? In your answer please cite examples and data.

Answer 28. The purpose of title I is to support our Nation’s most vulnerable children. Appropriate funding is a perennial issue and, if confirmed, I will look across all parts of the Department’s budget to determine the right balance.

Question 29. Please list your view of the most appropriate uses of title I funds.

Answer 29. To provide a high quality education to our Nation’s most vulnerable children.

Question 30. In ESSA, a number of programs were consolidated under title IV, part D to become the Student Support and Academic Enrichment Grants. These grants are intended to provide schools with flexibility to best address the needs of their students in creating a well-rounded education, improving conditions for student learning and increasing the access of technology. If confirmed, will you commit to using your purview as Secretary to promote fully funding these grants at authorized levels?

Answer 30. If confirmed as Secretary, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Student Support and Academic Enrichment grants program, when proposing budgets for future fiscal years.

Question 31. You have previously been an advocate of A–F rating systems of public schools. As Secretary of Education how will you promote transparency and ac-

countability systems that allow parents and leaders to know how students are performing? Do you support the use of “data dashboards” in accountability systems? What measures of resource equity do you believe are important for parents to know? Do you support ratings that show student performance relative to State standards? What about systems that allow comparisons to peers across the State?

Answer 31. In general, I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. To me, the most exciting thing about the Every Student Succeeds is how much it returned power back to States to grapple with these important issues. The top-down accountability structure of No Child Left Behind was well-intentioned, but proved to be ineffective at helping our States over the long term improve their systems. If confirmed, I look forward to reviewing what States propose.

Question 32. In 2015, you were asked whether you had considered other alternatives to competition and choice for the improvement of public schools. You said no and that you were

“convinced pretty conclusively that the system is not going to change of its own accord and that it is only with other options being presented from the outside . . . that we’re ultimately going to have fundamental change for everyone.”

In speaking with Rhode Islanders, many of them are concerned about your laser-like focus on school choice at the expense of all other concepts. The role of the Secretary of Education is not to be the “Secretary of School Choice and Charter Schools”, but to represent and advocate for the education of all students—those in traditional public schools too. Do you remain committed to the comments you made in 2015, that school choice is the only way to improve our education system?

Answer 32. I am a strong advocate of great public education. Period. I believe we can provide parents and students with choices *and* support public education.

Our current approach is not working for far too many. Last year, the National Assessment of Educational Progress (NAEP) recorded declines in fourth- and eighth-grade reading and math following flat 2013 results, marking a downturn after years of steady gains. Recently, the Program for International Student Assessment (PISA) reported that U.S. performance has declined steadily since 2009 in reading, math, and science—after a decade of rising scores. In fact, the United States is now 35th in math (down from 28th). In science, we’re 25th and in reading, we’re now in 24th place. Surely we can all agree that is indefensible.

I believe that a choice for children in education is a powerful way to start. But we should all think of choice in the widest terms: Excellent traditional public schools, Public Charters, Non-government schools, Homeschooling, Online or Distance Learning and forms of education that we haven’t yet thought of . . . we need to be open to progress.

We have to keep the focus on students and not on the adult issues that too often gum up the conversation.

CHARTER ACCOUNTABILITY

Question 33. Moody’s has warned repeatedly that the proliferation of charter schools destabilizes public school district finances, making it harder for schools to provide the resources that children need to learn. The ratings agency singled out Michigan’s loose policies as harmful to Detroit’s schools. In pushing for looser regulations, was it your intent to undermine public education in Detroit, or was it just a byproduct of privatization?

Answer 33. Charter schools in Michigan are a success story. Charter students in Michigan gain an additional 2 months of learning in reading and math over their traditional public school peers. In Detroit, the gain is 3 months. In both reading and math, African American students in Detroit charter schools have significantly larger growth compared to African American students in Detroit Public Schools. Hispanic charter students in Detroit show significantly better outcomes in math compared to their Hispanic peers in Detroit Public Schools. I also believe that traditional public education is capable of changing and improving, and I expect we will see movement in that regard.

Question 34. Public charter schools have mixed success levels and some perform below the standard of their traditional public school neighbors. In these cases, what would you like to see the Department of Education do to ensure quality of charter schools? Are you in favor of revoking charters from charter schools and/or charter management organizations that underperform?

What are the roles and obligations of each level of government—Federal, State and local—in preventing financial mismanagement by charter school operators?

Answer 34. I support great schools in all forms—public, private, magnet, home, religious and virtual. Charter schools can—and should—be closed when they fail to meet the expectations outlined in their charters.

Question 35. If a State allows charter schools to remain open despite evidence of weak student achievement, should that State or those schools be eligible for Federal incentives or funding to expand or create more charter schools?

Answer 35. I will follow the law as Congress wrote it.

Question 36. In ESSA we were able to reach bipartisan agreements that supported greater local autonomy providing local school committees, principals, and teachers more control over classrooms. How will you support teacher innovation while ensuring that teachers use and maintain high standards for students?

Answer 36. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. I look forward to reviewing what States propose in their State plans. If confirmed, I will work with teachers, Governors, legislators, and local school officials to encourage them to take maximum advantage of the flexibility of the law to meet the needs in their local schools so that teachers have the freedom to teach, instead of focusing relentlessly on the test as happened under No Child Left Behind.

Question 37. Under what circumstances should charter schools be allowed to exclude high needs students, including English learners and students with disabilities?

Answer 37. I believe that the primary responsibility for creating a high-quality, accountable, and autonomous charter school sector rests with States, local communities, and the broader charter school sector itself, not with the Federal Government or the U.S. Department of Education. At the same time, I support quality, accountability, autonomy, and transparency. Parents may choose not to enroll their children in a charter school or a student may decide that a particular charter school is not a right for them. These scenarios are perfectly acceptable and, in no way, suggest that charter schools are unwilling to serve all students. Charter schools can and do engage in contracts with families confirming behavioral, academic, volunteer and other expectations. For families who do not want to engage in such agreements, they can choose a different learning environment for their children. Charter schools, like all public schools, do serve children with disabilities if that is the choice that the parents and the IEP team make for the child. But, like a traditional public school, if a charter school is part of a local educational agency, that local educational agency is the entity responsible for providing special education to a student with a disability and the charter school, like a traditional public school, must follow the policy of the local educational agency.

Question 38. Please explain your decision to oppose the efforts by the bipartisan Coalition for the Future of Detroit Schoolchildren to require greater oversight and accountability for charter schools in Michigan?

Answer 38. I disagree with the premise of the question. Charter schools in Michigan are a success story. Charter students in Michigan gain an additional 2 months of learning in reading and math over their traditional public school peers. In Detroit, the gain is 3 months. Students in Detroit charter schools outperform students in the Detroit Public Schools (DPS) in both proficiency (MEAP, M-STEP) and growth (CREDO 2013, 2015).

I opposed the effort you referenced, because it did not promote accountability. Just the opposite. It would have added an additional layer of bureaucracy and given the city's traditional schools a free pass on accountability. I advocated for a different bill—one that provided uniform and tough accountability measures for all schools, not just charter schools in Detroit. Because of my support and that of many others, for the first time in State history, both charter schools and traditional public schools are now subject to mandatory State closure or restructuring.

Question 39. In your past work to expand charter schools, can you provide a list of specific actions that you have taken or for which you have advocated to ensure these charter schools examine discipline practices to ensure such practices do not disproportionately impact students of color and students with disabilities?

Answer 39. Michigan's charter Authorizers require the annual submission and review of student handbooks which detail discipline policies and behavioral expectations for all students in their schools. Additionally, the MDE collects and disaggregates discipline data at the school building-level. Details are here; http://www.michigan.gov/mde/0,4615,7-140-6530_6598-378103--,00.html.

However, while MDE collects subgroup data they do not publicly report it, so it's difficult to answer your questions with more specificity. In the end, we have no evidence that discipline issues with minority students in charter public schools are disproportionately occurring as compared to traditional public schools.

VOUCHERS

Question 40. The best research to date finds little difference in achievement for students offered education vouchers as compared to similar non-voucher students. A review of research on vouchers from the Center on Education Policy, including evidence about the impact of vouchers on student test scores from long-term studies about the publicly funded voucher programs in Milwaukee, Cleveland, and Washington, DC, conclude that “studies have generally found no clear advantage in academic achievement for students attending private schools with vouchers.” Do you agree with the conclusions from this report? What research have you relied upon to support your positions about the impact of vouchers for public school students? Please cite the name, authors, and dates of the research.

Answer 40. No, I do not agree with the conclusions above. In fact, several studies have found exactly the opposite: students participating in choice programs have higher test scores, better graduation rates and higher parental satisfaction levels than their public school counterparts. For example, long-term evaluations of the Milwaukee and DC scholarship programs found higher graduation rates and increased academic achievement (Milwaukee Parental Choice Program Evaluation, 2012; Evaluation of the DC Opportunity Scholarship Program, 2010). In addition, studies have found that vouchers have a positive impact on public schools, including the Figlio and Hart Study of Florida Tax Credit Scholarship Program, 2014.

Question 41. We have previously spoken about the process of how ESSA came together under the smart, pragmatic leadership of this committee under Chairman Alexander and Ranking Member Murray. In this bipartisan process, we decided not to make changes to title I funding that would let the money follow the child, so-called “Pell for Kids”. Do you pledge to not reopen a controversial issue and do you agree it would be counterproductive to do so?

Answer 41. President Trump has made a robust school choice proposal a centerpiece of his platform, and, if confirmed, I look forward to working with you on our proposal and hope to convince you to support it. As we finish developing this proposal I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

NEWCOMER STUDENTS

Question 42. In Rhode Island we welcome families who are new to our country, seeking better opportunities for themselves and their children. However, the students from these families have often had incomplete or inconsistent formal schooling and as a result have far greater needs than their peers. In Providence, our largest school district, we have 245 newcomer students. Teachers and parents of these students agree that these students need specially trained teachers along with wrap-around services to give them the support they need to succeed. What can I tell my constituents in Rhode Island about how you will use the resources of the Department of Education to address the particular needs of these students?

Answer 42. In general, I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities for newcomer students.

EARLY EDUCATION

Question 43. The national median annual wage for pre-school teachers is a little more than half of what kindergarten teachers make, and yet pre-school is a critical early learning experience that helps shape children as they enter the K–12 system. Such persistently low wages are a challenge when it comes to promoting high quality pre-school programs. Do you also believe these low-wages for pre-school teachers are a problem? What should the Department do to ensure that early learning educators are better compensated for their important work?

Answer 43. Early childhood education is important and can help put a child on a path to success in life. That is why it is exciting to see so many States invest in and support early education programs for families. However, pay for early childhood educators is a State and local issue.

TEACHERS

Question 44. Please discuss what you view as the role of the State and the role of the Federal Government in ensuring certain groups of students—whether minority children, children from low-income families, or children with special education needs—are not disproportionately taught by brand new teachers? Or given lower quality academic instruction?

Answer 44. Teacher hiring and assignment is a local issue, but a common issue shared amongst school districts. If confirmed, I look forward to talking with State and local school officials and help facilitate the sharing of best practices to bring more teachers into the schools, especially in alternative and high-need schools.

Question 45. At a 2015 South by Southwest Education conference presentation, you said that you believed that “teaching has become very de-professionalized over the years, as it’s been part of an industry that has been very closed to itself and, I would argue, very self-serving.”

Can you elaborate on what you meant by saying the teaching profession was both “de-professionalized” and “self-serving”?

Answer 45. During my SXSWedu speech, I made very clear my deep respect for teachers and the teaching profession.

“Teaching is hard. It takes a lot of skill. Not everyone who tries can do it well. We need to admit that and act accordingly. We should reward and respect great teachers by paying them more, and we should stop rewarding seniority over effectiveness.”

I also stated very clearly, we don’t pay teachers enough. If confirmed, I look forward to continuing to advocate for great teachers and elevating the importance of the teaching profession.

Question 46. One of the priorities of the HELP Committee is the reauthorization of the Higher Education Act. What changes would you propose to Title II of the HEA to address your comments and characterization of the teaching profession?

Answer 46. Improving teacher education and encouraging and rewarding high quality teachers is an important issue. If confirmed, I look forward to working with you on this issue in the context of the Higher Education Act (HEA) reauthorization.

Question 47. Do you support the existence of labor unions? Do you support right-to-work laws? Do you support collective bargaining for teachers and the right to unionize?

Answer 47. I support freedom for individual citizens to make such decisions for themselves and their situations.

Question 48. Many parts of the Nation are suffering from teacher shortages, which are often most prevalent in high-poverty schools with our most disadvantaged students. As Secretary of Education, what strategies would you employ to identify and address the issues causing our teacher shortages?

Answer 48. Teacher hiring is a local issue, but a common issue shared amongst school districts. If confirmed, I look forward to talking with State and local school officials and help facilitate the sharing of best practices to bring more teachers into the schools, especially in alternative and high-need schools.

Question 49. How will the Department of Education, under your leadership, support or work to improve working conditions for teachers? Particularly those in high-poverty schools where excellent teachers are sorely needed and teacher turnover is frequently high?

Answer 49. Teacher conditions are a local issue, but a common issue shared amongst school districts. If confirmed, I look forward to talking with State and local school officials and help facilitate the sharing of best practices to bring more teachers into the schools, especially in alternative and high-need schools.

CURRICULUM

Question 50. In the last two decades, the focus of K–12 education has centered around standardized tests as a primary metric for school performance. This resulted in a narrowing of the curriculum to focus solely on English and math at the expense of many other worthwhile subjects. As Secretary, what would you do to support a more well-rounded education?

Answer 50. It is not the responsibility of the Federal Government to dictate curriculum. In fact, the General Education Provisions Act forbids such interference. I believe these issues are best left up to local school districts. I would hope, however, that with the new flexibility provided under the Every Student Succeeds Act, that

States and local school districts would examine what is needed for a well-rounded 21st Century education.

Question 51. Is there a minimum standard of basic competency that American students should be expected to learn and know upon high school graduation? Is there a minimum standard that American students need to attain in order to be competitive in today's globalized economic environment?

Answer 51. I believe it is important for States to have high standards and strong assessments that provide a good look at their schools and give parents the information needed to accurately determine how their schools are performing. They need to be able to ensure students are being prepared to compete in a global economy. ESSA requires States to adopt high standards and develop their assessments to ensure they are adequately measuring student achievement against the rigorous State standards. Parents and local, State, and Federal education policymakers can look at this information from schools and review the results from NAEP to understand how education in the Nation is measuring.

Question 52. Do you support States to voluntarily collaborating on the development of academic standards for K–12 students?

Answer 52. Yes.

Question 53. Should the Department promote civic education in public schools? If so, what is your definition of civics education. Please identify what research you have reviewed on this topic, including names, authors and dates of any reports.

Answer 53. It is not the responsibility of the Federal Government to dictate curriculum. In fact, the General Education Provisions Act forbids such interference. I believe these issues are best left up to local school districts. Generally speaking, however, if confirmed, I will happily encourage educators to include robust civics education in their curriculum.

BULLYING & STUDENT SAFETY

Question 54. After the election many teachers experienced an increase in school violence, aggression, hostility, etc. In your home State of Michigan, there was a video of middle school students chanting “build the wall.” As the Secretary of Education, what will you do to prevent bullying and ensure that all students have a safe environment at school?

Answer 54. I am opposed to bullying and harassment of any student for any reason. Schools should be a place of learning and improving oneself, and, if confirmed, I will work with the First Lady to speak out against bullying and harassment and encourage States and local school districts to improve policies and procedures to prevent and deter bullying and harassment. I believe that the role of the Department of Education is to help States and local school districts enforce the law and improve education for all students in their schools.

Question 55. What specific actions have you taken to address the needs of LGBT students? Please identify what research you have reviewed on this topic, including names, authors and dates of any reports.

Answer 55. The needs of all students, including LGBT students, students with disabilities, and children harassed because of their race or religion are of deep concern to me. If confirmed, I look forward to working with the First Lady's office on this important issue, as she has indicated this will be a priority for her. And, I look forward to working with State and local school officials and parents to ensure all students are treated with respect.

Question 56. Have you ever spoken with an LGBT student about his or her experiences in a public school? If so, what did you learn? Is bullying, harassment, and violence on the basis of students' actual or perceived sexual orientation or gender identity a problem in schools today?

Answer 56. Bullying is never the right behavior. In my support for a local homeless center that serves young people—including LGBT youth—it has always been very clear that these students face unique challenges. I believe every student deserves to be in a learning environment where they are safe to learn, grow, and thrive.

STUDENTS WITH DISABILITIES

Question 57. The Supreme Court case of *Endrew F. v. Douglas County School District* will help determine the level of educational benefit that school districts provide

to meet the free appropriate public education (FAPE) guarantee. What is your view on this case?

Answer 57. As you know, oral arguments were conducted on January 11, 2017. If confirmed, I will abide by the Court's decision and make appropriate changes at the Department of Education to comply with their decision.

Question 58. In June 2016, the Council of Parent Attorneys and Advocates (COPAA) released a report titled "School Vouchers and Students with Disabilities: Examining Impact in the Name of Choice". The report found that students with significant cognitive disabilities are the least likely to be admitted to these schools, especially in general education classrooms. Have you reviewed this report? What other research about this issue has informed your thinking? Please list names, authors and dates of any reports. As Secretary of Education how will you oversee such programs and ensure they are not creating a publicly financed (in whole or in part) segregated education system for students with disabilities?

Answer 58. I am unfamiliar with the report, and look forward to reviewing it. I take your concerns seriously and I've worked hard over the past 28 years to expand educational options for families with special needs, especially those with no recourse but to sue their traditional public school system when the traditional schools fail to live up to their legally mandated responsibility to provide children with special learning needs and education. With regard to your concerns about voucher schools, I would refer you to a 2-year investigation conducted by the U.S. Department of Justice in Milwaukee that was closed and found no evidence of discrimination. According to news reports,

"The U.S. Department of Justice has closed a long-running investigation into whether the Milwaukee private school voucher program discriminates against students with disabilities, with no apparent findings of major wrongdoing."

SCHOOL FACILITIES

Question 59. Many students attend inadequate, outdated school buildings. In some areas, children go to school in trailers, or their schools lack high-quality Internet connections. Not long ago, heavy snow helped to bring down the roof of an elementary school outside of Boston, while students in Baltimore stayed home because their school did not have air conditioning. And of course, Detroit made national news this year because students were attending schools that were decrepit, unheated, and infested with rodents. What would you do as Secretary to address this issue?

Answer 59. Facilities funding is currently a State and local issue. If Congress were to make changes to that and give the Department responsibility in this area, I would follow the law as Congress wrote it.

HIGHER EDUCATION—PELL GRANT PROGRAM

Question 60. In your view, why is the Pell Grant program important?

Answer 60. It satisfies the Federal Government role for providing access to an opportunity to post-secondary education for low-income individuals.

Question 61. What changes to the program would you pursue as Secretary of Education?

Answer 61. If confirmed, I look forward to working with you, the committee and Congress in ensuring that the role of access is maintained during the reauthorization of the Higher Education Act.

Question 62. Do you believe the Pell Grant program currently has too much, just enough, or too little funding?

Answer 62. If confirmed, I look forward to assisting with a budget submission that includes sufficient Pell Grant funding to meet the President's goals.

Question 63. On average what percentage of a public, 4-year education should the maximum Pell Grant cover?

Answer 63. I do not think it is appropriate to establish a funding benchmark for Federal programs. We have seen historically that establishing such percentages creates a level of expectation that traditionally goes unmet.

Question 64. Data from the College Board's report "Trends in College Pricing 2016" demonstrate that in 2016 a full Pell Grant covered less than 30 percent of the costs to attend a public 4-year university; down dramatically from the over 70 percent it covered in the 1970s. Due to this drop in purchasing power, students, particularly low-income students and students of color, are left with high rates of

unmet financial need. This sometimes funnels students into cheaper and frequently poor performing schools. Do you believe this is a problem? If so, what specific steps will you take to address this issue?

Answer 64. The increasing costs of higher education are a concern to me. I believe that we need to encourage innovative solutions that are more cost-effective in order to keep costs reasonable. If confirmed, I look forward to working with you, the committee and Congress during the reauthorization of the Higher Education Act in order to address these concerns.

Question 65. Students with unmet financial need are often required to work more hours, take out more loans, and sometimes even drop out. Do you believe this is a problem? If so, what specific steps will you take to address this issue?

Answer 65. In general, I do not think that every concern or issue needs to have a Federal solution; however, if confirmed, I look forward to working with you, the committee and Congress in addressing these issues during the upcoming reauthorization of the Higher Education Act.

Question 66. Most Pell Grant recipients come from low-income families that depend these funds from the Federal Government to make college affordable and put a college education within reach. How do you propose supporting these students and future students from low-income backgrounds?

Answer 66. As I have indicated, a primary role of the Federal financial aid system is to provide post-secondary educational opportunity through access for low-income individuals. If confirmed, I look forward to working with you in maintaining this commitment.

Question 67. Speaker Ryan has proposed freezing Pell Grants at their current levels for 10 years and would eliminate the mandatory spending funds of the program. Do you support this or other proposals to reduce Pell per student?

Answer 67. I have not studied the House Republican 2016 budget, but if confirmed, I look forward to working with Members of Congress from both parties in both chambers to appropriately fund the Department's programs. In doing so, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 68. There is currently a surplus of \$8 billion in the Pell Grant program. As Secretary of Education, would you support congressional efforts to use this funding to shore up Pell Grants or to support higher education programs serving low-income and/or first-generation students?

Answer 68. If confirmed, I look forward to working with Members of Congress from both parties in both chambers to appropriately fund the Department's programs. In doing so, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 69. As Secretary, would you support using the Pell Grant surplus to restore the year-round Pell Grant?

Answer 69. Yes. If confirmed, I look forward to working with Members of Congress from both parties in both chambers to appropriately fund the Department's programs. I agree that year-round Pell Grants would be an effective tool to help students complete college on-time and hopefully at reduced cost, and look forward to working with you on this issue.

Question 70. What is your view on the current Satisfactory Academic Progress requirements and the definition of full-time?

Answer 70. If confirmed, I will carefully review all regulations to ensure they are consistent with the relevant statutes as Congress wrote them and are necessary to enable successful implementation of Federal law.

Question 71. A provision in the Violent Crime Control and Law Enforcement Act of 1994 banned access to Pell Grants for incarcerated adults. At the time, Pell grant usage among inmates constituted less than 1 percent of Federal Pell spending, but its removal all but eliminated post-secondary opportunities for inmates. Since that time, research has found that access to correctional education (i.e., adult education, post-secondary courses, and workforce training) correlates with significantly reduced chances of recidivism, increased employment prospects, and greater public safety. Under the Obama administration the Department initiated a pilot program reinstating some incarcerated individuals' access to Pell Grants to pursue higher education. Do you have an opinion on whether providing post-secondary for prisoners

helps reduce recidivism, increase employment, and improve safety? If appointed would you continue these pilots? If so, can you describe any changes to the program you are considering? If appointed would you support the expansion of these sites? If appointed would you support the removal of the congressional ban on Pell grants for incarcerated adults?

Answer 71. The Higher Education Act prohibits Pell Grant funding to go to certain incarcerated individuals. I am aware that experimental sites are underway and, if confirmed, I'll be interested in knowing what was learned from those sites. I look forward to engaging with you on this issue and expect that it will also be discussed in the course of the HEA reauthorization.

CONSUMER INFORMATION & TRANSPARENCY

Question 72. Under the Obama administration, the Department of Education created the new College Scorecard which provides students to clear and accurate data on college cost, graduation, debt and post-college earnings. What is your opinion of the College Scorecard? Will you commit to continue to allow annual updates to this useful and important source of consumer information?

Answer 72. If confirmed, I will review the information that the Department currently collects from institutions and evaluate how that data aligns with requirements in the Higher Education Act, including determining what additional information may be necessary. Further, I will ensure that the information provided conforms with the requirements of the Higher Education Act for the College Navigator and college cost information.

Question 73. Please list the indicators that you think are the most important for students to know about colleges and universities. Do you believe that students have a right to this information before making their college decisions?

Answer 73. If confirmed, I will review all the data published by the Department of Education in order to evaluate its compliance with the Higher Education Act and usefulness by consumers.

Question 74. There have been congressional efforts to improve and expand the information available to students and families regarding a number of metrics including, but not limited to: veterans' graduation rate, Pell grantees' graduation rate, and more accurate college transfer rates. Do you believe that greater transparency for students and parents is important? As Secretary, what steps will you take to provide more transparency in higher education?

Answer 74. I do believe that greater transparency for students and parents is important. If confirmed, I look forward to working with you to address this issue as part of HEA reauthorization.

TITLE IX

Question 75. According to the Republican Party platform, the Department of Education has no role in adjudicating campus sexual violence cases. Do you believe there is a role for institutions of higher education when responding to these incidents?

Answer 75. We have one of the most sought-after systems of higher education in the world and we must work to ensure our colleges and universities provide safe havens for student learning. However, our higher education system is exceptionally diverse. The Federal Government should not force colleges to serve as courts of law. The title IX regulations require schools receiving Federal financial assistance to investigate any complaint communicated to the school alleging noncompliance or alleging actions prohibited by the regulations. The regulations also require colleges and universities to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. If confirmed, I will work to enforce these laws and regulations.

Question 76. Is there anything that Secretaries King and Duncan did on sexual assault that you would support?

Answer 76. I agree with them that sexual assault is a horrific crime and that we as a nation need to do more to protect victims and prevent assault in the first place, as well as treat victims with respect.

Question 77. As Secretary, how would you work to ensure that institutions of higher education and local law enforcement work together effectively to respond to sexual assault?

Answer 77. Many colleges and universities and local law enforcement are already working well together. Many have pre-existing agreements or memoranda of under-

standing governing how they work together. If there are particular instances where they are not working together effectively, I would look forward to discussing further with you.

Question 78. Given President Trump's statements about women, will you commit to the committee that the important topic and crime of sexual assault will not receive less attention and fewer resources in your Department than it did under the previous Administration?

Answer 78. I can certainly agree that campus sexual assault will not receive less attention. I will need to carefully review the Department's budget to ensure that all resources are being used wisely.

AFFORDABILITY

Question 79. According to the College Board's report "Trends in College Pricing 2016", the average tuition at a public 4-year university has quadrupled from \$2,600 to \$9,650. The President-elect has referred to the "tremendous bloat" in total cost of attendance. If confirmed, how will you address the upwards trend of the price of college?

Answer 79. It takes a partnership between the Federal Government, States, institutions of higher learning, and families to ensure post-secondary education remains affordable. If confirmed, I would work with institutions to ensure they are holding up their part of the bargain.

Question 80. In 2015, former Senator David Vitter, who received \$40,000 from the Louisiana Federation for Children, said,

"We need to get out of this cycle of slashing State funding and replacing it with tuition increases because that can't go on without limit. It really risks affordability."

Do you believe this pattern of State divestment is a problem? If confirmed, what would you do to help combat State divestment in higher education?

Answer 80. It takes a partnership between the Federal Government, States, institutions of higher learning, and families to ensure post-secondary education remains affordable. If confirmed, I would work with States to ensure they are holding up their part of the bargain.

HIGHER EDUCATION FINANCE

Question 81. The William D. Ford Federal Direct Loan program has been a key pillar of the financial aid landscape in higher education. However, the President-elect has made references to privatizing the program, increasing its costs, and returning to a setup that puts students at risk for predatory lending. What assurances will you make to students who are depending on this program to finance their education?

Answer 81. President Trump is interested in ensuring the Federal student loan program is serving students in the most efficient and effective way. If confirmed, I look forward to discussing this issue—among others—with you and your colleagues as you move forward with the HEA reauthorization.

Question 82. In 2010, the Federal Family Education Loan Program ended. Do you support bringing the program back?

Answer 82. President Trump is interested in ensuring the Federal student loan program is serving students in the most efficient and effective way. If confirmed, I look forward to discussing this issue—among others—with you and your colleagues as you move forward with the HEA reauthorization.

Question 83. Over the last several years private student loans have made up approximately 10 percent of the total outstanding student loan balance, and Federal Direct Loans have made up the remainder. Do you believe this is the appropriate balance?

Answer 83. I am interested in ensuring students and taxpayers are well-served by the Federal student-aid program.

Question 84. Students who enroll in income-driven repayment plans have significantly lower default rates. During the campaign, the President-elect discussed a new income-based repayment plan where students would pay a maximum of 12.5 percent of their income and have their debt forgiven in 15 years. Is this a policy priority of yours?

Answer 84. Yes.

Question 85. As an indirect investor of SoFi, the policies you implement or advocate for will affect the work and profitability of this company. Will you and your husband continue to divest from SoFi if you are confirmed as Secretary of Education?

Answer 85. My husband and I have divested from our indirect interest in SoFi. Also, please see my HELP Committee questionnaire and my OGE form, which was completed Thursday, January 19, 2017.

Question 86. Students of color are often burdened with higher amounts of loan debt due to a number of factors including increased youth unemployment, lower earnings, and differences in enrollment. Additionally, the Federal Government shows that over 90 percent of African American and 72 percent of Latino students leave college with student loan debt, compared to 66 percent of white students and 51 percent of Asian American students. Do you agree that this disparity is an issue? How would you approach solving this problem?

Answer 86. One of the goals of the Higher Education Act is to ensure traditionally underserved individuals, like the student you mention, are able to pursue their dream of a post-secondary education. If confirmed, I look forward to discussing how we can ensure all students, especially those who are frequently underserved, are able to pursue their dreams.

Question 87. How do you intend to address the growing problem of college tuition inflation and the burden of educational loan debt that limits students' opportunities even with a bachelor's degree?

Answer 87. I think we can all agree that the growing amount of student debt in America is a serious challenge. I think the solutions to this challenge must be multifaceted.

One of the best ways to tackle the student debt issue is to ensure that students are able to actually get jobs after they complete their post-secondary program. President Trump has spoken extensively about his plans to put Americans back to work and boost the Nation's stagnant economy.

Beyond that, we need to embrace new pathways of learning, such as competency-based education. The old and expensive brick-mortar-and-ivy model is not the only one that will lead to a prosperous future.

We need to support all post-secondary avenues, including programs offering credit alternatives. There are many great jobs available that do not require a traditional 4-year degree.

We also need to support students and families so they are able to make informed choices about what type of education they want to pursue. In this vein, I am interested in making sure students have good information about the costs of college and the labor market outcomes of particular fields so they can make good decisions at the beginning of their educational pursuits about what program may work best for them and their situation.

Finally, we need to simplify and streamline the repayment options offered to borrowers to help them better understand their options. While on the campaign trail, President Trump spoke about his plan to streamline the income-driven repayment plans into one plan that will cap a borrower's monthly payment at 12.5 percent of his or her discretionary income, and ensure a borrower has relief from his or her loan after 15 years of payment.

If confirmed, I look forward to working on all of these issues as the committee begins the process of reauthorizing the Higher Education Act.

Question 88. What is your view on the currently used Federal definition of "cost of attendance"? Do you believe it offers institutions too much or too little flexibility?

Answer 88. I know there has been a lot of conversation about all of the components of "cost of attendance" and believe this issue should be discussed and debated as part of the HEA reauthorization. If confirmed, I look forward to being an engaged partner in that discussion.

EDUCATION AS AN ECONOMIC DRIVER

Question 89. Making decisions about careers, coursework, and programs of study can be difficult for college students, especially those who are first-generation college goers, those juggling family obligations, or students coming back to college after time away. These students can benefit significantly from guidance and support. Do you support expanding and enhancing programs that provide career counseling and support for low-income and underserved populations?

Answer 89. I believe career counseling and support for students in need are a priority to help those students succeed. I look forward to working with institutions of higher education to find innovative ways to address these issues.

Question 90. According to Georgetown University's Center on Education and the Workforce, the percentage of jobs that will require post-secondary education and training will reach a new high of 65 percent by 2020. Over the past several decades, we have seen more students enroll in college but, because completion rates are not high enough to meet demand alone, we continue to see a mismatch in the credentials needed for jobs and what job seekers have to offer. Far too many students are entering college but leaving without a certificate, credential, or degree they can translate to career success. Under your leadership, how will you help States, colleges, and students tackle this college completion and skills mismatch challenge?

Answer 90. More than 40 percent of students who pursue a post-secondary education do not complete college. Too many incur debt and leave school with no degree, making it very difficult to repay their loans. At the same time, students are taking longer than ever to complete college—making it ever more costly. And our solutions are too often geared to traditional students which does not reflect the reality of today's student body.

This is a systemic failure, affecting our Nation and its citizens in a way that is unacceptable.

The Federal investment in higher education—primarily through our financial aid programs—allows for students and families to make choices about post-secondary education. What we haven't done a good job of, is giving students and their families the best possible information upon which to base those choices.

We need to work together to find solutions. As you consider the reauthorization of the Higher Education Act, and if I am confirmed, I look forward to working with you to find the right way to get that valuable information to students and families.

Additionally, many States are implementing policies to address college completion—from setting completion goals, to career pathways to transfer and articulation, to performance funding to name a few. If confirmed, I will highlight and share these State best practices.

ADULT EDUCATION

Question 91. In 2014, by large bipartisan margins, Congress reauthorized the Workforce Innovation and Opportunity Act (WIOA), which oversees Federal support for adult education. Adult education, under WIOA Title II, encourages integrated education and training with workforce development and community college partners, but WIOA Title II funding continues to be cut in the appropriations process. Do you believe the program should be funded up to the amount authorized under the law?

Answer 91. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs, including the Adult Education program, when proposing budgets for future fiscal years.

Question 92. Title II of WIOA provides Federal funds to States for adult education and training. Up to 20 percent of those funds can be used for correctional education, specifically "transition to reentry initiatives and other post-release services with the goal of reducing recidivism which must support the educational needs of the individual."

Do you support Federal dollars in this title being used for these purposes?

Answer 92. Yes.

FOR-PROFIT INSTITUTIONS

Question 93. What is your view of the Department's Gainful Employment rule effective July 1, 2015? Do you believe it is appropriate to use debt-to-earnings ratios of graduates to determine a program's utility, success, or worth of Federal taxpayer investment?

Answer 93. I believe that all institutions of higher education participating in the title IV programs should provide value to students and taxpayers alike. There are many tools to provide information to students, parents, and the public and if confirmed, I look forward to working with Congress to reform the Higher Education Act in a way that will allow all institutions to appropriately demonstrate their value to students and the public. With regard to the gainful employment regulations, the Department has had significant implementation issues, including questions as to the accuracy of the data originally reported, the design of a system that would allow schools to challenge incorrect data, and how best to provide the necessary technical assistance required. The last thing any of us want is to unnecessarily close down

important programs, putting students on the street with limited or no other options. As President Trump has directed, I will review and assess all regulations and make determinations once that review is complete.

Question 94. Many have argued that it is unacceptable for students who are enrolled in higher education to graduate with high debt-to-earnings ratios. Do you agree with this assessment? What is the highest debt-to-earnings ratio you believe is appropriate for average graduates to have after graduating from a 4-year college? What about 5 years after graduation?

Answer 94. If confirmed, I look forward to working with you, the committee and Congress on this important issue as Congress reauthorizes the Higher Education Act.

BORROWER DEFENSE

Question 95. The Department of Education recently released regulation clarifying the process for students who have attended for-profit colleges that defrauded students or misrepresented information. So far, over 62,000 students have applied after the closure of both Corinthian Colleges and ITT Tech and many more are expected to apply. However, the Department has only been able to process a fraction of these applications due to a lack of resources. Will you, in your capacity as the Secretary, increase the resources to this critical work and ensure that all students receive the debt relief they are entitled to?

Answer 95. As it relates to the Borrower Defense regulations issued in November, if confirmed, I will carefully review all regulations to ensure they are consistent with the relevant statutes and are necessary to enable successful implementation of Federal law. I will also work with stakeholders to determine what additional guidance is needed to ensure statutes are implemented so that all students are well-served.

POLITICAL SPENDING

Question 96. You are listed as an officer of All Children Matter and have called yourself the chair of that group. It owes the State of Ohio more than \$5.3 million in election fines for violating the law in 2008 in several States by funneling \$870,000 in contributions from a nationwide PAC to State affiliates. The fine is now almost a decade old and accrues additional penalties daily. Why hasn't your organization paid this fine?

Answer 96. I was never a party to that lawsuit and a trial court judge ruled that an ACM officer could not be held liable for the fine.

Additionally, as a general matter, the interpretation and validity of restrictions on political expenditures have long been the subject of legal debate. In fact, I have been advised by ACM counsel that, under the *Buckley v. Valeo and Citizens United* decisions and their progeny, the regulations that gave rise to the fines may be unconstitutional.

Question 97. In 2011, you and the political groups that you founded worked to remove the cap on the number of charter schools in Michigan. One of the elected officials that had previously supported your policy views—a Republican who said he “toed the line” on your proposals, who’d even campaigned for your husband’s gubernatorial race voted against the measure to remove the cap on the number of charters. The next year, your organization, the Great Lakes Education Project donated nearly \$185,000 to his opponent’s campaign in the primary. While he won the primary by 137 votes, a local news outlet reported spending had

“a chilling effect on fellow legislators who feared the steep price they would pay for disagreeing on education policy with the DeVos family”.

It looks like you used your money to essentially target, and punish an individual who, basically, stepped out of line. Doesn't that set a disturbing precedent for anyone who wants to work with you or your Department should you disagree?

Answer 97. I disagree with the premise of your question. This office-holder committed in writing to support raising the cap on charter schools and then led the charge against the bill in the legislature. GLEP supported a stronger school-choice advocate in the next election.

Question 98. In your January 17 response to the request that Senators Sanders, Baldwin, Warren, Franken, Casey and I sent to you regarding your 501(c)4 spending, you provided an addendum of more than one foot of public State tax filings for the American Federation of Children Action Funds/PACs. In your response, however, you denied our request to

“provide a list of all donations made by you, members of your family, and foundations or organizations with which you are affiliated, to any other 501(c)4 organizations over the past 5 years.”

You claimed that “[t]he information sought by this request has no bearing upon the office to which I have been nominated nor the duties of the Department of Education.”

To be clear, if you, your family members or the organizations you are associated with have contributed to any 501(c)4 organization that has any bearing on any issue that may come before the Department of Education then it is, in fact, relevant to your nomination.

Answer 98. No response.

Question 99. If confirmed, you will only be required to report the political contributions and donations that you and your husband make. Do you and your husband plan to continue participating when your family bundles contributions for a specific candidate?

Answer 99. No.

Question 100. You have been an active political donor for many years, if you are confirmed as Secretary of Education, a position in which you are expected to serve all Americans, will you continue to make partisan political contributions and raise money for, personally fund, or otherwise participate in paid private political advocacy campaigns at either the State and/or Federal level?

Answer 100. If confirmed, I will not make any personal political financial contributions during my tenure as Secretary of Education.

Question 101. You’ve stated that,

“One of the most American values is our freedom of speech and our freedom to speak out in the political process and to do so as vigorously and as loudly as we please.”

Given your strong support of the Citizens United decision and your family’s significant political spending, it seems that your view of freedom of speech in the political process is limited to money. What steps will you take as Secretary to ensure you are listening to all stakeholders, regardless of the ability to make political donations?

Answer 101. If confirmed as Secretary, I will have an open door to all stakeholders and look forward to working together with them to improve education for all students.

Question 102. What steps will you take to ensure that members of your family do not lobby or make political contributions related to matters that may come before you as Secretary?

Answer 102. I will comply with all requirements of the Office of Government Ethics and the Ethics Office of the Department of Education.

Question 103. Do you commit not to make any political contributions related to any matters that may come before you as Secretary?

Answer 103. I will comply with all requirements of the Office of Government Ethics and the Ethics Office of the Department of Education.

Question 104. I understand that at some point you were invested in K12 Inc., the largest for-profit operator of online schools. K12 Inc. has a student-to-teacher ratio as high as 275 to 1 and the percentage of K12 Inc. students achieving proficiency on State math and reading tests is generally below State averages. Do you believe that K12 Inc. adequately addresses the educational needs of its students? What factors did you use to make the determination?

Question 105. What factors did you use to evaluate whether to invest in K12 Inc.?

Question 106. Do you think that for-profit schools should be diverting money from students to spending on lobbying? K12 has spent \$1,888,992 over multiple years in State and Federal lobbying. Is there a limit on how much these schools should divert from their students to lobbying their own interests?

Answer to 104–106. The interests in K12 Inc. were acquired in 2002 and 2003 and sold in 2008. I believe that companies have an obligation to decide the best use of their resources in providing the services they offer, marketing to attract customers, lobbying to advocate for policies they support, and many other uses of their funds. However, I do not support the use of taxpayer dollars being used for any lobbying purposes.

In your January 17 letter responding to the request that Senators Sanders, Baldwin, Warren, Franken, Casey and I sent to you regarding your 501(c)(4) spending, you provided information regarding your 527 organization, the American Federation of Children Action Fund—information which was comprised of publicly available disclosures. However, you failed to provide any information regarding the American Federation for Children 501(c)(4).

Question 107. Again we request, please provide a list of all donors, total donations, and affiliations of those who have contributed to the American Federation for Children 501(c)(4) since its inception.

Answer 107. Please see the referenced letter of January 17, 2017.

Question 108. Please provide a list of all donors, total donations, and affiliations of those who have contributed to the Great Lakes Education Project 501(c)(4) since its inception.

Answer 108. Please see the referenced letter of January 17, 2017.

Question 109. Please include the IRS Form 990 for any of your 501(c)(4) organization(s) for the tax year 2015.

Answer 109. Please see the referenced letter of January 17, 2017.

Question 110. What specific steps will you take to ensure that you will recuse yourself from any matters at the Department of Education involving any individuals or entities who have donated to any of the 501(c)(4) organizations?

Answer 110. I will comply with all requirements of the Office of Government Ethics and the Ethics Office of the Department of Education.

SENATOR BALDWIN

Question 1. The mission of the Department of Education's Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the Nation through vigorous enforcement of civil rights, resolving complaints of discrimination and dealing with acute compliance problems at all levels. Do you think this is a valuable mission? Would you support funding OCR at its current budget?

Answer 1. The Office for Civil Rights has an important mission to play in enforcing the law as Congress wrote it. If confirmed, I will ensure that the Department enforces the laws appropriately to protect all of our Nation's students. I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when crafting proposed budgets for future fiscal years.

Question 2. OCR's mandate to eliminate discriminatory barriers in education impacts more than 79 million individuals at institutions that receive Federal funds, including all State educational agencies; approximately 18,200 local educational agencies; approximately 7,200 post-secondary institutions, including proprietary schools and community colleges; 80 State vocational rehabilitation agencies and their sub-recipients; and other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions. OCR serves our Nation's students through a headquarters office and 12 regional offices located across the country. Its headquarters and DC Metro enforcement offices are located in Washington, DC, and the remaining 11 enforcement offices are in Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, and Seattle. OCR is also required by law to perform investigations of educational institutions to ensure that they are complying with nondiscrimination laws. How would you carry out this legal obligation?

Answer 2. The Office for Civil Rights has an important mission to play in enforcing the law. If confirmed, I will ensure that the Department allocates its resources in such a way that allows for the appropriate enforcement of the laws to protect all students.

Question 3. If you are confirmed as Secretary, will OCR continue to enforce Title IX of the Education Amendments of 1972 to protect students from discrimination based on gender identity or transgender status?

Answer 3. If confirmed as Secretary, I will carefully review the law and all existing guidance documents that are in effect on title IX to ensure the Department is faithfully implementing the law as intended.

Question 4. A recent National Science Foundation study found that women continue to lag behind men in obtaining jobs in science, technology, engineering and

mathematics (STEM) fields, despite earning an increasing number of relevant graduate degrees. At a time when our Nation faces a serious shortage of expert workers and teachers in the STEM disciplines, what actions do you intend to take as Secretary that will increase recruitment and retention of women and minorities in high-demand, high-paying STEM fields, such as computer science and engineering?

Answer 4. STEM, including computer science, is a very important part of education. And, increasing the number of women and minorities in these fields is vital to our economic security as a Nation. Most jobs today require a much higher degree of technical competence than even 5 years ago. If confirmed, I will work with States, local school districts and institutions to encourage them to prioritize STEM education, and I will help identify best practices wherever possible to serve as models of where it is being done well.

Question 5. How would you characterize the State of career and technical education in the United States today? Do you believe funding for career and technical education programs at the secondary level is adequate?

Answer 5. The reauthorization of the Perkins Career and Technical Education Act is an important priority, and, if confirmed, I look forward to working with the Senate Committee on Health, Education, Labor, and Pensions along with other interested Members of Congress to update and improve the law. I believe that we should work to align Federal laws to ensure consistency across programs, reduce duplication and unnecessary requirements, and provide a seamless set of policies. It is also important to provide flexibility at the State and local level so local officials on the ground can create and run programs that help educate students to attain the skills needed to work in those in-demand jobs. Finally, I support transparency of data so parents, students, and other taxpayers can see how well their programs are working. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 6. Do you believe the Federal Government should support the improvement of career and technical education, and if so, how?

Answer 6. Career and technical education is important. If confirmed, I look forward to sharing best practices of efficient and successful programs so that others may learn from them and adapt practices in a manner that will prove successful. Decisions about what programs to implement and how to run them should only be made at the State and local level.

Question 7. You are seeking to lead the Federal Government agency charged with administering Federal education law—including the bipartisan Every Student Succeeds Act that reaffirms the important role of the Federal Government in ensuring States are held to account for serving all students well. These reforms must be aggressively implemented. Please explain how you would implement these tools. Are there any accountability reforms that you believe should not be aggressively applied by the Federal Government?

Answer 7. If confirmed, I will implement the requirements of the laws under the agency, including the Every Student Succeeds Act, as Congress intended. While it is necessary and critical for States to have flexibility to determine how to identify and improve schools for accountability purposes, as the law states, the Department has an important role to play in ensuring States are meeting their responsibilities under the law, including fully meeting the accountability provisions established in the new law.

Question 8. If a State only offered advanced placement courses in their urban school districts and none in suburban or rural districts, would that be acceptable? What if the State only offered AP courses in affluent districts and not lower-income districts? If the State took no action to correct these disparities, what do you believe the Department should do?

Answer 8. This is exactly why alternative options are necessary and one of the reasons I've worked to bring additional education options to families. Families in all types of communities need access to rigorous courses. If confirmed, I would work with State and local education leaders to help bring more opportunities for rigorous coursework to all students.

Question 9. Federal law requires States to ensure that minority and low-income students are not taught at disproportionate rates by out-of-field and inexperienced teachers. If States did not comply with this Federal requirement, what do you believe the Department should do? Does that standard apply only to public schools or to all schools receiving public money, including private schools? Do you believe the

standard should apply if the school is receiving State or local funding and not Federal funding?

Answer 9. The Department has an important responsibility to monitor compliance with the law to ensure States, districts and schools are meeting their responsibilities by complying with the law.

Question 10. Do States have an obligation to ensure every group of students has access to an equally high quality of education or is it acceptable for some to get a great education and others to get a mediocre or poor education?

Answer 10. Yes, States have an obligation to ensure every child has access to a high quality education. It has been my life's work in Michigan and around the country to improve the opportunities available to those who currently do not have such access, and if confirmed, I look forward to working with this committee to continue those efforts.

Question 11. ESSA encourages school districts to partner with their local workforce development boards to implement employment and education interventions focused on dropout recovery for out of school youth through the 2014 Workforce Investment and Opportunity Act (WIOA). How will the Department of Education support these partnerships?

Answer 11. As a proponent of local control, I am convinced that State and local officials have the experience to implement these partnerships. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will also work to highlight partnership opportunities presented by the Every Student Succeeds Act and other education and workforce laws. I will travel around the country, sharing best practices so others adapt them to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If confirmed, and if I may be a resource to help as Secretary, I welcome that opportunity.

Question 12. Could you explain your understanding of the importance of the trust relationship between the Department of Education and Native communities? Will you support continued tribal consultation and cross-collaboration with the Bureau of Indian Education, especially relative to implementation of Title VI of ESSA?

Answer 12. Native American students deserve an opportunity for excellent education, just as all other students do. If confirmed, I look forward to working with Tribal leaders and the Secretary of the Interior to help ensure Native American students have access to a quality education. The reauthorized Every Student Succeeds Act requires meaningful consultation with Tribal leaders, as a requirement unto the law. I will ensure States and school districts are fully complying with the law.

Question 13. Are you familiar with programs that support social and emotional learning (SEL)? Do you believe Federal funding should support and expand these programs?

Answer 13. I agree that supporting the whole child can be a very valuable way of helping children learn and achieve. In general, I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. However, if confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will travel around the country sharing best practices in the hopes that they will want to adapt them to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I welcome that opportunity.

Question 14. Charter schools serve approximately 6 percent of the K-12 students in this country. Should charter schools be required to serve any child who enrolls? Should charter schools be required to serve children with disabilities? Should charter schools be required to serve any child with a disability? What would you do to ensure that charter schools equitably serve subpopulations of students such as students of color, students with disabilities, students who are English learners, and students living in poverty? What responsibilities do charter schools have for assuring equal access to their services?

Answer 14. I believe the primary responsibility for creating a high-quality, accountable, and autonomous charter school sector rests with States, local communities, and the broader charter school sector itself, not with the Federal Government or the U.S. Department of Education. At the same time, I support quality, accountability, autonomy, and transparency. Parents may choose not to enroll their children

in a charter school or a student may decide that a particular charter school is not a right for them. These scenarios are perfectly acceptable and, in no way, suggest that charter schools are unwilling to serve all students.

As you may know some traditional public schools screen enrollment based upon a variety of characteristics including academic achievement, often called “magnet” schools.

Charter schools can and do engage in contracts with families to confirm behavioral, academic, volunteer and other expectations. For families who do not want to engage in such agreements, they can choose a different learning environment for their children. Charter schools, like all public schools, do serve children with disabilities if that is the choice that the parents and the IEP team make for the child. But, like a traditional public school, if a charter school is part of a local educational agency, that local educational agency is the entity responsible for providing special education to a student with a disability and the charter school, like a traditional public school, must follow the policy of the local educational agency.

Question 15. In the Department of Education’s fiscal year 2018 budget, would you support providing full funding at the congressionally authorized level of \$1.65 billion for the ESSA Student Support and Academic Enrichment Grants Program (SSAEG, title iv, part a), which would ensure every State and district has funding that can be used at their discretion to support a well-rounded education, student health and safety, and educational technology?

Answer 15. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 16. As part of ESSA, Congress authorized grants to States to help them conduct audits of their assessment systems, designed to identify and eliminate redundant and unaligned testing at the State, district and school level and thus ease the testing burden on educators and students. Senator Cassidy and I sponsored the amendment creating this program and it enjoined broad, bipartisan support. If confirmed, would you commit to using funds reserved to your office under ESSA to provide grants to States for this important program?

Answer 16. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years. I agree that helping States reduce unnecessary testing is a priority and look forward to working with you on this issue.

Question 17. What role do you feel student assessments and measures of student growth play in determining a teacher’s overall effectiveness in the classroom—including for well-rounded educators, such as in music and arts, who do not have standardized assessments?

Answer 17. The Every Student Succeeds Act appropriately prohibits the Department from interfering in State teacher evaluation systems, and I will follow the law.

As reauthorized, ESSA allows States to include both achievement measures and other measures as determined by the State. If confirmed, I look forward to assisting States which choose to include measures they have deemed appropriate.

Question 18. Will you support policies that will help diversify the teaching profession?

Answer 18. I agree that we need more high quality teachers of all races and ethnicities in our schools. If confirmed, I will work with the committee and Congress, during the reauthorization of the Higher Education Act, to find creative ways to attract more diverse candidates to the teaching profession. While I believe it is best to defer to the judgment of State and local officials about staffing policies, the need for excellent teachers is of national importance. I will share best practices and research with States and other stakeholders and will continue to look for ways to encourage diverse candidates to enter this important profession.

Question 19. What will the Department of Education do to address the upcoming teacher shortage?

Answer 19. Teacher hiring is a local issue, but a common issue shared amongst school districts. If confirmed, I look forward to talking with State and local school officials and helping facilitate the sharing of best practices to bring more teachers into the schools, especially in alternative and high-need schools.

Question 20. Recently, the Department began to allow students to use prior-year tax data to make it easier for them and their families to fill out the Free Application for Federal Student Aid or FAFSA. This change will potentially allow mil-

lions more students to access higher education. Would you continue this practice if confirmed as Secretary?

Answer 20. Yes.

Question 21. Will you continue the use of the college scorecard, which provides clear information to students and their families about costs, graduation rates, student debt and earnings after school?

Answer 21. If confirmed, I will review the information that the Department currently collects from institutions and evaluate how that data aligns with requirements in the Higher Education Act, including determining what additional information may be necessary. Furthermore, I will ensure that the information provided conforms to the requirements of the Higher Education Act for the college navigator and college cost information.

Question 22. The scorecard currently excludes graduate and professional schools. This makes little sense given that the majority of graduate and professional students are borrowing Federal student loans to finance these degrees, and it prevents students, researchers, and the public from having better information on the return on investment of these programs. If confirmed as Secretary, will you commit to adding graduate and professional school debt and earnings information to the college scorecard?

Answer 22. If confirmed, I will review the information that the Department currently collects from institutions and evaluate how that data aligns with requirements in the Higher Education Act, including determining what additional information may be necessary. Further, I will ensure that the information provided conforms to the requirements of the Higher Education Act for the college navigator and college cost information.

Question 23. Will you commit to supporting year-round Pell Grants, as included in the Senate-passed Labor, HHS and Education appropriations measure last year, to help students complete their degrees more quickly and with less debt?

Answer 23. If confirmed, should Congress pass an appropriations bill with a provision that reinstates year-round Pell Grants, as Secretary I will implement the provision as required.

Question 24. Recently, we have seen a number of colleges and universities that have failed to fulfill their commitment to students, including Corinthian Colleges, which was found to have defrauded its students by providing false information and making fake promises. Do you believe that students who have been defrauded deserve to recover the funds they have invested in higher education, including by having their Federal student loan debt forgiven?

Answer 24. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws. If confirmed, I will review the current regulations issued by the Department and apply them in accordance with the Higher Education Act.

Question 25. Colleges and universities owned by publicly traded companies are required to inform their investors promptly of significant events, such as major lawsuits alleging fraud or heightened oversight by Federal or State governments or accreditors. Do you believe that students at these colleges and universities should be informed along with investors of such events? Would you support a requirement to notify students and investors?

Answer 25. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws. If confirmed, I will use the tools at the Secretary's disposal to ensure that institutions are complying with the Higher Education Act.

Question 26. Private, for-profit colleges spend less on educating students than any other sector of higher education. While for-profit colleges serve only about 10 percent of students, one-third of all individuals who have defaulted on their Federal student loans attended such institutions. In fact, 47 percent of for-profit college student borrowers default within 5 years. After a few years in repayment, three-quarters of for-profit college student borrowers owe more on their loans than they did the day they entered repayment. Do you think it is appropriate for the Department of Education to make Federal financial aid available to institutions that produce a majority of borrowers owing more after being in repayment than they did before entering?

Answer 26. As I stated during the hearing, I am interested in ensuring all institutions are accountable for their use of taxpayer dollars. If confirmed, I look forward to discussing institutional eligibility issues with you and your colleagues as you work to reauthorize the Higher Education Act.

Question 27. We need to work together to end waste, fraud, and abuse, and we need to protect our students from any fraud. Will you dedicate your Department to rooting out the fraud, fighting it preventively, and taking steps to help students who have been defrauded?

Answer 27. Yes.

Question 28. Which elements of the House Republican budget proposals for education in fiscal year 2016 do you support or oppose? For example, recent House-passed budgets have proposed to (1) eliminate all mandatory spending for the Pell Grant program, (2) freeze the maximum Pell Grant for 10 years, (3) eliminate the in-school interest subsidy for undergraduate loans, (4) eliminate the Public Service Loan Forgiveness Program, and (5) roll back recently extended eligibility for more affordable income-based repayment plans. Do you support or oppose each of these proposals?

Answer 28. I have not studied the House Republican 2016 budget, but if confirmed as Secretary, I look forward to working with Members of Congress from both parties in both chambers to appropriately fund the Department's programs. In doing so, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 29. Do you believe there is anything the Federal Government can or should do to encourage States to reinvest in their higher education systems and lessen the financial burden on students and families paying for college?

Answer 29. It takes a partnership between the Federal Government, States, institutions of higher learning, and families to ensure post-secondary education remains affordable. If confirmed, I would work with States to ensure they are holding up their part of the bargain and I look forward to working with you and other interested Members of Congress on this issue as part of the reauthorization of the Higher Education Act.

Question 30. Under Income-Based Repayment (IBR) Plans, the remaining balance of a participant's loans are forgiven after 25 years, if the individual makes all qualifying payments. Will you maintain this important safeguard for students and families, which gives them peace of mind that their student loans will not burden them for their entire lives?

Answer 30. The number of repayment options, and number of income-driven repayment options, has led to much confusion for borrowers about the right plan for their financial situation. As you may know, President Trump proposed a streamlined income-driven repayment plan that will cap a borrower's monthly payment at 12.5 percent of his or her discretionary income, and ensure a borrower has relief from his or her loan after 15 years of payment. Hopefully we can all agree that we should make it more simple and less confusing for students.

If confirmed, I look forward to working with you on this matter as Congress considers the reauthorization of the Higher Education Act.

Question 31. Income-driven repayment is a program with bipartisan support and President-elect Trump has proposed a high-level income-driven repayment reform, saying that the No. 1 issue voters spoke to him about on the campaign trail was struggling with student debt. Income-driven repayment is a vital protection that should be available to all student loan borrowers. Do you support income-driven repayment plans? Will you commit to student loan borrowers that you will act in their best interests against efforts to gut income-driven repayment protections? Will you commit to improving student loan servicing so that borrowers are better informed about their income-driven repayment options?

Answer 31. See Question #30.

Question 32. Nearly one million community college students across the Nation do not have access to Federal student loans, the safest and most affordable way to borrow for college, because their schools choose not to participate in the title IV financial aid programs. What would you do to help these students gain access to loans they need to afford college?

Answer 32. Many community colleges have found that the regulatory burden of, and risk associated with, participating in the Federal student loan program out-

weighs the benefit for their students. If confirmed, I look forward to engaging in a conversation with you and your colleagues during the Higher Education Act reauthorization about ways in which we can streamline these burdens and eliminate many of the risks that are keeping community colleges out of the program.

Question 33. By 2020, it is estimated that 65 percent of all jobs will require some sort of post-secondary education or training. Currently, only 42 percent of Americans hold an associate's degree or higher. Increasing the number of Americans who hold a post-secondary degree is an economic imperative and essential if our Nation wishes to remain globally competitive. The Obama administration viewed community colleges as a centerpiece to its post-secondary agenda by providing an affordable and accessible pathway for millions of student to obtain a post-secondary degree or credential. Will supporting community colleges remain a priority for the Department of Education under your leadership? How do you plan to support community colleges and their students?

Answer 33. President-elect Trump championed the role of community colleges and other forms of vocational education during the campaign and, if confirmed, I plan to continue to support this avenue as one way a student could obtain a post-secondary education. I look forward to discussing the best ways the Federal Government can support community colleges through both the Carl D. Perkins Career and Technical Education Act and Higher Education Act reauthorizations.

Question 34. In 2015, President Obama announced America's College Promise, a proposal to eliminate the cost of 2 years' tuition and fees for eligible students at community colleges through a new Federal-State partnership. I introduced legislation, the America's College Promise Act, which would make this plan a reality. Some have argued that the proposal is unnecessary because the Pell Grant often fully covers the cost of tuition for low-income students at community colleges. However, the college board found that during the 2015–16 academic year, after grant aid, full-time students at community colleges must cover an average of around \$7,160 in other costs of attendance, including housing, food, books and supplies, transportation, and other living expenses. Community college students who attend full-time are more likely to complete their degrees in a timely manner. Therefore, I believe financial incentives and institutional supports that enable full-time attendance are essential. Do you believe the Federal Government has a role in providing community college students the tools necessary to attend full-time without having to borrow thousands of dollars in order to do so?

Answer 34. I believe answers to the question of college affordability and accessibility are vital to the success of our country. I think community colleges play an important role in helping us reach those goals. If confirmed, I look forward to discussing these issues with you during the Higher Education Act reauthorization.

Question 35. Many students who enter higher education drop out after earning a few credits because they do not see a clear path to a career and better life. The guided pathways movement is an effort to help colleges provide students with clearer road maps to credentials and help students get there. Guided pathways save time and money and significantly boost student success. Do you support programs that help students chart a clear path to an industry-demanded credential? Under your leadership, how will the Department of Education help identify and spread evidence-based best practices like guided pathways throughout the higher education sector?

Answer 35. Yes, I believe guided pathways can be an important tool to help more students succeed. If confirmed, I look forward to working with you on this issue as Congress considers the reauthorization of the Higher Education Act.

Question 36. In recent years, increased attention has been paid to the potential that competency-based education (CBE) models have for helping individuals attain the skills and credentials needed for high-demand careers on an accelerated basis. Many of these programs have been very successful. How would you support the expansion of CBE programs? What metrics would you use to measure the success of these programs, and to ensure that they are using taxpayer dollars appropriately and producing the maximum value for students? Specifically, please describe how you would ensure that CBE programs monitor student progress proactively and maintain ready access to qualified faculty and academic assistance for all students.

Answer 36. I agree that CBE presents exciting opportunities at both the post-secondary and K–12 levels, and I look forward to working with States on these efforts, if confirmed.

In terms of higher education (CBE, specifically), I know that several institutions are developing or implementing programs and there are concerns about how the De-

partment delivers financial aid to these programs. I look forward to reviewing the information gathered by the Department as it worked on this issue during the past few years and discussing this issue with Congress as part of Higher Education Act reauthorization.

Question 37. During your hearing, you indicated that you did not have a decision-making role in the contributions made by the Elsa and Edgar Prince Foundation, including the millions of dollars given to anti-LGBT groups, including Focus on the Family and Family Research Council. You also indicated that your designation as a vice president of that foundation on the organization's IRS Form 990 was a clerical error. In a review of the Elsa and Edgar Prince Foundation's 990 submissions for every year from 2001 through 2014, however, you are also listed as a vice president. Furthermore, according to tax documents, in 2001 the Dick and Betsy DeVos Foundation, led by you and your husband, contributed \$75,000 to Focus on the Family. Please clarify, is each of the Forms 990 filed with the IRS listing you as a vice president of the Elsa and Edgar Prince Foundation in error? If so, can you confirm that you did not have a decisionmaking role in that Foundation's choice to contribute significant financial resources to Family Research Council and Focus on the Family? Regardless of your role with the Elsa and Edgar Prince Foundation, you are a principal for the Dick and Betsy DeVos Foundation and that entity's tax records list a 2001 contribution to Focus on the Family. As we discussed in your hearing, that group supports a number of anti-LGBT positions, including conversion therapy. Do you disavow the anti-LGBT positions of that organization, to which you and your husband's foundation contributed?

Answer 37. I have never served as an officer or director of the Elsa and Edgar Prince Foundation, nor have I made any decisions for that Foundation's contributions. Upon review of documents in preparation for the Senate hearing, the Foundation representatives were alerted to these errors, and several tax filings and State of Michigan corporate filings for the Foundation were amended to correct them.

As I said at my hearing, I fully embrace equality and believe in the innate value of every single human being and that all students, no matter their age, should be able to attend a school and feel safe and be free of discrimination.

Question 38. In 2008, All Children Matter, the pro-voucher lobbying organization that you ran, was fined \$2.6 million by the Ohio Elections Commission for moving nearly a million dollars into its Ohio branch, in violation of the limits placed by Ohio law. This was the largest fine the commission had ever handed down. All Children Matter sought the Commission's guidance regarding the legality of this act beforehand. While the Commission indicated it was not permissible under Ohio law, All Children Matter still made the transfer. Today, almost a decade after the fine was levied—and with interest, it totals more than \$5.3 million—not a cent has been paid. Please explain the justification for All Children Matter disregarding the opinion of the Commission on Ohio law and for failing to pay the fine.

Answer 38. I was never a party to that lawsuit and a trial court judge ruled that an ACM officer could not be held liable for the fine.

SENATOR MURPHY

Question 1. The Every Student Succeeds Act maintains the full enforcement powers of the Department of Education to ensure that States are fulfilling their obligations under the law. If States do not follow the law, the Department of Education can take certain enforcement actions against a State, including withholding funding from the States and require States to enter into compliance agreements. Should you be confirmed as Secretary of Education, will you commit to using these enforcement powers for any State or district that is not meeting the requirements of ESSA, for example if States do not identify low performing subgroups of students, or create super-subgroups in their accountability systems, or do not follow the law's requirements regarding test-participation?

Answer 1. If confirmed, I will implement and enforce the statutory requirements of the Every Student Succeeds Act as intended.

Question 2. We, in Congress, will also be vigilantly monitoring State plans and implementation of the law. If we do not believe that States are living up to their obligations under ESSA, will you commit to answering our letters and requests for information about how you are holding States accountable for any violations of ESSA, which could include appearing before this committee to answer questions about how you are enforcing the law?

Answer 2. Yes.

Question 3. The Elementary and Secondary Education Act (ESEA) was first passed back in 1965 to ensure that all children, regardless of background or income, are given the opportunity to succeed in K–12 education. Recently, in December 2015, Congress reauthorized the bipartisan Every Student Succeeds Act (ESSA), with the stated purpose of “rais[ing] student academic achievement and clos[ing] the achievement gap.” How will you work to close achievement gap between racial and ethnic groups, English learners, students with disabilities, and economically disadvantaged students?

Answer 3. As a proponent of local control, I am convinced that State and local leaders understand how best to implement education policies for their students and schools. That seems to be the main thrust behind the Every Student Succeeds Act. It is their responsibility to educate all students in their States and local school districts, and to close the achievement gaps they find. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

Question 4. The Century Foundation highlighted in a 2016 report entitled “A New Wave of School Integration” the increase in schools using socioeconomic status and race as factors in student assignment. In 1996, there were only two districts that employed conscious plans using socioeconomic factors to pursue integration. By 2016, there were 91, including 83 school districts and 8 charter schools or networks. Your predecessor, Secretary King, viewed this development as beneficial to students and society. He took concrete steps to encourage the integration of schools, such as supporting the Stronger Together School Diversity Act of 2016, which I introduced. This legislation was designed to have the Department assist school districts who on a voluntary basis are interested in developing integration plans. What is your position on the Stronger Together School Diversity Act? If confirmed as Secretary of Education, how would you encourage greater racial and socio-economic integration in our public schools, including charter schools?

Answer 4. If confirmed, I would be happy to discuss this legislation with you. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. As you may know, public charter schools are often more integrated than their neighboring traditional public schools.

If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will travel around the country sharing best practices in the hopes that those practices encourage others to look to solutions that have worked and adapt them to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I would welcome that opportunity.

Question 5. I am strongly supportive of the work the Office of Civil Rights conducts each year, and the Civil Rights Data Collection is the best source of information that researchers, advocates, and practitioners have regarding seclusion and restraint—as well as “school-pushout” indicators like suspensions, expulsions, and referrals to law enforcement. This data gives us a glimpse at the epidemic of seclusion and restraint and the harmful “school-to-prison pipeline.” Although CRDC has been conducted every 2 years since 1968, some of these new school climate and discipline data points were only added within the last few years. Can you assure me that you will preserve the Civil Rights Data Collection and not limit these important questions? When school districts fail to report data as required, what steps will you take to bring these school districts into compliance? Will you accept and investigate Office of Civil Rights complaints about schools that fail to report their restraint and seclusion data?

Answer 5. I believe that providing parents and students with transparent information is vital to their being able to make informed decisions. If confirmed, I will carefully review all existing data collections conducted by the Department to ensure they serve as a helpful tool and provide meaningful information.

Question 6. Black girls are suspended at higher rates (12 percent) than girls of any other race or ethnicity, and at higher rates than White boys (6 percent) and White girls (2 percent); American Indian/Alaska Native girls (7 percent), and Latinas (4 percent) are also suspended at rates that exceed those of White girls. Racial disparities in out-of-school suspensions start early: Black children represent 18 percent of preschool enrollment, but 42 percent of the preschool children suspended once, and 48 percent of the preschool children suspended more than once. Similarly,

students with disabilities are more than twice as likely to receive one or more out-of-school suspensions as students without disabilities. This is important because suspension from school increases the likelihood of dropping out of school and having contact with the juvenile justice system, with long-term consequences that include a greater prevalence of low-wage work and unemployment. Great progress has been made to identify school discipline disparities and the Department of Education has taken steps to provide guidance to schools for decreasing the use of exclusionary discipline. As Secretary of Education, how will you lead the Department of Education in incentivizing positive school discipline policies that keep children in school and learning over exclusionary discipline policies (suspension and expulsion) that tends to exacerbate a child's behavior problems by pushing students out of school?

Answer 6. I have seen remarkable things happen in schools that use positive behavioral supports and interventions, and I would welcome the opportunity to encourage more States and local school districts to make use of the tremendous research behind that system. As a proponent of local control, I believe that States and schools districts are best positioned to make decisions about suspensions and other matters of discipline. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve their policies and address disparities in this area. I will travel around the country, sharing best practices in the hopes that it encourages others to look to solutions that have worked and adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

Question 7. In just the 2013–14 school year, more than 100,000 students were locked in rooms or held down by teachers and school employees through the use of practices called “seclusion and restraint.” Students’ bones have been broken, they’ve sustained psychological trauma, and some have even been killed. These practices disproportionately affect students with disabilities and students of color. For example, students with disabilities represent 12 percent of public school students nationally, but 67 percent of students subjected to seclusion or restraint. Do you believe teachers and school employees should be allowed to restrain children, for example three adults holding a child face down on the floor? Do you believe teachers and school employees should be allowed to put children in seclusion, for example locking them in closets without food, water, or interaction for hours on end? What about other aversive interventions, for example spraying a child’s skin with undiluted bleach?

Question 8. In the Every Student Succeeds Act, I fought for a provision requiring State plans to address how the State will assist districts in reducing the use of aversive behavioral interventions, including seclusion and restraint. And over the last several years, the Department of Education has taken significant steps to educate school employees and reduce the use of seclusion and restraint. Just 2 weeks ago, the Office of Civil Rights released new guidance clarifying how these practices may violate the rights of students with disabilities under ADA and the Rehabilitation Act of 1973 and offering ways to reduce the use of seclusion and restraint. Will you continue and expand the Department of Education’s efforts to reduce the harmful practices of restraint and seclusion in schools that receive taxpayer dollars?

Answers 7 and 8. I am aware of some of the incidents of inappropriate and horrific treatment of children, especially children with disabilities and minority students. This cannot be tolerated. If confirmed, I will carefully review what the Department of Education has done in this area to help States and local school districts address these issues.

Question 9. Recent months have seen accounts of small elementary-age children being handcuffed at school by School Resource Officers, including in: Covington, KY; Flint, MI; Kansas City, MO; and Southlake, TX. Often these are children of color with disabilities. Handcuffing small children with disabilities causes trauma and is unnecessary. What do you think is the appropriate role of School Resource Officers?

Answer 9. I believe that School Resource Officers can serve a vital role in helping schools maintain order, deescalate violent situations, and make students, teachers, and parents feel safe in their schools. I am grateful that the Every Student Succeeds Act provides significant flexibility on the use of professional development dollars and can help School Resource Officers get and maintain the education they need to improve their important skills.

Question 10. There is research that practices such as Positive Behavior Interventions and Supports and Trauma Informed Practices can be highly effective in addressing inappropriate student behavior. How will your Department of Education

help support States and local school districts to implement these appropriate and effective strategies to ensure the safety of children with disabilities and school personnel?

Answer 10. I have seen remarkable things happen in schools that use positive behavioral supports and interventions, and I would welcome the opportunity to encourage more States and local school districts to make use of the tremendous research behind that system. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. If confirmed, I would welcome the opportunity to share data and good research with State and local officials looking to improve policies in this area. I will travel around the country to share best practices in the hopes that I can help others to look to solutions that have worked and adapt them to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

Question 11. The Promise Neighborhoods program, which was permanently authorized under ESSA, has been instrumental in helping some of the most distressed communities in the United States build capacity to better serve children and families. Do you support this program and believe that funding should continue to be appropriated for it?

Answer 11. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 12. According to a 2015 report by the American Enterprise Institute and the Brookings Institution, Social Emotional Learning (SEL) competencies are critically important for the long-term success of all students in today's economy. The authors noted that major educational and school reforms over the past few decades have not sufficiently focused on the SEL factors that are necessary for education, employment, and family life. The report also recommends an effort to scale up high-quality, evidence-based SEL programs as a core component of education for children. The report recommends that Federal and State governments: (1) scale evidence-based SEL practices and policies; (2) implement high-quality State SEL standards, preschool through high school; and (3) establish SEL centers of excellence. A 2015 national study published in the American Journal of Public Health found statistically significant associations between SEL skills in kindergarten and key outcomes for young adults years later in education, employment, criminal activity, substance use, and mental health. The study concluded that early prosocial skills decreased the likelihood of living in or being on a waiting list for public housing, receiving public assistance, having any involvement with police before adulthood, and ever spending time in a detention facility. How will you use this research and incorporate this evidence on a national level to promote standards that not only ensure academic success but ensure that every student is college- and career-ready?

Answer 12. If confirmed, I will review this research and share best practices with States and local school districts, which are best positioned to use this type of information when developing their educational approaches.

Question 13. A 2016 audit report by the Department of Education's Office of Inspector General looking at Charter Management Organizations, or CMOs, noted that the Michigan Department of Education "has limited authority to monitor and oversee its 37 authorizing agencies." Do you think it's problematic that 37 different entities in Michigan can authorize charter schools? Does this lead to inconsistent standards and oversight?

Answer 13. On the contrary, Michigan law grants the State Superintendent the authority to suspend any charter authorizer if he/she believes they are not exercising appropriate oversight over their schools (MCL 380.507(5)). Also, legislation passed this year eliminates the ability of failing schools to shop for a new authorizer, and it requires any authorizer wanting to sponsor a school in Detroit to be nationally accredited.

Question 14. That same OIG audit report noted that Michigan's State charter law does not include rules regarding conflicts of interest. When we're dealing with public dollars, and especially when the well-being of children is at stake, do you think it is important to have mechanisms to ensure that the individuals who found and run charter schools are not using them for self-enrichment, steering management and facilities contracts to friends and family?

Answer 14. According to Michigan law, public charter public schools have more strict requirements to avoid conflicts of interest than in traditional public schools. For example, traditional district school board members must recuse themselves from

making decisions that impact family members employed by the district, while it is illegal for anyone to serve on a charter school board if they have any family members employed by the school.

Question 15. Approximately 80 percent of charter schools in Michigan are operated by for-profit companies, and the authorizers receive 3 percent of a charter school's operating revenue. With unchecked growth, limited oversight, and profit incentives, there are a lot of factors here that can accrue to the detriment of students. Do you consider Michigan's charter sector a successful model and would you hope to see Michigan's charter laws replicated nationally? If not, can you tell me what sort of framework for charter schools you would promote as Secretary of Education that would ensure strong accountability and excellent academic outcomes for students?

Answer 15. Public Charter schools in Michigan are held to more oversight and accountability than traditional public schools. My expectations for accountability and academic outcomes are the same for all schools whether traditional public or charter public schools.

Michigan charter schools are a success story. Students in these charter schools gain an additional 2 months of learning in reading and math over their traditional public school peers. In Detroit, the gain is 3 months. In both reading and math, Black students in Detroit charter schools have significantly larger growth compared to Black students in Detroit Public Schools. Hispanic charter students in Detroit show significantly better outcomes in math compared to their Hispanic peers in Detroit Public Schools. I believe in funding what works, and in Michigan, particularly in Detroit, charter schools are demonstrating their value by improving student achievement.

Question 16. You were Chairman, until your nomination, as well as a major funder of the American Federation for Children, the preeminent voucher school advocacy group. AFC's website features seven model bills for State legislatures to use in creating voucher systems, and they all have nearly identical accountability provisions. This accountability framework includes requirements that students receiving a voucher to attend a private school must take either a State achievement test or national norm-referenced test. However, students do not have to take the same test as public school students in the State, so there is no way to compare their performance. The school must report the grade level, gender, income, and race of students receiving vouchers. However, they are not required to report disability or ELL status. Under these model bills, the State must aggregate the results for all students receiving vouchers, but critically, results are not required to be aggregated by school. Parents may know how all students receiving vouchers perform on average statewide, but they would not know how students perform at a given school. Finally, a State may bar a school from participating in the voucher program if it "routinely fails to comply with the accountability standards. But "routinely" is not defined, and nothing in the accountability framework gives the State the authority to cutoff a school's eligibility to accept vouchers because of poor student outcomes.

Answer 16. AFC's model legislation is a guide and starting point for States. Each State will customize legislation to fit their own State's needs and can promulgate further rules or regulations around the removal of schools from private school choice programs.

Question 17. When ESSA first came to the Senate floor, lacking a strong accountability framework, I voted against it. I can assure you that if any education bill came to the floor with the framework of your former organization's model bills, it would not earn my vote. Do you think parents deserve to know how students perform at a school before they enroll their child? Do taxpayers also deserve to know that their money is being well-spent at schools that ensure their students succeed? How can you justify denying the State the ability to cutoff the use of vouchers at a school with poor academic performance?

Answer 17. As you know, the legislative process puts any proposal through many changes, improvements, negotiations, and compromises. The model legislation that AFC puts on its website is intended as a starting point for a legislative process. President-elect Trump has made a robust school choice proposal a centerpiece of his platform, and, if confirmed as Secretary, I look forward to working with you on our proposal and hope to convince you to support the legislation. I will certainly keep your concerns in mind as we further develop our proposal.

Question 18. The President-elect recently settled a \$25 million lawsuit over misrepresentations made to consumers who bought his real estate training program. Although "Trump University" was not a real college and did not accept Federal finan-

cial aid, the alleged abuses that led to the lawsuit closely mirror what we've seen over and over again in the for-profit college sector. This leaves me concerned about how students would be protected from predatory colleges under this administration. Do you think it is acceptable for colleges to misrepresent their graduates' earnings or job placement rates or otherwise lie to prospective students? If confirmed, will you commit to aggressively root out any fraud and abuse, and stop the flow of taxpayer dollars to any college that is found to have engaged in fraud, as authorized by Section 487 of the Higher Education Act and the misrepresentation regulations?

Answer 18. Fraud should never be tolerated. Period. Bad actors in all sectors of higher education exist. When we find them, we should act decisively to protect students and enforce existing laws. If confirmed, I will work to ensure faithful implementation across the board—whether the school is a public, private non-profit, or a for-profit school. Accountability is for ALL schools, and I intend to use the various tools at my disposal to enforce the law. If confirmed, I will look forward to working with you and your colleagues on reforming the Higher Education Act in such a way that ensures that all actors in the higher education system—States and accreditors—have the ability to faithfully execute their appropriate role to hold institutions accountable and protect students.

Question 19. The Federal Government provides about \$150 billion of taxpayer dollars for higher education each year in the form of Federal student loans and grants. Some bad actors have played fast and loose with the facts about their students' post-graduate success because it is so easy to access this pot of student aid dollars if they can just get students in the door. Federal law prohibits colleges from paying commissions, bonuses, and financial incentives either directly or indirectly for enrolling a student or obtaining their financial aid. In order to protect students and the taxpayers' investment in higher education, do you commit to upholding these compensation laws if you are confirmed as Secretary? Will you promise to reclaim any and all illegally obtained student aid dollars for our taxpayers?

Answer 19. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws. If confirmed, I will review the current regulations issued by the Department and apply them appropriately.

Question 20. Over 6 years ago, the Department of Education did away with the bank-based, Guaranteed Student Loan program and created the Direct Loan program. With this change, the Department of Education was able to save tens of billions of dollars which went toward Pell increases and more forgivable repayment options for distressed borrowers. In this midst of rising costs in higher education, will you continue to support the cost-saving Direct Loan program?

Answer 20. I am interested in ensuring the Federal student loan program is serving students in the most efficient and effective way. If confirmed, I look forward to discussing this issue—among others—with you and your colleagues as you move forward with the Higher Education Act reauthorization.

Question 21. The U.S. Department of Education promulgated the gainful employment rule in order to protect students and taxpayers from investing time and money into programs with poor performance in relation to debt, earnings, and loan repayment. Additionally, the gainful employment rule has provided prospective students with critical information as they consider institutions and programs of study. Do you believe this type of information is valuable to consumers and the Department? What role do you think the Department should have in protecting students from investing time and money into programs that lead them into debt they cannot repay?

Answer 21. I believe that all institutions of higher education participating in the title IV programs should provide value to students and taxpayers alike. There are many tools to provide information to students, parents, and the public, and, if confirmed, I look forward to working with Congress to reform the Higher Education Act in a way that will allow all institutions to appropriately demonstrate their value to students and the public.

With regard to the gainful employment regulations, as President-elect Trump has directed, we will review and assess all regulations and make determinations once that review is complete. But I do know that the Department has had significant implementation issues, including questions as to the accuracy of the data originally reported, the design of a system that would allow schools to challenge incorrect data, and the ability to provide the necessary technical assistance required. The last thing any of us want is to unnecessarily shutter important programs—putting students on the street with limited or no other options.

Question 22. Adult education State grants support programs that assist (1) adults in becoming literate and in obtaining the knowledge and skills necessary for employment, (2) parents in obtaining the skills necessary to become full partners in the education of their children, and (3) adults in the completion of a secondary education and transition to occupational training and high demand jobs. Without access, under-educated, under-prepared adults cannot qualify for jobs with family sustaining incomes that require not only a high school equivalency, but also some college—preferably a 1- or 2-year certificate in a high demand occupation. And, adults without a high school diploma or functioning below high school level cannot qualify for either community college programs or high demand occupations. How do you envision the Administration incorporating Adult Education into its competitiveness agenda?

Answer 22. Too many Americans are suffering in the current economy. President-elect Trump made improving the employment opportunities of all Americans a cornerstone of his campaign, and his administration will work to improve the prospects of those left behind in this economy. Reforms enacted in the Adult Education and Family Literacy Act, which was reauthorized in 2014 as part of the Workforce Innovation and Opportunity Act (WIOA), were meant to help States and communities improve services for adult learners to better provide them the education and skills they need to obtain employment and increase self-sufficiency. If confirmed, I will work with States, local educational agencies, and institutions of higher education to help identify best practices and provide appropriate technical assistance and guidance to assist in program coordination and alignment with local employer needs. I will also work through the Office of Career, Technical, and Adult Education to implement reforms enacted by Congress as part of WIOA to improve outcomes for adult learners. Combined with other efforts across the government, we have an opportunity to restore the American Dream for all.

SENATOR WARREN

Question 1. You have a lengthy history of advocating for privatization of public education, particularly through private school voucher programs.¹ But the reality is that more than 9 out of 10 American children attend public schools. If confirmed, how would you fight to ensure that all students in America including students with disabilities, English learners, and students of color—have access to high-quality public schools after spending the majority of your career advocating against public education?

Answer 1. I am a strong advocate of great public education. Period.

I believe we can both challenge the status quo and support public education to help it improve. Our current approach is not working for far too many. Last year, the National Assessment of Educational Progress (NAEP) recorded declines in fourth- and eighth-grade reading and math following flat 2013 results, marking a downturn after years of steady gains. Recently, the Program for International Student Assessment (PISA) reported that U.S. performance has declined steadily since 2009 in reading, math, and science—after a decade of rising scores. In fact, the United States is now 35th in math (down from 28th). In science, we're 25th and in reading, we're now in 24th place. This is indefensible.

We must be open to progress, to moving ahead, to challenging the old ways that aren't working. I believe that a choice for children in education is a powerful way to start. But we should all think of choice in the widest terms: Excellent traditional public schools, Public Charters, Non-government schools, Home schooling, Online or Distance Learning and forms of education that we haven't yet thought of—we need to be open to progress.

We have to keep the focus on students and not on the adult issues that too often gum up the conversation.

Question 2. If confirmed, would you use your position as Secretary of Education to promote the expansion of private school voucher programs funded with taxpayer dollars?

If so, which States, regions, or types of school systems do you intend to include in this expansion?

Answer 2. Every child should be given the opportunity to succeed and parents should be empowered to make choices that best fit their child. If there is a mismatch between the school and their child, parents need to have access to multiple opportunities—and be able to pick an educational setting that best meet the needs of their child. And they need the best information possible upon which to make those decisions.

But those specific choices should not be mandated by the Federal Government. It is up to States to determine what works with their unique situations. If confirmed,

I do look forward to working with Congress to develop President-elect Trump's proposal that would provide the opportunity for choices to be offered.

Question 3. Will you commit to only pursuing education policy initiatives that have solid, reliable, and rigorous bases in actual peer-reviewed evidence of improved student outcomes?

What specific evidence do you believe should be considered as part of these decisions about education policy initiatives?

Answer 3. To be responsible with taxpayer dollars and ensure that our programs are as effective as possible, we should use reliable data, strong research and rigorous evaluations. First, data is critical to education. It helps inform decisions by teachers and school leaders. It helps parents make more informed decisions about their child's education choices. And it helps taxpayers know if their tax dollars are being well-spent. In addition, we must use the best research and independent, rigorous evaluations to ensure that our Federal programs are effective and having the intended effects.

Question 4. The Every Student Succeeds Act of 2015 (ESSA) explicitly prohibits the Secretary of Education from mandating, prescribing, directing, or incentivizing the allocation of State or district resources, including a prohibition on policies that would mandate private voucher programs or eliminate teacher due process protections in exchange for a waiver or State-plan approval.

Will you commit to adhering to ESSA by not using your position as Secretary of Education to mandate, prescribe, direct, or incentivize any private school voucher programs in any State or school district?

Answer 4. If confirmed, I will enforce the Every Student Succeeds Act as intended.

Question 5. A September 2016 GAO study documents "how increased demand for Federal funds for services in private schools has affected the quality and amount of services that public schools can provide for their students." In light of this study, will you commit to opposing any private school voucher program that results in a net funding cut (either per-pupil or total funding) for any public education system?

If yes, how will you ensure that private school voucher programs do not result in public school funding cuts?

Answer 5. Federal education dollars are provided in support of students, not systems. Those dollars should follow the student. While there are certain fixed costs, if a student leaves a school, the school district no longer needs to provide services and programs for that student.

Question 6. Will you commit to opposing any private school voucher program using Federal taxpayer dollars if that program results in increased racial or socioeconomic segregation?

If yes, how will you ensure that private school voucher programs do not further segregate our schools?

Answer 6. Research shows that students in school choice programs attend more integrated schools than their traditional public school counterparts. On average, nonpublic school classrooms are more integrated than nearby traditional public school classrooms. Traditional Public schools, by contrast, are heavily segregated because attendance is determined by where people live. On the other hand, nonpublic schools can draw students from a bigger geographic area—allowing for a broader range and diversity of potential students.

Question 7. Will you commit to opposing any private school voucher program using Federal taxpayer dollars if that program does not adhere to Federal accountability and anti-discrimination rules?

How will you ensure that private school voucher programs that receive Federal dollars comply with Federal education accountability and civil rights laws?

Question 8. Will you commit to opposing any private school voucher program using Federal taxpayer dollars if that program does not adhere to basic health and school safety requirements?

Answers 7–8. President-elect Trump has made a robust school choice proposal a centerpiece of his agenda, and, if confirmed, I look forward to working with you on our proposal and hope to convince you to support the legislation.

As you may know, the D.C. Opportunity Scholarship program prohibits, by law, discrimination against "program participants or applicants on the basis of race, color, national origin, religion, or sex" and participating schools must abide by city health and safety codes. I would imagine that any voucher proposal approved by

Congress would maintain these common-sense requirements, and I look forward to working with you on President-elect Trump's proposal when it is released. I hope you'll keep an open mind.

Question 9. Will you commit to pursuing the President-elect's \$20 billion voucher program only if Congress explicitly authorizes it and appropriates the funds for such a new program?

Will you commit to not using executive or administration action to pursuing the President-elect's \$20 billion voucher program unless explicitly authorized to do so by Congress?

Answer 9. As stated above, President-elect Trump has made a robust school choice proposal a centerpiece of his agenda, and, if confirmed, I look forward to working with you on our proposal and hope to convince you to support the legislation. I hope to convince you to support the legislation.

Question 10. ESSA authorizes a charter school expansion grant program. In administering this program, what are your specific plans for enforcing the oversight and accountability requirements in the law?

Answer 10. I support the Federal charter school program, which was reauthorized as part of the Every Student Succeeds Act. The reforms made to the program will allow for the expansion and replication of high-quality charter schools as well as the opening of new charter schools. If confirmed, I will enforce the law as intended by Congress.

ACCOUNTABILITY IN K-12 EDUCATION

Question 11. What are your plans for enforcing ESSA to ensure that States are in compliance and intervening in schools that are not serving their students?

Will you commit to rejecting State plans for implementing ESSA that fail to meet accountability and reporting requirements set forth in the law?

Are you willing to hold States accountable to the law in the event that they are not directing additional support and resources to schools that are failing to serve their students in accordance with the law?

Answer 11. If confirmed, I will implement the requirements of Every Student Succeeds Act (ESSA). While I believe that providing maximum flexibility to States is necessary and critical in order to adhere to the plain language and intent of ESSA, I believe there is an appropriate role for the Department in providing States and local education agencies with technical assistance and guidance to aid with successful implementation of the law.

Question 12. I wrote an important provision in ESSA with Republican Senator Cory Gardner to require States to make student performance data publicly available in a manner that can be cross-tabulated, so that researchers, parents, and the public could see the performance of certain subgroups of students, like Hispanic girls or African-American boys. Will you commit to enforcing this provision of ESSA by requiring States to make these data available? What is your timeline for doing so?

Answer 12. If confirmed, I will enforce the Every Student Succeeds Act as intended. It would be premature to commit to any timelines at this time.

Question 13. Will you commit to implementing and enforcing the new ESSA accountability regulations finalized by the Education Department in November 2016, without amendment or delay?

What specific goals or timelines do you have for enforcing these provisions?

Answer 13. If confirmed, I will carefully review all regulations to ensure they are consistent with the relevant statute and are necessary to enable successful implementation of Federal law. I will also work with stakeholders to determine if any additional guidance is needed to ensure the Every Student Succeeds Act is implemented as Congress intended and all students are well-served.

Question 14. 14. What are your specific plans for ensuring that States and districts hold schools—particularly for-profit charter schools—accountable if they are discriminating against or failing to educate students?

What specific measures will you use to identify discrimination or failure to appropriately educate students?

Answer 14. I believe that a school's tax status does not determine its effectiveness and most families judge a school based on its quality, not its management structure. Those schools that succeed in attracting families and raising student achievement should be applauded. Those that don't ought to be closed.

I also believe that States have the authority, under the legislation this Committee passed last year to determine how they will hold the public schools in their State accountable.

Question 15. Will you commit to vigorously enforcing the fiscal accountability provisions of ESSA, including the critical “maintenance of effort” and “supplement, not supplant” provisions, which are intended to prevent States and school districts from using the arrival of Federal dollars as an excuse to cut back funding to low-income public schools?

Will you penalize States that are not in compliance with these provisions?

Will you ensure that low-income schools receiving title I funding do not receive less State and local funds as a result of their title I status?

Answer 15. If confirmed as Secretary, I will implement the requirements of the Every Student Succeeds Act as intended.

Question 16. A recent NBER study showed that policies that send more money to low-income school districts help increase student achievement and that the effect of school resources on educational achievement is large, reinforcing the view that more money matters. Given these findings, what will you do to address funding inequality among schools and districts in K–12 education? If confirmed, how will you ensure equity in the distribution of district resources?

Answer 16. State and local funding systems are complicated and vary from State to State. Decisions about those systems are best left to States and their elected officials who have a better understanding of their resources and needs. If confirmed, I will commit to discussing this issue with you, to gain a better understanding of your goals, and see what the appropriate Federal role might be.

Question 17. According to a report by the Center for American Progress, deep fiscal inequities are a stain on our Nation’s education system.

How would you improve fiscal equity within States?

How would you improve fiscal equity within districts?

Answer 17. State and local funding systems are complicated and vary from State to State. Decisions about those systems are best left to States and their elected officials who have a better understanding of their resources and needs. If confirmed, I will commit to discussing this issue with you, to gain a better understanding of your goals, and see what the appropriate Federal role might be.

Question 18. Will you commit to implementing and enforcing ESSA provisions that ensure additional Federal resources for struggling public schools that are in need of improvement?

Will you penalize States that are not in compliance with these provisions?

Answer 18. If confirmed, I will implement the requirements of the Every Student Succeeds Act as intended.

Question 19. From 2008 to 2015, we saw the number of high schools graduating fewer than 60 percent of students shrink from 1,812 to 1,040 as a result of Obama administration policies that provided these schools with additional support, funding, and accountability. ESSA includes an important provision that I wrote to ensure that States and districts identify high schools for additional support, resources, and improvement if the school graduates fewer than 67 percent of their students.

If confirmed, what strategies would you employ to support States and districts in improving high schools that graduate less than two-thirds of their students?

Answer 19. If confirmed, I will implement the requirements of the Every Student Succeeds Act (ESSA) as intended. While I believe providing maximum flexibility to States is necessary and critical in order to adhere to the plain language and intent of ESSA to let States determine how to identify and improve schools, I believe there is an appropriate role for the Department in providing States and local education agencies with technical assistance and guidance to aid with successful implementation of the law.

Question 20. Will you commit to ensuring that all educational entities that receive Federal funding are subject to the same accountability requirements under Federal law?

Will you commit to adhering to ESSA and holding charter schools to the same Federal accountability standards as traditional public schools?

Will you commit to enforcing ESSA in a manner that ensures that statewide accountability and improvement systems required under the law include all charter schools and hold them accountable for their poor performance?

Question 21. Will you commit to enforcing ESSA in a manner that ensures that statewide accountability and improvement systems required under the law include virtual schools and hold them accountable for their poor performance?

Question 22. Will you call for tougher accountability, limits on enrollment, and improved oversight structures for poorly performing virtual schools?

Question 23. The 2011 charter school law you supported repealed a requirement that the State Department of Education issue yearly reports monitoring charter school performance. Given your record of supporting charter growth and expansion without accountability, will you commit to encouraging States to annually monitor charter school performance so that parents have the information they need to make an informed choice?

Question 24. A recent analysis shows that charter performance would greatly improve if States did a better job closing down low performing charter schools. Will you commit to using your authority as Secretary—programmatically and through the bully pulpit—to push for stronger accountability and increased performance in the charter sector?

How would you push for stronger accountability?

Answers 20–24. I believe the primary responsibility for creating a high-quality, accountable, and autonomous charter school sector rests with States, local communities, and the broader charter school sector itself, not with the Federal Government or the U.S. Department of Education. At the same time, I support high-quality, accountability, autonomy, and transparency. If confirmed, my responsibility is not to make decisions for States or local school districts but to create an environment where they have the freedom and flexibility to decide what to do to improve education in their local communities, including how to hold poor performers accountable whether they are virtual, place based, traditional or charter. I can, and will, highlight best practices and encourage them to be more widely adopted.

Question 25. What steps will you take to ensure that English language learners have access to qualified translators, interpreters, and modern and culturally sensitive English language materials?

Answer 25. Highlighting the best evidence-based practices will be important to help support local education agencies have the tools and pathways toward helping these students succeed.

Question 26. What specific steps have you taken to provide quality education to English language learners in Michigan?

If confirmed, what is your plan for supporting the education of English language learners across the country?

Answer 26. With Great Lakes Education Project’s advocacy, Michigan has recently passed a “K–3 Reading” bill that provides early screening and a host of interventions to assist students who are reading below grade level. Specific measures in the bill protect English Language Learners from any consequences for reading difficulties, and we support efforts to highlight ELL progress in the State’s proposed Every Student Succeeds Act-compliant accountability system.

Question 27. Will you commit to continuing the Civil Rights Data Collection by the Office of Civil Rights?

If yes, please explain how you will ensure that these data are provided to parents and public in a transparent way, and how you will use the findings to inform policy decisions?

If yes, do you intend to make any changes to this data collection?

If no, how do you intend to provide parents, educators and policymakers with data on key issues?

Answer 27. The Civil Rights Data Collection is an important, longstanding tool of the Department. If I am confirmed, it will continue to have my support.

Question 28. If confirmed as Secretary of Education, will you commit to fully carrying out the funding obligations of ESSA and to preserving the intent of the law to ensure stronger educational programs for students from low-income families?

What are your plans for strengthening oversight over how title I funds are used?

Answer 28. As you know, while the Administration makes funding requests through the President’s budget, decisions about funding levels for various programs are made by Congress. If confirmed, I intend to follow through on my responsibilities, including working with the administration and Congress on title I funding and its uses.

HIGHER EDUCATION

The Department's Student Loan Program

Question 29. By several measures, the U.S. Department of Education is one of the largest banks in the country. It oversees a portfolio of \$1.3 trillion in Federal student loans that affects more than 42 million Americans. You have never run a company or school system of any size. You have no practical banking experience.

What are your specific plans for ensuring the Office of Federal Student Aid (FSA) prioritizes students and borrowers over colleges, student loan companies, and the Department of Education's contractors?

How will you work to reduce delinquencies and defaults in the Federal student loan program?

Answer 29. With all due respect, I have run a company and, to the best of my knowledge, no previous Secretary of Education has had "practical banking experience." According to the Higher Education Act, the Office of Federal Student Aid (FSA) should be a "performance-based organization" and held accountable for its outcomes. Unfortunately, the previous administration did not conduct much oversight over FSA to ensure it was meeting its statutory requirements. If confirmed, I plan to hold FSA accountable for results in such a way that ensures students and families will be well-served.

Question 30. Do you agree with me and with President-elect Trump that it is fundamentally unfair for the Federal Government to be making a profit off the backs of students?

Will you support reducing the interest rates on Federal student loans?

Do you support my Bank on Students Emergency Loan Refinancing Act?

Answer 30. I do agree that the Federal Government should not be profiting off the backs of students. That is one of the reasons why we need to look very carefully at the Direct Lending Program as we move into discussions around the reauthorization of the Higher Education Act. I also believe that the refinancing of student loans is an issue we should discuss as part of that reauthorization.

Question 31. In 2010, Congress dramatically improved the Federal student loan program by ending the old bank-based student lending system and allowing the Department of Education to lend directly to all students and families who need more money to attend college. This change has been projected to save the Federal Government \$61 billion between 2010 and 2019 by cutting out the private banks and putting the taxpayer subsidies in banks received to make loans toward increasing Pell Grants for low-income students.

Will you commit to protecting the cost-saving Direct Loan program from attempts to privatize it?

Will you commit to take no action that undermines the operational capacity, financial health, or long-term viability of the Direct Loan program?

Answer 31. As you know, the U.S. Department of Education is now one of the country's largest lenders. I believe we must look carefully at how the direct loan program is functioning. It's the responsible thing to do, especially with taxpayer dollars at stake. If confirmed, I look forward to discussing these issues as part of the reauthorization of the Higher Education Act.

Question 32. Since Congress went to total direct Federal lending, guaranty agencies have overcharged defaulted borrowers unreasonable percentages of their loan balances to rehabilitate loans. One of these guaranty agencies is even suing the agency for the ability to continue to charge these overburdened borrowers. What will you do as Secretary to make sure that these large companies no longer take advantage of the system and serve the public interest as their nonprofit status requires them to do?

Can you get these guaranty agencies in the legacy bank-based student loan system, with new funding opportunities in the Federal student loan system to subsidize their business model and increase their bottom line? If yes, how do you plan to pay for this new program?

Answer 32. As you know, the U.S. Department of Education is now one of the country's largest lenders. I believe we must look carefully at how the direct loan program is functioning. It's the responsible thing to do, especially with taxpayer dollars at stake.

If confirmed, I look forward to discussing these issues as part of the reauthorization of the Higher Education Act.

Question 33. Do you believe there is statutory authority to re-privatize segments of the student loan program?

If so, where is this authority?

If not, will you oppose efforts by Wall Street lobbyists to pass legislation that privatizes the student loan program?

Do you support calls from student loan industry lobbyists to auction off the federally held student loan portfolio? If so, why? How, specifically, would this be a better deal for students? How, specifically, would this be a better deal for taxpayers?

Are you planning to reward any Department of Education contractor, many of which were lenders or which includes evaluating how well servicers are getting student loan borrowers into the repayment and forgiveness programs that are best for them?

What would you do to improve performance metrics to which student loan servicers are currently held?

Will you commit to publicly releasing borrower repayment rates by servicers?

Answer 33. As you know, the U.S. Department of Education is now one of the country's largest lenders. I believe we must look carefully at how the direct loan program is functioning. It's the responsible thing to do, especially with taxpayer dollars at stake. With respect to loan servicers, I believe it is important to review all aspects of the program and how well it is serving the interests of students, borrowers, and taxpayers. There is a need for greater transparency on the part of the Department with respect to loan performance generally.

If confirmed, I look forward to discussing these issues as part of the reauthorization of the Higher Education Act.

Question 34. Will you commit to establishing specific metrics by which you will evaluate how well student loan servicers are keeping borrowers out of delinquency and default, and to holding them accountable to such metrics?

Will you establish a transparent process for evaluating the quality of customer service that student loan servicers provide borrowers, which includes evaluating how well servicers are getting student loan borrowers into the repayment and forgiveness programs that are best for them?

What would you do to improve performance metrics to which student loan servicers are currently held?

Will you commit to publicly releasing borrower repayment rates by servicers?

Answer 34. According to the Higher Education Act, the Office of Federal Student Aid (FSA) should be a "performance-based organization" and held accountable for outcomes. Unfortunately, the previous administration did not conduct much oversight over FSA to ensure it was meeting its statutory requirements. If confirmed, I plan to hold FSA accountable for results in such a way that ensures students and families will be well-served.

Question 35. Will you commit to holding accountable Department of Education student loan servicers, debt collectors, and other contractors that break the law, abuse students, or otherwise provide poor service to borrowers, including through sanctions, fines, contract terminations and other penalties?

Answer 35. We should do everything possible to ensure that our students are getting excellent servicing of their student loans. If confirmed, I will strive to do a better job than the previous administration at managing all of the Department's contractors and will ensure they follow all applicable laws.

Question 36. Will you commit to increasing data transparency in the student loan portfolio as outlined in the Education Department's July 2016 Policy Direction on Federal Student Loan Servicing?

Do you believe it is appropriate for the Office of Federal Student Aid to hide Federal student loan and grant data from the public and policymakers?

Answer 36. I am a big believer in transparency. If confirmed, I will review the information currently made available and, after consultation with policymakers, determine what additional information can and should be made public. This review and decision will be done in a way that follows all applicable authorization and privacy laws.

Question 37. Will you commit to ensuring that students have a meaningful complaint system that is public and searchable?

Answer 37. It is premature for me to commit to a particular course of action here. However, ensuring that students have a clear and transparent way to make complaints is important.

Question 38. Will you commit to prohibiting the Department of Education from opposing borrowers in bankruptcy seeking a discharge on their student loans due to an undue hardship?

Answer 38. If confirmed, I look forward to working with Congress on ways to improve all provisions of the student loan program as part of HEA reauthorization.

Question 39. The Obama administration has recently announced a Memorandum of Understanding between the Education Department and the Treasury Department, establishing a framework for electronically sharing tax data over multiple years for borrowers with Income-Driven Repayment plans, allowing them to provide consent for the IRS to share certain information with FSA and their loan servicer for several years, so that they do not have to annually recertify their income. Will you commit to continuing this practice if confirmed as Secretary?

Answer 39. If confirmed, I will review all MOUs with an eye toward ensuring the Higher Education Act is being faithfully implemented and that students are not forced to untangle unnecessary red tape to avail themselves of their benefits.

Question 40. President-elect Trump has released an income-driven repayment reform plan because he says that student loan debt should not be “an albatross around [the necks of students] for the rest of their lives.”

Will you commit to protecting the availability of our current Income-Driven Repayment programs, including program expansions by the Obama administration?

Will you commit to holding student loan servicers accountable to notifying borrowers of their options to lower their monthly payments through Income-Driven Repayment plans?

Answer 40. If confirmed, I look forward to discussing President-elect Trump’s income-driven repayment plan—and all of the repayment plans—with you and your colleagues during the reauthorization of the Higher Education Act.

Question 41. The Obama administration has announced a process to proactively identify and assist Federal student loan borrowers with disabilities who may be eligible for Total and Permanent Disability (TPD) loan discharge through a partnership with the Social Security Administration. Will you commit to continuing this practice if confirmed as Secretary?

Answer 41. If confirmed, I will review current policies and procedures to ensure that they align with the legal authority granted to the Secretary in the Higher Education Act.

Question 42. The Obama administration has recently allowed the use of prior-year tax data to make it easier for students and families to fill out the FAFSA. Will you commit to continuing this practice if confirmed as Secretary?

Answer 42. Yes.

Question 43. The Department has recently taken steps to improve transparency in the Federal student aid program for researchers and policymakers to identify better ways to improve student outcomes.

Will you commit to at least maintaining the current availability of data from FSA for researchers and policymakers, including the data that’s currently available through the FSA Data Center, on the College Scorecard, and the through the Financial Aid Shopping Sheet?

Will you commit to maintaining the Department’s recent transparency commitments, including expanding researcher access to student aid data and clarifying permissible uses of financial aid data for program evaluation and research?

Will you commit to releasing raw data sets on the FSA Data Center website that are stripped of personally identifiable information to allow researchers and policymakers to independently evaluate the performance of the student aid programs?

Answer 43. While it is premature to commit to a particular course of action, I value the research and policymaking communities’ need for student loan data while recognizing that the National Student Loan Data System (NSLDS) was designed to serve Federal Student Aid operational purposes rather than the dissemination of data for public consumption. If confirmed, I will review the Department’s existing policy related to data transparency and explore opportunities that can advance public policy interests while protecting students’ information.

Question 44. In December 2015, Senators Lee, Markey, Hatch and I sent the Department a letter to express our concerns about using “robocalls” to collect student loan debt. While a caller must generally have a person’s consent before using auto dialers and pre-recorded messages to “robocall” the person’s cell phone or residential line, Title III of the Bipartisan Budget Act of 2015 created an exemption allowing anyone to robocall a person’s phone—without consent for the purpose of collecting a debt owed to or guaranteed by the Federal Government. Our letter asked the Department not to use this new authority until the Department can demonstrate with

data that robocalling is in the best interest of student loan borrowers and taxpayers and will not result in abusive debt collection practices.

In August 2016, the Federal Communications Commission (FCC) adopted consumer protections in its implementing regulations. Specifically, the FCC limited the number of these robocalls to three per month, required that these robocalls occur between the hours of 8 a.m. and 9 p.m., and allowed the recipients of these robocalls to opt out at any time. The FCC rules also prohibit robocalls to relatives and references who may be secondarily responsible for student loans. The student loan industry has already started lobbying President-elect Trump to roll back the FCC's consumer protection rules.

Do you support the consumer protection rules the FCC adopted to protect student loan borrowers from abusive debt collection practices?

Will you commit to directing student loan servicing organizations and third-party debt collectors to continue to follow the consumer protections in the FCC rules?

Will you commit to providing the data that Senators Lee, Markey, Hatch and I requested?

Answer 44. If confirmed, I will ensure the Department's debt collectors follow the law.

Question 45. A decade ago, Sallie Mae (now known as Navient) was implicated in a student loan kickback scandal. According to public reports and a settlement by the Attorney General of New York, the student loan industry gave gifts to school officials in order to steer borrowers to individual lenders. Navient retains a very large portfolio of government-guaranteed loans, and the government has never revoked guarantees on loans involved in the kickback.

Will you do what is right for taxpayers and ensure that all guarantees of loans held by Navient where the law was broken are revoked?

Answer 45. If confirmed, I will review existing policies and procedures in evaluating all contractors involved with the student loan program, including servicers to ensure borrowers are being treated fairly and equitably.

Question 46. Last year, the Department's Office of Federal Student Aid announced that Navient was a finalist for its blockbuster contract to develop a new servicing system. Do you think it is appropriate for the Education Department to award contracts to Navient, with its long record of skirting the law?

Answer 46. If confirmed, I look forward to enforcing the provisions of the Higher Education Act related to the performance nature of the Office of Federal Student Aid, including all of the contractors to ensure compliance with all applicable laws and positive outcomes for students, borrowers, and taxpayers.

Question 47. In 2014, the FDIC and the Justice Department fined Sallie Mae/Navient nearly \$100 million for illegal behavior on its Direct, Federal Family Education Loan, and private loan portfolio. Most egregiously, the companies were found to be overcharging members of the military. In its complaint, the Justice Department described their conduct as "intentional, willful and taken in disregard for the rights of servicemembers." The FDIC also noted that the companies improperly advised servicemembers that they must be deployed to obtain benefits under the Servicemembers Civil Relief Act, which is not required. The Education Department subsequently conducted a sham review, sharply criticized by the Inspector General.

If confirmed, will you rely on the findings of law enforcement to terminate contracts and all appropriate government guarantees when there is significant evidence of student loan servicers breaking the law?

Answer 47. If confirmed, I will ensure the critical review of all contractors to ensure their compliance with the Higher Education Act and other laws pertinent to Federal student loans, as well as any guidance issued related to those laws. I will also work closely with my counterpart at the Departments of Veterans Affairs and Defense on loan issues related to service members and veterans.

Question 48. In 2009, the Department's Inspector General found that a Sallie Mae subsidiary was overcharging taxpayers as part of the so-called "9.5 percent" scam. The Inspector General determined that Sallie Mae/Navient were overpaid \$22.3 million. More than 7 years later, the Department has still not collected these funds. Will you commit to issuing a final order to resolve the appeals that have dragged on for years? Please provide a timeline for doing so.

Answer 48. If confirmed, I will review any outstanding Inspector General findings in order to determine the relevant and proper action moving forward.

Question 49. In 2008, the Department of the Treasury and the Department of Education bailed out the student loan industry under the Ensuring Continued Ac-

cess to Student Loans Act program. While the bailout was primarily intended to provide liquidity to the market, some student loan companies made off like bandits. According to SEC filings, Sallie Mae booked profits of \$284 million in 2009 off of loan sales to the Education Department.

Do you think it's appropriate for the government to design programs that lead to windfall profits for politically connected contractors?

If confirmed, will you audit loan sales under the student loan bailout program to ensure that taxpayer interests are protected?

Answer 49. By passing the Ensuring Continued Access to Student Loans Act, the Congress authorized the Department to establish a loan purchasing program. These programs have since expired.

Question 50. Just this week, Sallie Mae and Navient were sued by the Consumer Financial Protection Bureau and State Attorneys General.

Will you commit that the Department will collaborate with the CFPB on the investigation?

What specific steps will you take to work with the Consumer Financial Protection Bureau to ensure that the consumer agency has all of the information it needs for its enforcement action?

Answer 50. If confirmed, I will review the findings of the Consumer Finance Protection Bureau (CFPB) in order to determine what steps, if any, the Department of Education should take.

OVERSIGHT OF COLLEGES AND UNIVERSITIES

Question 51. For years, some colleges have survived off of Federal taxpayer dollars while committing outright fraud. In fact, during the Reagan administration, Republican Secretary of Education William Bennett said that there were “profit institutions out there that are interested only in that profit and not interested in students.” He pledged to “put some of them out of business right now . . . to get institutions that are exploiting kids and exploiting taxpayers out of the business.” In 2012, the Senate HELP Committee released an investigation and report on for-profit college abuses, showing that these abuses still persisted decades later. For-profit colleges represent only about 10 percent of students but nearly half of Federal student loan defaulters. Students at for-profit colleges pay more in tuition, have more debt, are less likely to graduate, are more likely to owe more money on their loans years after entering repayment, and are more likely to default. What are your specific plans for protecting students and taxpayers from waste, fraud, and abuse in the Federal student-aid programs by all colleges, but especially for-profit colleges?

Question 52. Will you commit to rooting out the fraud, fighting it preventively, and taking steps to help students who have been defrauded?

Will you commit to maintaining the Department of Education's Enforcement Unit to protect students and taxpayers from illegal actions by colleges and universities?

Will you commit to taking all necessary steps to protect students—especially veterans and service members—from any form of consumer fraud or misrepresentations by deceptive colleges?

Answers 51 and 52. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions—and when we find them, we should act decisively to protect students and enforce existing laws. If confirmed, I will review the current regulations issued by the Department and determine their necessity for implementing the Higher Education Act.

Question 53. Will you commit to adhering to your responsibility under the Higher Education Act to investigate or take other enforcement actions when the Department becomes aware of a State Attorney General or other Federal agency investigating or suing an institution of higher education participating in the title IV program?

When faced with evidence of fraud from other Federal or State law enforcement agencies, what will you do to hold colleges accountable?

Answer 53. I will follow the law and obligations required under the Higher Education Act.

Question 54. The Congressional Budget Office found in 2016 that repealing the Gainful Employment Rule would increase spending by \$1.3 billion over 10 years and contribute to the waste of taxpayer dollars on overpriced, ineffective career education programs that fail to prepare students for employment. In October 1991, then-Secretary of Education Lamar Alexander urged Congress to increase the Fed-

eral Government's role on outcome measures for vocational post-secondary schools, arguing

"But with particular emphasis on vocational programs and schools, which would benefit most from closer oversight. . . . The Federal Government should set the parameters for certain standards, such as outcome measures, for use by States in carrying out their increased responsibilities. . . . The scope of a State's review should explicitly include institutional performance in student outcome areas such as program completion and job placement rates."

What are your specific plans for enforcing the Gainful Employment rules as finalized in July 2015 without amendment or delay to hold career and vocational programs accountable for helping students graduate with skills that can get them jobs?

Will you enforce the rule as written by cutting off aid to schools that are leaving their students with unaffordable debts and without meaningful prospects in the job market?

Will you commit to ensuring that taxpayers do not subsidize career education programs that consistently leave students with debts they cannot repay?

Will you commit to ensuring that students have access to clear information on the cost and typical outcomes of career education programs, including completion rates, median debt at graduation, graduate earnings, and job placement rates?

Answer 54. I believe all institutions of higher education participating in the title IV programs should provide value to students and taxpayers alike. There are many tools to provide information to students, parents, and the public, and, if confirmed, I look forward to working with Congress to reform the Higher Education Act in a way that will allow all institutions to appropriately demonstrate their value to students and the public.

With regard to the gainful employment regulations, as President-elect Trump has directed, we will review and assess all regulations and make determinations once that review is complete. The Department has had significant implementation issues with this regulation, including questions as to the accuracy of the data originally reported, the design of a system that would allow schools to challenge incorrect data, and the ability to provide the necessary technical assistance required. The last thing any of us want is to unnecessarily close down important programs—putting students on the street with limited or no other options.

Question 55. Will you expand resources for enforcement and oversight of predatory colleges that defraud students or leave them with expensive and useless degrees?

What other specific actions will you take as Secretary to hold these schools accountable?

Answer 55. If confirmed, I will examine the management and operation of the Department to ensure that resources are allocated wisely to meet the responsibilities of the Department.

Question 56. What are your specific plans for improving performance of accreditors and for holding accreditors accountable for failures?

Secretary King eliminated the charter of the Accrediting Council for Independent Colleges and Schools due to a series of failures by the company. From 2010 to 2015, this accretor 90 times held up a college as an "honor roll" institution around the same time it was under investigation by a State or Federal entity. All told, these schools received more than \$5.7 billion in Federal funds over 3 years, or 52 percent of all Federal aid dollars handed out to schools approved by this accretor. Do you believe this action was justified?

Now, ACICS is suing the Federal Government over this action. Will you stand by Secretary King's decision to keep that accretor out of the Federal student aid programs?

Will you commit to defending this action in court challenges and proceedings?

Will you commit to upholding the program participation requirements instituted by the Department of Education for ACICS-accredited school in order to protect students and taxpayers in the event of sudden collapse?

Answer 56. The accreditation system is not working—both in terms of protecting students and encouraging innovation in higher education. It's a complicated issue that the field has been grappling with for some time. If confirmed, I look forward to engaging with you, the Senate Committee on Health, Education, Labor, and Pensions and the entire Congress on this topic. However, as this matter is currently being litigated it is inappropriate for me to comment on this particular matter.

Question 57. What are your specific plans for holding college accrediting agencies accountable for only accrediting colleges if they meet the standards set forth in the Higher Education Act?

How will you make the college accreditation system more focused on student outcomes?

Answer 57. The accreditation system is not working—both in terms of protecting students and encouraging innovation in higher education. It's a complicated issue that the field has been grappling with for some time. If confirmed, I look forward to working with the Senate Committee on Health, Education, Labor and Pension to find a solution that does not in effect make the Federal Government a national accreditor.

Question 58. Will you seek any changes to the new Borrower Defense to Repayment or arbitration rules as issued in November 2016?

Will you commit to aggressively enforcing these new rules without amendment or delay to protect students and taxpayers from fraudulent schools?

Will you enforce the provisions of the rule that would hold schools accountable for abuses through early warning and triggers?

If not, how do you intend to discourage colleges from engaging in fraud?

Answer 58. As it relates to the Borrower Defense regulations issued in November, If confirmed as Secretary, I will carefully review all regulations to ensure they are consistent with the relevant statute as Congress wrote them and are necessary to enable successful implementation of Federal law. I will also work with stakeholders to determine what additional guidance is needed to ensure statutes are implemented as Congress intended and all students are well-served.

Question 59. Will you grant full, automatic group discharges of student loan debts in instances of widespread fraud uncovered by other Federal or State law enforcement agencies, including fraud uncovered by State attorneys general?

What will your specific criteria be for allowing such relief?

Will you support full, automatic discharge of individual loans at schools where students were systematically defrauded?

Question 60. Can you guarantee that every student who is defrauded by a school during your tenure will see every penny of debt relief they are entitled to under the law?

Will you commit to granting full debt relief to students who were defrauded by Corinthian Colleges?

Answers 59 and 60. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions. When we find them, we should act decisively to protect students and enforce existing laws. However, I'm agnostic about the type of provider of educational options to our students. Let's find the best and not discriminate simply because of their tax status.

If confirmed, my role as Secretary, in part, would be to ensure that the Higher Education Act is faithfully implemented. I will work to ensure faithful implementation across the board—whether the school is a public, private non-profit, or a for-profit school.

Accountability is for ALL schools, and I intend to use the various tools at my disposal to enforce the law. Helping those harmed by Corinthian Colleges or by any fraudulent institution is an important issue. We will be reviewing the Borrower Defense regulations to ensure we are applying a consistent standard and are taking into account the effect on students and taxpayers.

Question 61. Many for-profit colleges used arbitration “rip off” clauses to keep their fraud in the shadows and prevent students from speaking out about waste, fraud, and abuse. The new borrower defense rules ban colleges from forcing their students to sign mandatory pre-dispute arbitration clauses in their enrollment agreements.

Will you enforce this provision without amendment or delay?

Will you commit to ensuring that students who have concern or complaints about their institutions have the right to raise those concerns publicly?

Will you commit to ensuring that students have a choice in deciding how they will file and pursue a complaint?

Answer 61. As it relates to the Borrower Defense regulations issued in November, If confirmed as Secretary, I will carefully review all regulations to ensure they are consistent with the relevant statute as Congress wrote them and are necessary to enable successful implementation of Federal law. I will also work with stakeholders to determine what additional guidance is needed to ensure statutes are implemented as Congress intended and all students are well-served.

Question 62. Currently, many students and families aren't able to access basic consumer information on their college or university, including how much they will pay, borrow, earn if they complete their degree, or their chances of succeeding, which makes it hard for students to shop for the right college option. Do you believe students have a right to know this information?

Do you support reexamining current restrictions that prevent the public from accessing this critical consumer choice data?

Will you commit to informing students about significant events regarding colleges, such as major lawsuits alleging fraud or heightened oversight by Federal or State governments or accreditors?

Will you commit to taking steps to improve and expand the information available to students, families, and the Department of Education: veterans' graduation rate, Pell grantees' graduation rate, and more accurate college transfer rates?

Answer 62. I believe that for consumers to make good choices they need access to reliable information. If confirmed, I will review the Education Department's current effort to provide students and families with information about post-secondary education institutions' performance. If confirmed, I also look forward to working with Congress during the Higher Education Act reauthorization this year to address these issues.

Question 63. There's been a lot of focus in this committee on the idea that higher education regulations raise costs. This stems from a Vanderbilt University study that claimed that regulations cost the school around \$11,000 per student. But, a closer investigation of that report shows that the vast majority of those costs are due to research dollars, and that the costs of complying with Department of Education regulations are so small they did not even merit their own category.

Given this information, before any attempt to deregulate colleges and universities, will you commit to submit to Congress independent evidence that it will ultimately help students and taxpayers?

Will you commit to not cut or rollback regulations unless the Department of Education can demonstrate the benefit to students and taxpayers?

Answer 63. As is customary at the beginning of any administration I will carefully review all existing regulations to ensure that they adhere to the laws as Congress intended.

Question 64. For years, many for-profit colleges took advantage of low-income students and students of color using high-pressure sales tactics and commissioned boiler-room style sales for recruitment—often breaking the law.

Is that the model you believe higher education should use to recruit students?

What will you do to protect students and taxpayers from this kind of practice?

Do you believe recruiters at private for-profit colleges should be allowed to receive bounties or bonus payments for recruiting students?

Will you commit to enforcing the ban on incentive compensation without amendment?

Answer 64. If confirmed, I look forward to reviewing existing regulations and policies to ensure that they align with the provisions of the Higher Education Act and will work with you, the committee and the Congress in addressing these issues during debate of the upcoming Higher Education Act reauthorization.

Question 65. In 2010, the Obama administration issued new rules regarding program integrity and defining illegal misrepresentations. If confirmed, will you commit to fully enforcing this rule without amendment?

Answer 65. If confirmed, I look forward to reviewing existing rules and regulations and their alignment with the Higher Education Act and faithfully implementing the law.

Question 66. The Higher Education Act requires colleges to be authorized by a State in order to receive Federal dollars. The Obama administration recently announced new rules to clarify States' responsibility in holding colleges accountable. If confirmed, will you commit to enforcing this rule without amendment or delay?

Answer 66. If confirmed, I look forward to reviewing existing rules and regulations and their alignment with the Higher Education Act and faithfully implementing the law.

Question 67. Over the years some institutions have been responsible for aggressive and harassing recruiting tactics, misleading servicemembers and veterans about their quality of education or employment prospects, and even taking advantage of veterans with severe traumatic brain injury to get their GI bill money even

when the veteran was so injured they did not remember or understand they were enrolling.

The 90–10 rule exists in law as a market-value accountability mechanism to prevent for-profit colleges from pricing their programs at an artificially high level. Will you commit to working with Congress to close the 90–10 loophole, which allows for-profit colleges to exclude Federal funds from the Departments of Defense and Veterans Affairs in their total Federal aid calculations in order to remain in compliance with the 90–10 rule?

How will you prevent fraudulent colleges from preying on veterans and servicemembers for their GI bill and Tuition Assistance funds?

How will you work across other agencies to protect veterans from being cheated by colleges?

What specifically will you do to advocate for policies that protect veterans and servicemembers?

Answer 67. The Higher Education Act outlines what is included in the 90/10 rule calculation. If confirmed as Secretary, I will faithfully implement the HEA. Should Congress decide to change this rule in the HEA reauthorization process, I look forward to engaging in that discussion. I will also work closely with my colleague at the Departments of Veterans Affairs and Defense to ensure veterans and servicemembers have the same information about post-secondary outcomes, or the results of program reviews or other audits as appropriate, as the non-veteran/non-servicemember students. The GI bill and Tuition Assistance programs have different requirements that colleges and universities must meet in order to participate and the Secretary of Education does not have jurisdiction over those programs.

Question 68. A recent Century Foundation report has revealed that some schools currently recognized by the Department of Education as nonprofit are making a profit for their board members and others involved in the school's administration. These activities run contrary to the legally mandated mission of a nonprofit to serve public, rather than private, interests, while allowing these institutions to skirt regulation designed to monitor the for-profit education sector. The Secretary is responsible for approving all attempts by for-profit colleges to convert to nonprofit colleges. If confirmed, what specific steps would you take to ensure that the Department of Education only recognizes schools as nonprofit if their governance structure ensures that no one with a personal financial stake in the school also has administrative authority?

Answer 68. If confirmed, I look forward to working with the IRS Commissioner should the need arise as I faithfully implement the Higher Education Act.

Question 69. The incoming President's campaign remarks and literature state that he is interested in prioritizing Federal funding for higher education programs that result in good jobs with decent wages.

In confirmed, how would you accomplish this goal?

What are your specific plans for holding higher education programs accountable to their student outcomes, including labor market outcomes?

Answer 69. I am interested in making sure students have good information about the costs of college and the labor market outcomes of particular fields so they can make good decisions at the beginning of their educational pursuits about what program may work best for them and their situation. If confirmed, I look forward to working on these issues with members of the Senate Committee on Health, Education, Labor, and Pensions and other interested Members of Congress during Higher Education Act reauthorization.

Question 70. The evidence is clear that declines in State funding for public colleges have directly led to increases in tuition and student debt. At the same time, the amount of money that these schools actually spend to educate students is not growing.

If confirmed, how would you address the problem of State disinvestment in higher education?

What are your specific plans for addressing this growing problem and encouraging States to reinvest in their higher education systems and lessen the financial burden on students and families paying for college?

If confirmed, what steps would you take to alleviate the financial burden on our students, and how would you ensure that our students are able to afford their college education, even if a financial crisis hits?

Answer 70. While research increasingly shows a strong relationship between rising tuition at public colleges and lower State investment, some one-third of all post-secondary institutions are not public, yet students have witnessed higher tuition at these institutions as well. It takes a partnership between the Federal Government,

States, institutions of higher learning, and families to ensure post-secondary education remains affordable. If confirmed, I look forward to discussing this issue with Congress as part of the reauthorization of the Higher Education Act.

Question 71. The “credit hour” is the measure the Federal Government uses to determine whether a course load’s expectations of students should qualify for a “full-time” amount of financial aid. In 2011, a new Federal definition made clear that financial aid is meant to finance actual academic engagement. Will you enforce the credit-hour guidance as written?

Answer 71. If confirmed, I look forward to working with Congress to evaluate new and novel approaches to awarding credit and corresponding rules for financial aid that permit greater innovation in delivering post-secondary instruction, including measures of competency.

Question 72. How do you plan to increase support for students in higher education in order to help them complete their education?

How will you support the expansion of student support services designed to help students stay in school and graduate on time, such as Federal Work Study, on-campus childcare, and TRIO programs?

Answer 72. I think high quality college access programs provide a vital service to helping students achieve their dream of a post-secondary education. If confirmed, I look forward to reviewing the results of these programs and putting forward a budget request that supports high quality, effective programs.

Question 73. Will you commit to promptly reviewing all borrower defense claims by former ITT Technical Institute (ITT) students and other evidence of wrongdoing by ITT and provide discharges to all students entitled to them based on the Department’s regulations and current law?

Answer 73. As it relates to the Borrower Defense regulations issued in November, If confirmed, I will carefully review all regulations to ensure they are consistent with the relevant statute as Congress wrote them and are necessary to enable successful implementation of Federal law. I will also work with stakeholders to determine what additional guidance is needed to ensure statutes are implemented as Congress intended and all students are well-served.

Question 74. Will you commit to supporting legislation to restoring Pell Grant and GI bill eligibility for former ITT and other students who receive borrower defense loan discharges or would be eligible to receive one if they had taken out a Federal loan?

Answer 74. This is an important issue. If confirmed, I will be reviewing the Borrower Defense regulations to ensure we are applying a consistent standard and are taking into account students and taxpayers. I look forward to working with you, the entire Senate Committee on Health, Education, Labor, and Pensions and Congress to address these issues where needed.

PUBLIC SERVICE TO STUDENTS AND TAXPAYERS

Question 75. Will you commit to closing the revolving door and preventing Education Department employees from personally profiting from their activities at the Department?

Will you prevent Education Department employees from working on issues that directly impact a previous employer?

Will you demand that, prior to appointment, political appointees pledge that they will not work in industries related to or significantly subject to Education Department regulation for 3 or more years upon leaving Federal service?

Will you commit to disclosing to Congress all department employees who previously worked for a Department of Education contractor?

Answer 75. If confirmed, I will enforce all applicable ethics laws that relate to Department of Education employees.

Question 76. Many of the Department of Education’s contractors and other companies in the student loan program spend significantly on lobbying Members of Congress and the Department. How will you ensure that this lobbying activity does not influence your decisionmaking?

Answer 76. If confirmed, I will implement and enforce all relevant laws.

Question 77a. During Mr. Trump’s campaign, there were reports that even volunteers were required to sign non-disclosure agreements. And following his election, there were also reports that transition officials were requesting information about career employees who worked on issues such as climate change at the Energy De-

partment or women's issues at the State Department. Any implication that people who worked on advancing policies that the new President-elect disagrees with may be targeted or retaliated against could create a chilling effect on non-political Federal employees simply trying to do their jobs.

If you are confirmed, will you commit to protect the rights of all civil servants in the Department of Education?

Answer 77a. Yes. If confirmed, I intend to uphold all laws applicable to Department of Education employees.

Question 77b. Those rights include the right for civil servants to communicate with Congress, and in fact it is against the law to deny or interfere with their right to do so. If you are confirmed, do you commit to protect these workers right to communicate with Congress?

Answer 77b. Yes. If confirmed, I intend to uphold all laws applicable to Department of Education employees.

Question 78a. Your family has a large financial stake in Performant Financial Corporation—a company that collects student loan debt. Performant's most recent quarterly report states, "We derive the majority of our revenues from the recovery of student loans." I have deep concerns about some of the deceptive—and sometimes illegal—practices that private debt collection companies have aggressively used to go after student loan borrowers. In 2015, Performant had the distinction of becoming one of five companies that received the most complaints at the Consumer Financial Protection Bureau from student loan borrowers. In April 2015, Performant's debt collection contract with the Department expired, and the Department elected not to extend Performant's contract—a tremendously consequential decision, given that the company derived 23.8 percent of its revenues in 2015 from its contract with the Department. Performant is currently protesting the Department's decision not to renew its contract.

If you are confirmed as Secretary of Education, you would have direct influence over the Department's decisions and how the Department responds to Performant's protest. In addition, you would have direct influence over policies that could enrich Performant at the expense of student loan borrowers. Performant's own SEC filings indicate that the Department's past decisions to promote policies that benefit student loan borrowers, such as income-based repayment, have reduced the company's profits.

Will you commit to divesting yourself and your family from Performant Financial Corporation?

Answer 78a. Yes. I will resolve any issues related to Performant in accordance with my ethics agreement with the U.S. Department of Education's Designated Agency Ethics Official.

Question 78b. What steps will you take to ensure that neither you nor any member of your family has a financial stake in a company that would benefit from the decisions you make at the Department of Education?

Answer 78b. Like you, I am committed to a system of conflict-free governance.

The family offices that manage my and my husband's investment activities and I will, in consultation with the U.S. Office of Government Ethics and U.S. Department of Education's Designated Agency Ethics Official, create a robust system of controls designed to keep me informed of the investments in my portfolio, so that I can avoid any conflicts of interest with respect to the decisions I make at the Department of Education.

Question 78c. If given the choice, will you commit to promoting policies that benefit student loan borrowers rather than the companies that make money off of them?

Answer 78c. My goal is to ensure that affordable post-secondary educational and vocational opportunities are available to anyone who seeks to pursue them. I would promote policies that further this goal.

Question 78d. Will you recuse yourself from any specific actions or decisions regarding Performant?

Answer 78d. I will resolve any issues related to Performant in accordance with my ethics agreement with the U.S. Department of Education's Designated Agency Ethics Official. I believe this practice and standard is similar to those to which Members of Congress adhere.

SENATOR KAINÉ

Question 1. Do you believe there are aspects of the Michigan charter schools experience that have been problematic and that require corrective action? What, if any, problems do you identify? What corrective policies and practices have you proposed in Michigan? Do problems you identify with the Michigan charter experience suggest to you any need for changes to Federal charter policies to try to avoid such problems in other States with charter schools?

Answer 1. Each legislative effort to expand school choice in Michigan has come with additional oversight expectations for these schools, including the “Race to the Top” bills passed in 2009, the charter cap increase bill in 2011, and the Detroit Public Schools (DPS) reform legislation passed in 2016.

In the DPS bill, the legislature eliminated the ability of failing schools to shop for a new authorizer, and it now requires any authorizer wanting to sponsor a school in Detroit to be nationally accredited. Thank you for the opportunity to correct the record, Detroit schools—traditional public and public charter schools—now have more accountability than before.

Question 2. Do you think that charter schools have done a good enough job fulfilling their original promise to share best practices with traditional public schools?

Answer 2. There is certainly room for improvement in the area of cooperation between traditional district and charter public schools. This is one of the goals of the charter school movement and I support an increase in the sharing of best practices between all successful schools.

Question 3. Nearly 90 percent of virtual schools fail to graduate one-third or more of their students. Some virtual high schools are specifically intended to serve as alternative schools for high-risk students, but their outcomes are equally dismaying. In fact, one-third or more students fail to graduate in 92 percent of the alternative virtual high schools in your home State of Michigan. What role have you played in supporting or reforming virtual schools? How can you explain their dismal outcomes for students, and particularly the most at-risk students? What controls do you believe need to be in place so these schools do not proliferate as “dumping grounds” for vulnerable students across the country?

Answer 3. I believe that States have the obligation to set accountability standards and if schools consistently fall below those standards, they should be closed regardless of their governance or form. Bad schools that fail our children must be closed. I will certainly support States in their efforts to hold schools accountable and will provide technical assistance, training, or other support as appropriate.

Question 4. What proactive steps would you take to ensure girls of color are not subject to disparate school discipline policies, including disproportionately high rates of suspensions and expulsions?

Answer 4. Discipline policies need to be regularly reviewed to ensure they are effective and implemented fairly; and if confirmed, I look forward to working with State and local officials should they seek assistance.

In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. I do not think the Nation’s Governors want me to come to their States and tell them what to do. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will travel the country sharing best practices and encourage others to look to and adapt solutions that have worked.

Question 5. The school to prison pipeline has been well-documented, with reports from the Department demonstrating the relationship between harsh and disparate school discipline policies and future criminal justice system involvement. The most profound disparities in this pipeline affect African Americans. Would this issue be a priority for you? What are your plans to address these systemic challenges?

Answer 5. I believe good education is the foundation to being a good citizen. A good school can provide a lifeline to a struggling student and help prevent them from slipping through the cracks and into our justice system. If confirmed, I would look forward to working with you and others in Congress to better understand what an appropriate Federal role could be to help our State and local leaders address this important issue.

Question 6. You have been outspoken since your nomination about the importance of local control to ensure that local policymakers can create an agenda that best suits their specific needs. And yet, let’s consider the practicality of the President-

elect's privatization proposal. Many States don't have private school programs at all and many more have extremely small programs. Also, only 32.4 percent of children have access to a charter school option. Wouldn't the President-elect's voucher plan trample on their local control of education in those communities by forcing funds into private schools even if it goes against the community's wishes?

Answer 6. Not at all. What is more local and individualized than a parent's decision? Every child should be given the opportunity to succeed and parents should feel empowered to make choices that best fit their child. If there is a mismatch between the school and their child, parents need to have access to multiple opportunities—and be able to pick an educational setting that best meet the needs of their child. And they need the best information possible upon which to make those decisions. But those specific choices should not be mandated by the Federal Government. If confirmed, I do look forward to working with Congress to develop President-elect Trump's proposal that would provide the opportunity for choices to be offered.

Question 7. As Secretary, would you support bankrupting local districts and leaving them to private, free-market forces rather than intervening or otherwise working to rebuild the public system in a more effective way?

Answer 7. No.

Question 8. Numerous Federal agencies have found that student loan servicers contracted by the Federal Government are causing borrowers massive headaches. An astounding eight million borrowers are in default. Do you believe we should hold our Federal contractors to higher standards?

Answer 8. If confirmed, I will strive to do a better job than the previous administration at managing all of the Department's contractors and will ensure they follow all the appropriate consumer protection laws as those laws were written.

Question 9. Recent data demonstrates Hispanic/Latino and African American graduation rates (75.2 percent and 70.7 percent, respectively) are still lower than rates for White (86.6 percent) and Asian (88.7) students. How would the U.S. Department of Education under your leadership prioritize policy guidance, technical assistance, and funding to improve graduation rates for students of color?

Answer 9. I do agree that the graduation gaps in our country are unacceptable, which is why I have made it my life's work in Michigan and around the country to improve educational opportunities for our most vulnerable students.

I look forward to working with this committee to continue those efforts. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will travel around the country sharing best practices hoping to encourage others to look to solutions that have worked and adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

Question 10. The Department released guidance for colleges to urge them to remove questions about criminal histories on admissions applications. These questions impose bias, and studies have shown that these biases can serve as a barrier to post-secondary access which has implications for low-income and minority communities, despite there being no evidence that screening for criminal history threatens campus safety. If confirmed, do you intend to maintain this guidance, or support similar new guidance?

Answer 10. If confirmed, I will review the referenced guidance. There is a very careful balance colleges and universities must strike between the different steps they may choose to take to ensure campus safety (e.g., criminal history questions on admission applications) in their particular locality, versus not unduly discouraging otherwise-qualified applicants.

Question 11. What are you going to do to lessen the total debt load students are taking on, and in particular, help the estimated 8 million Americans who are in default on their Federal student loans?

Answer 11. I think we can all agree that the growing amount of student debt in America is a serious challenge. I think the solutions to this challenge must be multifaceted. One of the best ways to tackle the student debt issue is to ensure students are able to actually be hired after they complete their post-secondary program. President-elect Trump has spoken extensively about his plans to put Americans back to work and boost the Nation's stagnant economy.

Beyond that, we need to embrace new pathways of learning, such as competency-based education. The old and expensive brick-mortar-and-ivy model is not the only one that will lead to a prosperous future.

We need to support all post-secondary avenues, including programs offering credentials. There are many great jobs available that do not require a traditional 4-year degree. We also need to support students and families so they are able to make informed choices about what type of education they want to pursue.

In this vein, I am interested in making sure students have good information about the costs of college and the labor market outcomes of particular fields so they can make good decisions at the beginning of their educational pursuits about what program may work best for them and their situation.

Finally, we need to simplify and streamline the repayment options offered to borrowers to help them better understand their options. President-elect Trump has proposed to streamline the income-driven repayment plans into one plan that will cap a borrower's monthly payment at 12.5 percent of his or her discretionary income, and ensure a borrower has relief from his or her loan after 15 years of payment.

If confirmed, I look forward to working on all of these issues as the committee begins the process of reauthorizing the Higher Education Act.

Question 12. The Pell Grant program is currently slated to have a significant surplus for the next several years. In 2011, Congress eliminated the year-round Pell Grant, cutting off access to an additional grant disbursement for thousands of students. In 2012, Congress made additional eligibility changes to the program by eliminating eligibility for "Ability-to-Benefit" students, reducing the income threshold to qualify for zero Expected Family Contribution, eliminating eligibility for students receiving 10 percent of the maximum award, and reducing the number of semesters students are eligible to receive a Pell Grant. Because of these changes hundreds of thousands of students have seen their Pell Grant award reduced or lost eligibility all together. The current surplus exists in part due to the eligibility changes made to the program. Do you support retaining the funding that was generated from cuts to student aid to reinvest in the Pell Grant program?

Answer 12. If confirmed, I look forward to working with Members of Congress from both parties in both chambers to appropriately fund the Department's programs, especially the Pell Grant program. In doing so, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years.

Question 13. As you know, there are at least 15 million students living in poverty in this country. The majority of these students attend 60,000 public schools with funds designated for schools with the highest percentages of children from low-income families. Known in the Every Student Succeeds Act (ESSA) as title I, this funding stream is dedicated to educating low-income students in schools with additional funds to serve their students. It also provides mechanisms to ensure that title I funds are actually spent on these students. Will you commit that the President-elect's \$20 billion school choice proposal would not take from ESSA Title I?

Answer 13. President-elect Trump has made a robust parental choice proposal a centerpiece of his education platform, and, if confirmed, I look forward to working with you on our proposal and hope that you will keep an open mind that this voluntary program will simply allow interested families to choose the school setting that best meets the unique needs of their individual child.

Question 14. The Department of Education collects extensive data on public schools including achievement, enrollment, discipline, bullying and harassment, and special education information. These data collection procedures provide transparency to stakeholders and allow for the Department and State educational agencies to intervene if necessary to reduce and prevent discriminatory practices. In fact, in Virginia our Governor analyzed the Department of Education's data and found that there were a disproportionate number of student discipline referrals for students with disabilities. You're a proponent of vouchers to private schools. As you know, private schools are not required to report the same information, including many private schools receiving Federal taxpayer dollars in States with voucher programs. However, if your Department of Education does not collect any of this information on private schools, how will you ensure schools are not discriminating against students based on their race, gender, religion, or disability?

Answer 14. Transparency of necessary information is important to ensuring accountability to parents, and I support ensuring parents receive necessary information so that they can make informed decisions about the school their child would attend. As you may know, the D.C. Opportunity Scholarship program prohibits, by law, discrimination against "program participants or applicants on the basis of race,

color, national origin, religion, or sex.” I would imagine that any new voucher proposal approved by Congress would maintain this common-sense requirement, and I look forward to working with you on President-elect Trump’s proposal when his administration releases such a proposal.

Question 15. I am a strong believer in the power of our community colleges, which do an incredible amount of the workforce training in this country. In fact, many people don’t know that the Pell Grant is really the largest source of support for workforce training, and about 1 in 4 community college students receive Pell Grants. Last year, students in my State of Virginia who received training a community college earned more than 15,000 industry certifications and professional licensures. And as Governor I prioritized investing in our 2-year colleges.

Many of these programs at our community colleges are largely focused on career and technical education, which is in demand by many employers around the country. This committee will consider reauthorization of the Carl Perkins Career and Technical Education Act. How would you support the development of high-quality CTE programs at our community colleges? And how do you make sure that all students can afford them—especially when they might need expensive equipment or supplies?

Question 16. What are your top three priorities for the Carl D. Perkins Career and Technical Education Act reauthorization? What policy changes would you advocate for in the upcoming reauthorization of the Act?

Answers 15 and 16. I agree reauthorization of the Perkins Career and Technical Education Act is an important priority, and, if confirmed, I look forward to working with the Senate Committee on Health, Education, Labor, and Pensionss and other interested Members of Congress to update and improve the law.

I believe we should work to align Federal laws to ensure consistency across programs, reduce duplication and unnecessary requirements, and provide a seamless set of policies. It is also important to provide flexibility at the State and local level so local officials on the ground can create and run programs that help educate students to attain the skills needed to work in those in-demand jobs. Finally, I support transparency of data so parents, students, and other taxpayers can see how well their programs are working.

Question 17. The quality of career and technical education (CTE) programs largely relies on the quality of CTE teachers. CTE teachers have a dual challenge they must be excellent teachers as well as up-to-date on their industry knowledge, which can be particularly challenging for some in-demand, quickly changing sectors. States and districts often struggle with finding high quality CTE teachers, many of whom can earn a higher salary in the private sector, especially in rural areas. If you are confirmed as U.S. Secretary of Education, what will you do to increase the supply of highly effective CTE teachers in the United States?

Answer 17. As it relates to career and technical education (CTE) teachers, if confirmed, I look forward to exploring with this committee ways to improve CTE through the reauthorization of the Perkins CTE Act. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies.

If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

Question 18. Do you believe school districts should be held accountable for identifying children of active duty service members and tracking their student achievement results? Why or why not?

Answer 18. The Every Student Succeeds Act requires States and school districts to report student achievement data on the children of active duty service members and I am committed to implementing the law.

Question 19. A large number of students in our country have more interactions with school resource officers than with school counselors or other specialized instructional support personnel. In what ways will you work to invest in programs that provide students with access to mental health, counseling and other related services to improve student safety and health?

Answer 19. Early intervention to address the underlying issues students are facing is critical to preventing students from becoming involved in the criminal justice system.

In addition to working with my colleague at the Department of Justice to promote the importance of education for students caught in the juvenile justice system, if confirmed, I will work with States to help promote the sharing of best practices to help these students and to implement the law as envisioned by Congress. Under the State Academic Education Grants, districts will be able to capitalize on the flexibility in the law to fund important programs they believe will help address some of the issues to help students succeed.

Question 20. One of the hallmarks of Workforce Innovation and Opportunity Act (WIOA), of which adult education is a core component, is better alignment and coordination at the Federal, State, and local levels across a number of workforce and skill development programs. The Departments of Education, Labor, and Health and Human Services have been at the center of a dynamic, innovative and impactful working group of agencies to improve access to and accountability of these programs. Will you commit to supporting these efforts and advancing the work of these agencies to ensure the success of programs under WIOA?

Answer 20. The Adult Education and Family Literacy Act was reauthorized in 2014 as part of the Workforce Innovation and Opportunity Act. The reforms enacted in that legislation were meant to help States and communities improve services for adult learners to better provide them the education and skills they need to obtain employment and increase self-sufficiency. If confirmed, I will work through the Office of Career, Technical, and Adult Education to implement these reforms to improve outcomes for adult learners.

Question 21. Students and families face steep costs for post-secondary education while having limited information about the return on investment. What opportunities do you see for the Department of Education to provide the public with better information on expected post-secondary outcomes, including job placement and earnings?

Answer 21. I do believe greater transparency for students and parents is important. If confirmed, I look forward to working with you to address this issue as part of Higher Education Act reauthorization.

Question 22. FIRE, and other organizations opposing the rights of campus rape victims, have argued that victims should not be able to report to the school and should instead only be able to report to law enforcement. This position is universally opposed by victims' advocates, who believe victims should be able to choose whether to report to law enforcement, to their school, or to both. Given that very few survivors come forward to report sexual assault to law enforcement, victims' groups believe that limiting a survivor's reporting options will lead to many survivors not coming forward to anyone at all. Even when victims do report to law enforcement, they rarely see justice—only 14–18 percent of assaults reported to police result in conviction. Could you speak about your position on denying a survivor the ability to report to their schools?

Answer 22. Every student has a right to have a learning environment that is safe to learn, grow and thrive. I am very sensitive to issues involving violence in our schools, including sexual violence.

Students have a right to feel safe and protected in their learning environment. Sexual violence is particularly disturbing as its victims often are reluctant to pursue action by the criminal justice system. Protecting the victim's right to privacy and right to decide how and whether to pursue all the legal avenues afforded him/her must be respected.

Sexual violence can impact a student in profound ways, destroying trust and potentially re-victimizing the victim as the most private of relationships is on display for judgment, ridicule and challenge. Innocent victims and survivors of sexual violence who want to continue their education deserve our strong, and unrelenting support. Perpetrators of this violence are also entitled to certain protections, including the right to be considered innocent until proven guilty. In a non-criminal context, many schools have a zero-tolerance policy for violence as well as honor codes that set these expectations for the entire student body.

It is expected that schools will have in place mechanisms to respond to allegations of violence, and processes to fully investigate and respond to allegations of criminal activity, including sexual violence, on their campuses. Those procedures must be fair, accessible, and consistent.

If confirmed, I will work to ensure robust enforcement of laws that protect students from violence and commit to working with the leadership at the Department to examine mechanisms that improve public access to information and empower students, parents, and others to make decisions about which environments are the most appropriate.

Question 23. Title IX requires that every recipient of Federal education funds must designate at least one employee who is responsible for coordinating the school's compliance. This person is sometimes referred to as the title IX coordinator. Coordinators oversee all complaints of sex discrimination. They also identify and address any patterns or systemic problems at their schools. Instead of giving these coordinators the support, guidance, and training they need to do their work, we've seen time and time again that many schools are without a title IX coordinator. It is also unfortunately quite common to find coordinators who do not understand the scope of the law. What efforts will you undertake to ensure that all title IX coordinators have the resources available to do their job—including access to funding for training and professional development?

Answer 23. If confirmed, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years.

Question 24. An important component of ESSA is robust stakeholder engagement, from planning to implementation. What will you do as Secretary to ensure that States engage in substantive stakeholder engagement under ESSA both in their planning over the next several months and during implementation starting next school year?

Answer 24. If confirmed, I will implement the requirements of the Every Student Succeeds Act as intended. Stakeholder engagement is an important part of the law and a provision to ensure parents, local officials, and other important community leaders are consulted as the States and school districts develop their plans.

As a part of the job in monitoring States for the implementation of the new law, I will expect full compliance with all of the consultation requirements under the law.

Question 25. Your predecessors in the Department of Education made it clear that they believed the United States should lead the world in access to high-quality early childhood education. Do you share this belief and would you make this a goal for our country?

Answer 25. Early childhood education is important and can help put a child on a path to success and the workforce. That is why it is exciting to see so many States invest in and support early education programs for families.

If confirmed, I look forward to working with State and local leaders to support their efforts to provide early childhood education. As you know, the Every Student Succeeds Act included the authorization of Preschool Development Grants to help States improve the services they are providing. If confirmed, I will work with the Secretary of Health and Human Services to confirm the efficiency and effectiveness of all early childhood education programs and initiatives.

Question 26. TRIO and GEAR UP programs help prepare many minority and first generation students for college. What is the administration's position on increasing access/funding for these programs?

Answer 26. I think high quality college access programs provide a vital service to helping students achieve their dream of a post-secondary education. If confirmed, I look forward to reviewing the results of these programs and putting forward a budget request that supports high quality, effective programs.

Question 27. Can you provide some insight on how this Administration will work with HBCUs? How will you strengthen our HBCUs?

Answer 27. I believe historically black colleges and universities are an important piece of America's higher education system. If confirmed, I look forward to working with these institutions to ensure they are well-positioned to continue to serve students in the most effective way.

Question 28. Data from the latest arts education data study undertaken by the National Center for Education Statistics shows that students in high poverty elementary and high schools were less likely to have access to a well-rounded education, including music and arts, than their more affluent counterparts. What role would you play as Secretary of Education in supporting equal access to a well-rounded education, including music and arts, for all children, including those who are in high poverty schools? And what role can music and arts education play in the lives of students identified with special needs, or students studying in a low-performing schools?

Answer 28. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. If confirmed, I would welcome the opportunity to share data and good research from the Department of

Education with State and local officials looking to improve educational opportunities.

I will travel around the country sharing best practices, encouraging others to look to solutions that have worked and adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I would welcome that opportunity.

As it relates to arts and music education, I strongly agree that they can be an important part of a well-rounded education and I hope that with the greater flexibility provided to States and local school districts that education leaders at the local level can find new ways to provide opportunities to students in the music and arts.

Question 29. Recent experimental studies on statewide voucher programs in Indiana and Louisiana found that public school students receiving vouchers subsequently scored lower on State assessments than similar students remaining in public schools. Why do you think the proposal from the President-elect, which is supported by mixed research at best, is a responsible use of Federal dollars? How are we to expect that a national experiment, that at best covers only a small portion of private school tuition, will have vastly better outcomes than so many of the voucher programs across the country?

Answer 29. The initiative proposed by the President-elect during the campaign is a voluntary program to enable interested States to offer a range of educational options to low-income families. I look forward to working with the President-elect and Congress to support and improve public schools and increase high quality educational options, particularly for low-income students. Several studies have found that students participating in choice programs have higher test scores, better graduation rates and higher parental satisfaction levels than their public school counterparts. In addition, a study about the FL choice program found generalized improvements across education sectors, including public schools. (Figlio and Hart Study of Florida Tax Credit Scholarship Program, 2014).

SENATOR HASSAN

DISABILITIES

Question 1. There is evidence of children who experience disabilities receiving inappropriate punishment, including restraint and seclusion when attending a private school with a taxpayer-funded voucher. Under your leadership, how will the Department of Education hold these private schools accountable to ensure every students' safety?

Answer 1. If confirmed, under my leadership the Department of Education will disseminate the best research on classroom management and handling difficult behavioral challenges, including effective positive behavior interventions and supports.

As we fashion policies to increase parental choice, we will pay close attention to protecting the rights of students with disabilities and ensuring the safety of every student. We will provide additional details when plans are announced.

Question 2. A recent report by the Council of Parent Attorneys and Advocates, Inc. noted that, in most voucher programs for students with disabilities,

“Voucher amounts are not set at rates high enough to cover the full cost of the education at a private school, and many of the programs do not cover critical costs to enable full access and participation, such as transportation.”

This means that low-income families with students with disabilities cannot make use of the voucher to make a choice among schools. The report describes the promise of “choice” in such situations as “hollow” for many families. Do you think that this is a problem? Why or why not? If so, under your leadership what will the Department of Education do to address this problem?

Answer 2. I am concerned that many students across our great Nation are not getting the education that they deserve. If confirmed, I promise to work to increase access for all students, including students with disabilities, to a high-quality education. As part of this work, I will examine the issue of the cost for services needed to access choice options.

Question 3. You have been a very vocal supporter of vouchers for students to choose their own school. How would you ensure the family of a student who uses such a voucher to attend a school other than the public school they would attend normally would not have to pay for access to special instructional support personnel (SISP) and other related services to provide the student with the tools needed to graduate and succeed in a higher education institution or the workforce?

Answer 3. It is premature to discuss the details about a policy on which the administration has not yet offered a detailed proposal. However, I can assure you that equity will be a key factor in the design of such policies. We will pay close attention to the issue of access to special instructional support personnel and other related services as we develop these policies.

Question 4. Will the Trump Administration ensure that there is adequate funding for qualified specialized instructional support personnel (SISP) to provide the services identified in student's individualized education program (IEP) in all publicly funded education, including in taxpayer-funded voucher programs.

Answer 4. I am committed to supporting States and local communities in ensuring that all students with disabilities receive the services they need. Under the Individuals with Disabilities Education Act (IDEA), funding for special education services is a shared responsibility of the Federal, State and local governments. Should I be confirmed, I look forward to working with you to ensure that the responsibilities of the Federal Government in this regard are met.

Question 5. How will you ensure that all teachers and specialized instructional support personnel (SISP), regardless of whether they work in public, private or parochial schools are provided with high-quality professional development?

Answer 5. Every student should receive high-quality assessment, curricula, and instruction. In order for that to occur, teachers and other instructional staff (including SISP) need to actively engage in ongoing evidence-based professional development. If confirmed, under my leadership, the Department of Education will support research and dissemination activities to ensure that educators have access to up-to-date information.

Question 6. Numerous studies have demonstrated that students with disabilities can make significant developmental and learning progress in inclusive settings. Studies have also shown that when compared to their peers in more segregated settings, they experience greater cognitive and communication development, fewer absences from school, higher test scores in reading and math, and a higher probability of employment and higher earnings. Further, these benefits for students with disabilities do not have adverse effects on their peers without disabilities. What would you do to increase the amount of instructional time that students with disabilities spend in the regular education classroom?

Answer 6. I appreciate the value and benefits of educating students with disabilities inclusively with their general education peers. A student's Individual Education Plan (IEP), developed by local educators, parents, and in many cases, the student, determines the level and type of services that a student needs. Those closest to the situation are usually best positioned to make decisions about what will work for a particular student. Under my leadership, the Department will continue to promote evidenced-based and effective best practices to inform decisionmaking at the local level.

Question 7. Considerable investments have been made in comprehensive research on educating students with disabilities. How do you intend to support and utilize research to inform your policy priorities?

Answer 7. I am a strong advocate of using research to inform practice and policy. Therefore, research on educating students with disabilities will continue to be encouraged and supported under my leadership. In addition, we will examine inter-departmental collaborations with the Departments of Health and Human Services, Labor and other departments that are conducting research about students with disabilities to develop a more complete view of effective practices. We need to remove the silos that separate each department's knowledge base and increase access to evidence that could impact the professional knowledge base.

Question 8. The specially trained educators who work with students with sensory disabilities are educated through a small number of specialized university personnel preparation programs. The low-incidence of students and the complex qualification requirements for teachers make these personnel preparation programs unique among teacher training programs. As Secretary of Education, what will you do to ensure the continuation and expansion of these essential personnel preparation programs in order to supply and support the well-trained professionals to meet the specialized needs of students with low-incidence, sensory disabilities?

Answer 8. If confirmed, under my leadership, the Department will examine the personnel preparation grants and other teacher preparation and professional development program opportunities to determine appropriate priorities. Students with sensory disabilities and students with multiple disabilities deserve well-prepared

and excellent teachers who receive ongoing evidence-based professional development to maintain and enhance their expertise.

Question 9. Do you believe that most students with disabilities can master grade-level standards when they have access to special education and related services? If yes, please describe how you will support students, parents, educators and schools in this effort. If no, please describe what research you reference to support your answer.

Answer 9. The short answer is: yes.

However, it is not just access to special education or related services that can impact a student's achievement. Schools that use evidence-based practices as a part of their regular curriculum are producing exciting results for students with disabilities. We need to examine what these schools do and share these practices.

In addition, students with disabilities often learn at different rates. This needs to be considered when developing educational policies and plans. Special educators tell me, for example, that they don't want to waste valuable instructional time having their students color pictures of "food" as a way to "meet" the grade-level objective of examining the impact of international trade routes with Mexico. I will task the Office of Special Education and Rehabilitative Services to review what States and districts are doing regarding "grade level" practices to ensure that knowledge and skill required by the grade level educational standard and objective is not lost. At the same time, we will maintain the expectation that students with disabilities must have an opportunity to achieve or exceed their IEP goals.

Question 10. Current Federal practices for collecting State education agencies' accountability data by disability category produce a "non-duplicate count," meaning that each student is only identified within a primary disability category, regardless of any additional disabilities he or she may have. This often results in a dramatic undercounting of children who are blind or visually impaired, deaf or hard of hearing, or deaf or blind, because these students often have additional disabilities and, therefore, may be counted in different, primary disability categories. State and Federal funding depend on accurate knowledge of the numbers of students who receive specialized services. As Secretary of Education, how will you ensure that children with sensory disabilities—particularly those with additional disabilities—receive the services that are specially designed to meet their unique blindness, deafness, and deaf-blindness needs?

Answer 10. Having accurate numbers of students with disabilities is essential in order to ensure that appropriate amount of resources is provided for essential services. Thank you for bringing this to my attention. Should I be confirmed, I will examine this issue and look forward to discussions with you regarding the best way to improve such data collection and reporting.

Question 11. Children with sensory disabilities—those who are deaf, blind, or deaf-blind—constitute a very low-incidence population. This population amounts to fewer than 2 out of 1,000 students in grades K–12 nationally. These children have complex needs that require highly specialized professionals with focused training, and beyond their unique communication and learning needs, a large percentage of these students have additional disabilities that impact learning. Given all of this, how will you support efforts to ensure that deaf and hard of hearing, blind and visually impaired, and deaf-blind students have the trained, professional personnel, access to communication and materials in school, and the appropriate school settings needed to help them succeed educationally?

Answer 11. Students with sensory disabilities and students with multiple disabilities deserve well-prepared and excellent teachers who receive ongoing evidence-based professional development to maintain their expertise. To accomplish this, if confirmed, I will examine ways to support research to determine the most effective practices and programs for students who are deaf and hard of hearing, blind and visually impaired, and deaf-blind.

Question 12. How will your Department of Education ensure the rights of students with disabilities in virtual learning environments?

Answer 12. The Department must monitor and stay up to date on the latest technology challenges to protecting the rights of students with disabilities.

If I am confirmed, I will study the issue of ensuring the rights of students with disabilities in virtual learning environments. We will examine best practices from the States so we can share effective strategies and programs for educating students with disabilities using virtual environments.

Question 13. Parent Information Centers (PTIs) provide parents of children with disabilities free access to information related to the law and their children's rights. These PTIs are woefully under-resourced. How do you plan on supporting the PTIs?

Answer 13. Parents need good information to make informed decisions about their child's rights and educational plan. If confirmed, the Department will examine the effectiveness and efficiency of current outreach programs, centers, and events that focus on providing parent information while also exploring new opportunities to use technology to improve this outreach. Our goal is to increase parent and family access to information across the range of essential issues, from evidence-based practices to legal rights for parents of students with disabilities.

Question 14. Explain your experience in addressing policy issues impacting students with disabilities. Share examples of how education initiatives you have supported have impacted students with disabilities.

Answer 14. The development of charter schools in Michigan gave me an inside view of how students with disabilities are treated within the traditional public school system. The students that transferred from a traditional district school to the charter school founded by my husband had received services that met the minimum compliance standards, but in some cases hadn't achieved academic or social-behavioral goals in years. It was tragic. When we asked about it, we were told that the law only requires that the student receive a minimum benefit—so their sending schools believed that they had met these students' needs. Quite honestly, I was shocked that "minimum benefit" was considered sufficient. Our parents and student deserve so much more. The opportunity they had to choose a more appropriate school to meet the needs of the students was invaluable.

Question 15. Please describe in detail how you envision Office of Special Education and Rehabilitative Services (OSERS) being part of the process to implement the Every Student Succeeds Act.

Answer 15. If confirmed, I will ask the Office of Special Education and Rehabilitative Services (OSERS) to perform a complete review of all current activities, policies, guidance, and regulations, to determine overlap, gaps, and areas that need to be brought into compliance with the Every Student Succeeds Act (ESSA). Given this analysis, we will develop a schedule to implement changes. I will require that OSERS inform me of any areas of concern regarding how ESSA is implemented for students with disabilities. Under ESSA, we will continue to ensure that States and local education agencies are accountable for meeting the needs of students with disabilities.

Question 16. Section 503 of the Workforce Innovation and Opportunity Act requires Federal contractors to recruit and hire people with disabilities. Will you work with the Department of Labor to ensure that new regulations strengthening Section 503 of WIOA are fully implemented and supported?

Answer 16. I believe that individuals with disabilities can be valuable contributors to the workforce. If confirmed, I look forward to inter-departmental collaboration with the Department of Labor, as well as other departments, to protect the rights of individuals with disabilities and ensure that they are able to contribute to the fullest of their abilities.

Question 17. In response to a candidate questionnaire, the Trump campaign stated that,

"It is important that the final regulations under section 501 are enforced. We will then do all we can to make sure that the agenda outlined and agreed upon gets implemented. My administration will work with Congress to set an example of the importance and value of hiring individuals with disabilities. A Trump administration will follow the law."

What will you do to strengthen Section 501 of the Rehabilitation Act, which requires affirmative action and nondiscrimination in employment by Federal agencies of the executive branch and ensure the Federal Government is a model employer of people with disabilities?

Answer 17. Should I be confirmed, I will ensure that the Department of Education complies fully with these laws. This will not only benefit individuals with disabilities, but also enrich and strengthen the Department itself. Wherever we have the opportunity to hire qualified individuals with disabilities, we will be thrilled to consider them fairly for any position. We will work hard to create a model work environment that values and benefits people with disabilities.

STUDENT SAFETY

Question 18. Do you believe that students should be isolated from their peers, classroom and learning environments for part of or all of the school day, for standing up, not following directions, pushing back from a desk, not displaying “on-task” behavior? Would you agree that these types of isolation measures used by teachers creates a difficult learning environment? What is your approach to address these practices?

Answer 18. Seclusion should never be used to solve routine classroom management issues. In fact, it should not be used at all unless the student could cause serious physical harm to him/herself or others. If used, specific procedures for its use should be carefully followed by trained personnel. Underlying your question is the issue that we need to give teachers (and other school personnel) effective tools and strategies for dealing with “disruptive” behaviors. All school personnel need to be trained to implement evidence-based practices such as positive behavioral interventions that reduce the likelihood that seclusion is needed. We also need to promote the use of effective positive behavioral practices as a part of administrator and teacher preparation programs, so that our educators are prepared to handle the many challenges facing them in schools today.

Question 19. Teachers have often organized for the health and safety of their students, such as instances where schools are without heat or experience other safety concerns. Do you think it is important for teachers to be able to organize in these circumstances?

Answer 19. I believe that ALL schools should be safe and offer an environment conducive to learning. Teachers, parents, and students should have a major voice in these issues. How their voices are heard and attended to should be left up to the local level.

ROLE OF U.S. DEPARTMENT OF EDUCATION

Question 20. As Secretary of Education you will oversee an agency with 4,400 employees and a \$68 billion budget. Do you believe the Agency has the right level of resources to support the vision you laid out? If not, how will you change the size of the agency?

Answer 20. Generally speaking, I believe the Federal Government’s role in education has grown dramatically since its creation and could be made more effective. If confirmed, I will review the structure of the agency along with its budget and make recommendations to the President-elect for any changes. I believe it would be premature to discuss specific changes without meeting with employees from each office and listening to them.

Question 21. You often cite the need for competition as the reason for pushing private voucher programs, but why not work within the public system where there’s accountability and oversight to nurture choice and competition?

Answer 21. I am a strong advocate of great public education. Period. But, I believe we can both challenge the status quo and support public education.

Our current approach is not working for far too many. Last year, the National Assessment of Educational Progress (NAEP) recorded declines in fourth- and eighth-grade reading and math following flat 2013 results, marking a downturn after years of steady gains. Recently, the Program for International Student Assessment (PISA) reported that U.S. performance has declined steadily since 2009 in reading, math, and science—after a decade of rising scores. In fact, the United States is now 35th in math (down from 28th). In science, we’re 25th and in reading, we’re now in 24th place.

I’m certain we can all agree that is indefensible. I am and will always be an advocate for what is best for students and for parents, not for the system.

Question 22. Do you think the Federal Government has a role to play in closing the achievement gap and help level the playing field for disadvantaged students?

Answer 22. Yes.

Question 23. One of the best investments in improving American education is improving the ability of educators to use high-quality research in their practice, access the best educational tools, and produce sufficient numbers of highly qualified teachers who can effectively teach the diverse population of students who attend public schools in the United States. What will you do to improve high-quality educator preparation?

Answer 23. I absolutely agree that good teachers make an incredible difference in student performance.

Many university-based teacher preparation programs have been slow to embrace research-based practices to inform their preparation practices. However, many alternative certification programs have based their program content and clinical experiences on evidence about “what works” in classrooms. States are responsible for determining which programs are allowed to offer teacher certification or licensure programs.

If confirmed, I would increase the visibility of how States are improving their teacher preparation programs so that their graduates are “learner-ready” and significantly adding value to students. Louisiana, for example, started on this path to improve their teacher preparation programs almost 15 years ago when the Board of Regents and the State Board of Elementary and Secondary Education terminated all teacher preparation programs and required a complete redesign using more rigorous standards and accountability. This type of bold reform and Louisiana’s use of student result measures to determine effectiveness is a great example that needs to be shared with other States.

EVERY STUDENT SUCCEEDS ACT (ESSA) IMPLEMENTATION

Question 24. Under your leadership, will the Department of Education implement Section 1204 of Every Student Succeeds Act, the Innovative Assessment and Accountability Demonstration, a section influenced by New Hampshire’s Performance Assessment in Competence Education (PACE)?

Answer 24. If confirmed, I intend to implement the Every Student Succeeds Act as written. I would look forward to learning more about New Hampshire’s experience with the Performance Assessment in Competence Education program as this Federal demonstration project is developed.

Question 25. Do you think Congress took the right approach with ESSA by returning many decisions to States but maintaining annual testing and other guardrails? Why or why not?

Answer 25. Yes, I do. I believe that Congress made great strides in returning the responsibility for education primarily to States and localities, where it belongs.

Question 26. You recently said you want to end the Common Core, yet you founded the Great Lakes Education Project, which has supported the Common Core and was a major driver of its implementation in Michigan. Additionally, you served on the board of Jeb Bush’s Foundation for Excellence in Education, which supported the Common Core. Do you generally not agree with the foundations that you support on major policies, or is this an anomaly?

Answer 26. I believe in high standards of excellence and achievement. I also believe it is the job of States to set those standards. The Federal Government can highlight their success, but I don’t support a federalized approach to Common Core.

I have supported many good causes over the years across the political spectrum. I have contributed to organizations because of particular initiatives they have undertaken, but that in no way means I support all of their activities. In fact, I appreciate the opportunity to highlight my diversity, from GLEP, to Excel in Ed to the Clinton Global Initiative, there are organizations that I have helped support with whom I do not fully agree. It is important to listen to a variety of perspectives.

I applaud what this Congress and committee did in its passage of the Every Student Succeeds Act. You all made it quite clear that there should be no Federal role in determining standards.

Question 27. You have stated you want to end the “Federalized Common Core”. Despite the fact that Common Core is entirely voluntary and not federalized, how would you proceed with eliminating it, particularly since ESSA clearly prohibits the Federal Government from requiring States to adopt or change their standards?

Answer 27. I agree that the Every Student Succeeds Act (ESSA) clearly prohibits the Federal Government from requiring States to adopt or change their standards. If confirmed, I intend to ensure this provision is implemented as Congress intended.

Question 28. Do you believe student participation in statewide assessments is important so that all students, families, and schools have data to support learning, and because this participation is critical to a functioning school accountability system? Why or why not?

Answer 28. Yes. In order for parents to make informed choices about the best education options for their children, they need to understand how their child and their school are performing.

Question 29. Some States have experienced high levels of opting-out of State standardized tests. Do you support testing opt-out? Do you have plans to address this issue?

Answer 29. If confirmed, I will implement the statutory requirements of the Every Student Succeeds Act (ESSA), including ensuring compliance with the requirement that States must annually measure not less than 95 percent of students on annual reading and math assessments. At the same time, I will respect the intent of Congress under ESSA to defer to State and local laws and decisions concerning both parents' determinations about whether or not their children participate in such assessments and State approaches to holding schools accountable where less than 95 percent of students or students within subgroups are assessed.

Question 30. For what should schools/districts be held accountable? What is the Department's role in determining that? How do you reconcile your answer with the Every Student Succeeds Act?

Answer 30. I believe the Every Student Succeeds Act empowers States to make the decisions about what should be included in their accountability systems. The Department's role is to ensure the law is implemented as written.

Question 31. Do you believe State accountability systems should measure both student academic proficiency and academic growth? Why or why not?

Answer 31. I believe the Every Student Succeeds Act empowers States to make that decision, and they should be allowed that flexibility.

Question 32. Do you believe that States should be able to choose which annual tests they administer for accountability purposes? Why?

Answer 32. Yes. States should be allowed to use the assessments that best meet the needs of the students in their State.

Question 33. As you are aware, requiring schools to report performance of subgroups of students highlighted that many schools across our country were failing to provide equal education for all students. What policies do you believe have been most critical in advancing equity for English language learners, students with disabilities and low-income students? How would you protect and further these policies?

Answer 33. I believe the disaggregation of data across subgroups—and making that information transparent to parents and the public—is one of the most important and effective ways to ensure equity for students who have been poorly served by our education system.

Question 34. There was bipartisan agreement in the development and passage of ESSA to support new title I provisions that support and assure that students with disabilities are fully included in State accountability systems and are held to the same high standards as all other students. What are your plans to help States so that schools and districts can maximize the new law's flexibility without jeopardizing accountability for educating vulnerable and disadvantaged students, including students with disabilities?

Answer 34. These accountability assurances for student with disabilities are already in place. IDEA requires that an individualized education program (IEP) created by a team including the parent (and often the student) must spell out the student's learning needs, how the needs will be met, and how progress will be measured. Parents having this level of information about their child need to be informed about their rights and responsibilities regarding how to hold schools accountable for their child's results.

Question 35. ESSA has taken significant steps to elevate the importance of school leadership and school principals. We know that leadership is a cost-effective approach to creating schools where teachers thrive and students succeed. Through ESSA, how will your Department support States in thoughtful inclusion of evidence-based, school leadership strategies and meaningfully consult with school leaders (as required by the law)?

Answer 35. Having school leaders who have the skills and knowledge to develop and maintain high-performing schools is one of the most important ingredients for increasing student performance. If confirmed, I will look for ways the Department of Education can expand dissemination of strategies that States use to include leaders who have demonstrated outstanding results in ESSA implementation discussions.

Question 36. ESSA places new emphasis on supporting school leadership through increased professional development, mentoring, residency, and other evidence-based

programs that support the recruitment and retention of effective school leaders. Given the extensive research that shows principals are second only to effective teachers when it comes to improving student achievement, what will you do as Secretary of Education to improve the pipeline for school leadership and provide the support school leaders need to stay in the profession and lead school change and improvement efforts that establish a positive culture so they stay in their schools long enough to increase student achievement?

Answer 36. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies. If confirmed as Secretary I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will travel around the country sharing best practices in the hopes those successes encourage others to look for solutions that have worked and adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I would welcome that opportunity. I agree that supporting the development and retention of strong school leaders is one of the most important things we can do as a country to improve education.

Question 37. ESSA requires stakeholder engagement. How will the U.S. Department of Education (USED) use this concept to expand involvement in key decisions at the State and local levels?

Answer 37. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies.

If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will travel around the country sharing best practices in the hopes those successes encourage others to look for solutions that have worked and adapt it to their particular needs. I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help as Secretary, I would welcome that opportunity. I agree that stakeholder engagement is critically important. Every Student Succeeds Act includes specific requirements around stakeholder engagement and I am committed to enforcing those provisions as written.

Question 38. What is your position about public school teachers' voices being heard before major decisions regarding public school policies and funding?

Answer 38. In general I believe it is best to defer to the judgment of State and local officials about how best to implement education policies.

I am also reminded of the wisdom of former President Franklin D. Roosevelt on the topic.

If confirmed, I would welcome the opportunity to share data and good research from the Department of Education with State and local officials looking to improve educational opportunities. I will share best practices in the hopes that those successes encourage others to look to solutions that have worked and adapt it to their particular needs. I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems.

If I can be a resource to help, I would welcome that opportunity. As I said before, I agree that stakeholder engagement is critically important. I believe we as policymakers also have a responsibility to push as many decisions as possible down to the local level, so that teachers are fully heard and engaged.

FOR-PROFIT K-12 EDUCATION

Question 39. According to financial disclosures, you and your husband owned shares in K12 Inc, a company whose core business model is the management of public for-profit online charter schools. This company has been criticized for negative student outcomes and called out for its business models by several outlets including the *New York Times*, which characterized the organization as a "company that tries to squeeze profits from public school dollars by raising enrollment, increasing teacher workload and lowering standards."

This business model clearly aims to funnel taxpayer dollars dedicated for public education to Wall Street and its shareholders. We know that President-elect Trump is also supportive of this troubling business model since K12 Inc founder, Ron Packard, participated and helped organize President-elect Trump's announcement of his education platform this past September in Cleveland, OH.

Is it true that you and your husband owned shares in K12 Inc?

How can you support K12 Inc., given their dismal results for students? Is this business model something you and President-elect Trump aim to promote while at the Department of Education?

Answer 39. Shares in K12 Inc. were acquired in 2002 and 2003, but all such shares were sold in 2008. I am not familiar with K12 Inc.'s current business model to comment on whether that particular business model is of the type that I would promote or not.

Question 40. As evidenced in a recent GAO report, many for-profit charter schools have a poor track record of recruiting, admitting, retaining and providing a quality education for students with disabilities. If you advocate for expanding school choice via charters or vouchers to families using Federal funds what will you do to rectify these inequities? How will you assure all schools will improve educational opportunity and educational quality for students with disabilities?

Answer 40. First, charter schools are not for-profit entities. They are public schools. There are those, however, that contract with for-profit organizations for various services such as management services. This is no different than a traditional public school contracting with a private transportation provider or for private psychological services for students.

In terms of the disparities in enrollment of children with disabilities in charter schools, there are a variety of reasons why a gap might exist—parental selection, lower rates of special education identification because students learn more in high-performing charters, and because not all charter schools do as well as they could in terms of serving children with disabilities.

As you know, any charter schools that receive Federal funds must abide by all Federal laws—including those that govern special education. If confirmed, I will enforce all laws under the jurisdiction of the U.S. Department of Education.

Question 41. Would you seek to give virtual schools less accountability or more accountability when it comes to the role of the Department of Education in oversight and accountability?

Answer 41. I support strong accountability for our Nation's schools. Any school that receives Federal funding is subject to Federal law, including the accountability provisions of Every Student Succeeds Act, whether that school is virtual or place-based. If confirmed, I will enforce all laws under the jurisdiction of the U.S. Department of Education.

Question 42. You have been supportive, and have had a financial interest in K12 Inc., a for-profit operator of online charter schools. Ohio's Virtual Academy operated by K12 Inc. has reported an on-time graduation rate below 40 percent. Do you think this on-time graduation rate is acceptable? If not, what do you think is an acceptable on-time graduation rate?

Answer 42. As previously noted, I do not have a financial interest in K12 Inc. I believe that States have the obligation to set accountability standards and if schools consistently fall below those standards, they should be closed, whether they are virtual, place-based, traditional, or charter schools.

There are many schools with graduation rates near 40 percent. This cannot be acceptable regardless of how the school organizes itself.

Question 43. With K12 Inc.'s poor performance levels, do you think it is acceptable to spend as much as \$40 million in 1 year on marketing to vulnerable students, as K12 Inc. reported doing in 2014?

Answer 43. I believe that companies have an obligation to decide the best use of their resources in providing the services they offer.

RURAL EDUCATION

Question 44. How do you plan to ensure that the Department better supports students in rural schools than past Administrations?

Answer 44. Too often competitive grants ignore the realities of rural areas, or unintentionally exclude rural areas because of requirements that make no sense for smaller, rural areas. If confirmed, I look forward to working with Congress and stakeholders from rural areas to learn how the Department of Education can better serve their needs.

Question 45. You have been very supportive of voucher programs. This type of system can be particularly difficult to implement in rural areas where President-elect Trump received some of his strongest support. Do you think unregulated school choice markets are the answer in rural areas as well as urban areas?

Answer 45. Technology is one answer to providing more choice in rural areas. In addition to virtual schools and choosing a different school, there are also options to implement course choice, allowing students to take one or more classes online. Course supplements, like Khan Academy, can also help when traditional schools are not serving students well.

We are no longer in an industrial age. We are changing at warp speed. Technology has transformed every area of our lives—except in education. We’re seeing so many developments that can help us individualize and personalize education in a variety of settings.

And let’s be clear, different regulation is not the same as “unregulated.”

Question 46. What will your strategy be as Secretary of Education for improving low performing schools? Do you have a different strategy for schools in rural areas? If so, please explain.

Answer 46. This is one of the issues that has challenged the education field for years. A variety of approaches have been tried and we are still seeing dismal results for too many of our kids. As you likely know, the previous Administration recently spent \$7 billion with no measureable impact for children.

With the passage of the Every Student Succeeds Act last year, Congress decided that States should have the flexibility to try a variety of approaches and determine what tools work best for their situation. But I do believe that at the core of this issue is the fact that every child is unique, yet our education system treats them all the same. With the remarkable advances that are being made in the use of technology, in personalizing education, and in focusing on competencies and skills, there are some promising practices developing. If confirmed, my job will be to highlight those best practices.

DC VOUCHER PROGRAM

Question 47. Do you support the reauthorization of the DC Voucher program? If yes, can you explain your support of American taxpayers being expected to support programs that divert money from public schools to a program that has shown to have no impact on student safety, satisfaction, motivation, or engagement according to U.S. Department of Education reports in 2007, 2008, 2009, and 2010?

Answer 47. Since the SOAR Act was authorized in 2011 it has diverted \$0 away from the DC public school system.

Rather, it has been the primary authorizing mechanism for the three-pronged approach to DC education—one that has generated over \$600 million for K–12 education in the district since 2004, and will generate another \$45 million more in 2017.

In short, SOAR has led to a greater investment in the education of our public.

The 2010 U.S. Department of Education Institute for Education Sciences report stated that students who used a scholarship through the DC Opportunity Scholarship Program had a 91 percent graduation rate; 21 percent higher than those who sought, but didn’t receive a scholarship. By comparison, DCPS have a graduation rate of 69 percent, which is up from 53 percent in 2011—a commendable improvement, but still 13 percentage points below the national average.

DCOSP provides students a high quality education, and actually saves taxpayers money. DC residents participating in the program are awarded scholarships at a rate of \$8,300 for students grades K–8, and 12,400 for students in grades 9–12. This is well below the cost of educating a student in the DC Public School system, which has an average per student amount of over \$18,000 per year.

The program enjoys popularity amongst taxpayers. It was originally begun in partnership with former DC City Council Education Committee Chairman Kevin Chavous, and then-Mayor Anthony Williams, and is currently supported by Mayor Muriel Bowser, eight members of the DC City Council, 74 percent of DC’s residents, and bipartisan Members of Congress.

DCOSP also includes a number of accountability mechanisms to protect student safety and performance. Federal law requires annual testing and evaluations of participants to determine student progress. Furthermore, participating schools must require background checks for all school employees who have direct contact with students, and requires those few schools that are not accredited to become accredited within 5 years or face dismissal from the program.

While a final decision on reauthorization is ultimately up to you, Congress, I welcome the opportunity, if confirmed, to working together to support programs that provide equal opportunity and accountability for students, while also protecting taxpayers’ substantial investment in our students.

Question 48. During the 2011–12 school year, 64 percent of vouchers distributed in the District of Columbia did not cover the entire cost of the student’s private school tuition, leaving many families with unequal access. Do you think this disparity in access based on financial resources is a problem? If yes, how would you address it? If no, please explain why not?

Answer 48. As mentioned above, the Federal three-pronged approach to DCOSP has generated substantial funds for DCPS, DC Charters, and DCOSP. Of the \$618 million that has been appropriated, \$239 million has been appropriated for DCPS, \$195 million for DC’s charter schools, and \$183 million for DCOSP. Furthermore, applications for DCOSP and DC charter schools have seen applications and waiting lists increase substantially in the past several years. Since 2004, more than 16,000 families have applied to DCOSP and thousands more are currently on the charter school waiting lists.

There is clearly a disparity in access based on financial resources. However, the 2014 DOE IES Study suggested that many other factors, not solely program funding, played a role in unequal access for students wanting to participate in the program. Still, 72 percent of students receiving a scholarship were able to enroll in a participating school according to the same study. I am hopeful that the program’s new administrator, Serving Our Children, will make good on their promise to address any outstanding issues related to program outreach and communication with participating schools.

STEM

Question 49. It has been noted by the Computing Research Association that,

“The percentage of female computer science CS majors remains very low, at only 14.1 percent, and several racial minorities are also significantly underrepresented (with African Americans representing only an estimated 3 percent of majors, and Hispanics representing around 7 percent).”

Will you work as Secretary to direct existing Federal funding not just to computer science education, but to helping make computer science education a possibility for all American students regardless of their background?

Answer 49. Computer science is an important discipline—and for the sake of our national security and prosperity, it should be available to all students regardless of background. Most jobs today require a much higher degree of technical competence than even 5 years ago. If confirmed, I will work with States and local school districts to encourage them to prioritize computer science education, and I will help identify best practices wherever possible to serve as models of where it is being done well. I will also look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when making a proposed budget for future fiscal years.

Question 50. This decade, computing occupations have become the single largest sector of new wages in the United States. There are almost 500,000 open computer jobs. These are among the best-paying jobs in the country, and they are growing almost twice as fast as all the other jobs in the country. Surveys show that 90 percent of American parents want their children to study computer science in school, yet the majority of K–12 schools don’t even teach computer science. How do you think that we should expand computer science and other advanced coursework in our K–12 schools?

Answer 50. Computer science is an important discipline. Most jobs today require a much higher degree of technical competence than even 5 years ago. If confirmed, I will work with States and local school districts to encourage them to prioritize computer science education, and I will help identify best practices wherever possible to serve as models of where it is being done well.

Question 51. Do you see an opportunity as part of the Perkins Career and Technical Education (CTE) reauthorization to highlight the importance of computer science education?

Answer 51. Yes.

Question 52. Scientists have long confirmed that climate change is real and man-made. The implications to our country and society of climate change are potentially devastating. Do you think it is appropriate to teach students about climate change?

Answer 52. Decisions about what curricula are taught in schools are made by States and school districts, not at the Federal level. Federal law makes this clear. Additionally, as I noted in my hearing, I believe in good science.

Question 53. Do you believe that evolution should be taught in public schools?

Answer 53. Decisions about what curricula are taught in schools are made by States and school districts, not at the Federal level. Federal law makes this clear. Additionally, as I noted in my hearing, I believe in good science.

Federal Courts have made it clear that evolution shall be taught in public schools.

HIGHER EDUCATION—FOUR-YEAR AND COMMUNITY COLLEGES

Question 54. Will you support full, automatic discharge of loans at schools where students were systematically defrauded and provided a substandard education?

Answer 54. The Higher Education Act explains the circumstances in which students can request relief. There should be a fair process that looks out for the interests of students, institutions, and taxpayers. If confirmed, I will review the process that has been put in place to ensure it meets that standard.

Question 55. We know that for-profit schools are over-represented in leaving students struggling with massive amounts of debt. A third of graduates of for-profit college certificate programs are earning below minimum wage. There is a clear historical pattern of fraud and abuse by for-profit schools in the Federal student aid program. Are you aware of this pattern? Do you support the gainful employment rule? If not, what steps do you support to hold for-profit schools accountable when they're not providing a benefit to students?

Answer 55. Fraud should never be tolerated. Period. Bad actors clearly exist—in both public and nonpublic institutions. When we find them, we should act decisively to protect students and enforce existing laws. However, I'm agnostic about the type of provider of educational options to our students. Let's find the best and not discriminate simply because of their tax status.

If confirmed, my role as Secretary, in part, would be to ensure that the Higher Education Act is faithfully implemented. I will work to ensure faithful implementation across the board—whether the school is a public, private non-profit, or a for-profit school. Accountability is for ALL schools, and I intend to use the various tools at my disposal to enforce the law.

Question 56. Students in New Hampshire and across the country depend on financial aid like the Pell Grant to be able to afford rising college costs. And yet, even with this financial aid, they are shouldering increasingly large burdens out of pocket and in student debt. Instead of trying to make college more affordable, House and Senate Republican budget proposals by Paul Ryan and others have very recently called for cuts in financial aid. They have called for eliminating all mandatory funding for the Pell Grant program, freezing the maximum Pell Grant for 10 years, making interest accrue on loans while undergraduates are in school, and eliminating the Public Service Loan Forgiveness Program entirely. Do you support these congressional proposals to cut funding to financial aid?

Answer 56. I have not studied the House Republican 2016 budget, but if confirmed as Secretary, I look forward to working with Members of Congress from both parties in both chambers to appropriately fund the Department's programs. In doing so, I will look closely at the budget of the Department of Education to determine the best allocation of taxpayer dollars to programs when proposing budgets for future fiscal years.

Question 57. All regulations require enforcement, and one area that has been neglected has been the enforcement of the regulations that make a college nonprofit. One test of whether a nonprofit is actually operating as a nonprofit is whether the board of trustees is able to make decisions independent of any personal financial interest. Some cases have clearly cross that line. It has come to light that some schools currently recognized by the Department of Education as nonprofit are actually serving to make money for their board members and others involved in the school's administration. These activities run contrary to the legally mandated mission of a nonprofit to serve public, rather than private, interests, while helping these institutions skirt regulation designed to monitor the for-profit education sector. What steps would you take to ensure that the Department recognizes as nonprofit only those schools whose governance structures ensure that no one with a financial stake in the corporation has administrative authority?

Answer 57. If confirmed, I look forward to reviewing current policies and procedures and whether they align with the Higher Education Act. In addition, I look forward to working with you, the Senate Committee on Health, Education, Labor, and Pensions and Congress on this issue during debate of the reauthorization of the law.

Question 58. Will you commit to improving student loan servicing so that borrowers know about their income-driven repayment options?

Answer 58. If confirmed, I will strive to do a better job than the previous administration at managing all of the Department's contractors and will ensure they follow all the appropriate consumer protection laws as those laws were written.

Question 59. A 2012 Senate Health, Education, Labor, and Pensions Committee report found that some for-profit colleges push student borrowers into forbearance and deferment with the express purpose of improving or manipulating their cohort default rate, and without concern for what is in the best financial interest of individual students. Many students will end up paying more over the life of their loans after a forbearance or deferment, and could have been eligible for an income-driven repayment plan. Do you believe default rate manipulation is appropriate behavior? Will you support Federal legislation to reduce or halt default rate manipulation through forbearance and deferment?

Answer 59. The Higher Education Act (HEA) and accompanying regulations outline how an institution of higher learning must calculate its cohort default rate. If confirmed, I look forward to discussing this policy, among all the others, with you and your colleagues as part of the HEA reauthorization.

Question 60. Do you believe that accrediting agencies should conduct surprise visits or secret shopping of the institutions they oversee, to ensure that colleges and universities are meeting accreditation requirements at all times, and not just during scheduled site visits?

Answer 60. The accreditation system is not working—both in terms of protecting students and encouraging innovation in higher education. It is a complicated issue that the field has been grappling with for some time. If confirmed, I look forward to working with the committee to find a solution that does not in effect make the Federal Government a national accreditor.

Question 61. For-profit colleges market themselves as career-focused, and encourage students to enroll by offering the prospect of better jobs. Accordingly, for-profit colleges use job placement data to promote their programs, and to satisfy national accrediting agencies and some State regulators that the students who complete the programs are finding jobs in their field. However, when job placement rates are audited by outside agencies or the Federal Government, problems have repeatedly been found. Law enforcement investigations have found some colleges falsified their placement rates. Do you support establishing a uniform and accurate methodology for calculating job placement rates? Do you believe that the Federal Government should continue to verify the job placement rates provided to students and families?

Answer 61. If confirmed, I look forward to reviewing the merits of the several current calculations used by the Department to determine repayment rates and look forward to engaging you, the Senate Committee on Health, Education, Labor, and Pensions and Congress on this topic during debate of the Higher Education Act reauthorization.

Question 62. In 2014, an interagency task force was created with several Federal agencies to enhance cooperation and ensure proper oversight of for-profit institutions of higher education. Through this task force, the Department and other Federal and State agencies coordinate their activities and promote information sharing to protect students from unfair, deceptive, and abusive policies and practices. Will you ensure that the Department of Education continues to participate in this task force? Will you commit to recommending to the President-elect that he retain this task force, given the extraordinary abuses in higher education over the last several years?

Answer 62. If confirmed, I will review existing work with other Federal agencies in order to determine their alignment and usefulness in implementing the Higher Education Act (HEA). In addition, I will evaluate current Department resources to ensure that they are aligned with the requirements of HEA.

Question 63. Sexual assault is a horrific crime, that can happen in any environment including, all too often, high schools and college campuses. We must help ensure that every victim's needs and rights are identified and addressed, while continuing to make progress toward the ultimate goal of preventing these crimes in the first place. The University of New Hampshire is home to the Prevention Innovations Research Center and the Sexual Harassment & Rape Prevention Program (SHARPP) both of which are working tirelessly to help educate the public on how to prevent sexual assault. What new tactics or programs would you implement to ensure proven evidenced-based sexual assault prevention education is available to

elementary, secondary, and post-secondary schools? Would you support additional research for sexual assault prevention?

Answer 63. Sexual abuse is a horrific crime. Federal law makes clear that decisions about curricula cannot be made at the Federal level. But let me be clear, I personally support teaching sexual assault prevention.

Question 64. The Department of Education's student financial aid programs, from Pell Grants to graduate PLUS loans, are essential to ensuring that all students, regardless of income, can attend and graduate from college. If confirmed, will you support the Department's financial aid programs to help our Nation's students obtain post-secondary education? Will you support other efforts to reduce costs to students, including income-based repayment and loan forgiveness programs?

Answer 64. I believe the current Federal financial aid system is helping millions of students, who otherwise would not have the opportunity, to access higher education. I do believe that the wide range of Federal financial aid programs could be dramatically simplified and streamlined in order to provide the best benefits for students. If confirmed, I look forward to discussing these issues with you and the Senate Committee on Health, Education, Labor, and Pensions during Higher Education Act reauthorization.

Question 65. From 2011 to 2014 the Department of Education dually administered the Trade Adjustment Assistance Community College and Career Training Grant (TAACCCT) program with the Department of Labor. The program was created as a successor to the Bush-era Community-Based Job Training Grant program, and funded through the 2010 reconciliation vehicle. The TAACCCT program supported partnerships between community colleges and businesses to design and implement workforce training programs in high-need fields. President-elect Trump has stated his priority for job creation, and in particular job creation through an infrastructure investment package. Given the current shortage of workers in the building trades additional training capacity will be necessary to meet industry demand. Do you support a renewal of or successor to the TAACCCT program as part of any infrastructure package to help train workers in high-need fields?

Answer 65. If confirmed, I look forward to working with you, the Senate Committee on Health, Education, Labor, and Pensions and Congress on this issue and will faithfully implement any future law or funding stream so designated by Congress related to this topic.

Question 66. I have heard from community colleges about their interest in providing greater flexibility in the Pell Grant program to provide for short-term training opportunities. Currently a program has to be two-thirds of a year in length to qualify, and some high-quality programs are shorter.

Is this something that you have thought about and do you have a position on it as part of the ongoing Higher Education Act reauthorization?

Answer 66. I agree that education after high school should include a variety of options. If confirmed, I look forward to working with the Senate Committee on Health, Education, Labor, and Pensions regarding the Higher Education Act, and discussing how families can pay for innovative post-secondary options.

Question 67. College completion has been a focus area for community colleges nationally and in New Hampshire. As you know, the Federal Government's primary role in undergraduate education is providing student financial aid rather than getting engaged in colleges' operations, although there are some programs designed to support specific institutional activities. In any case, do you have any thoughts about how the Federal Government can augment what is going on currently at colleges in terms of enhanced pathways to completion, so that fewer students will start college but leave prior to earning the type of credential that can help them advance into skilled jobs that require education beyond high school?

Answer 67. If confirmed, I look forward to engaging with you, the Senate Committee on Health, Education, Labor, and Pensions and Congress during the debate on the reauthorization of the Higher Education Act on ways to support improved student completion and success.

Question 68. Among industry and community leaders there is strong interest in educational programs being better aligned with career opportunities and industry workforce needs. Do you have plans for Federal programs that can support career pathways from high school to community colleges in high demand middle-skills fields, such as advanced manufacturing and emerging healthcare fields?

Answer 68. I strongly believe there needs to be alignment between post-secondary education and workforce needs. Too many people are unemployed and under-

employed while many good jobs are left unfilled. This is an issue I hope we have the opportunity to work together on as Congress considers the reauthorization of Higher Education Act, should I be confirmed. However to be clear, I do believe that higher education serves a purpose greater than workforce preparation.

Question 69. As you are aware, while the overall economy has improved there is significant geographic disparity in economic performance that is correlated to differentials in workforce skills, training and education. What is your perspective on the role of Federal support of higher education, and in particular support of community colleges, in enhancing rural economic development?

Answer 69. If confirmed, I look forward to engaging on this important topic with you, the committee and Congress during debate of the Higher Education Act.

Question 70. Student debt is rising and is of concern to families across our Nation. What strategies and approaches would you support to address access to affordable higher education and the reduction of student debt among low-income students?

Answer 70. I think we can all agree that the growing amount of student debt in America is a serious challenge. A key component of the American Dream is the belief that tomorrow will be better than today, especially for the next generation. Yet, that opportunity is now at risk. For too many Americans, higher education has become unaffordable and disconnected from the Nation's economic realities.

There is no magic wand to make the debt go away, but we do need to take action. It would be a mistake to shift that burden to struggling taxpayers without first addressing why tuition has gotten so high.

We need to embrace new pathways of learning. The old and expensive brick-mortar-and-ivy model is not the only one that will lead to a prosperous future. Students should be able to make informed choices about what type of education they want to pursue after high school and have access to a variety of high quality options. President-elect Trump and I agree that we need to support all postsecondary avenues, including credentials, trade and vocational schools, and community colleges.

In addition, President-elect Trump spoke about several ways to address the issue of student debt during the campaign. One of the best ways to address this issue is ensure students are able to get jobs after they complete their post-secondary program. And President-elect Trump has spoken extensively about his plans to put Americans back to work and boost the Nation's stagnant economy. We are also interested in making sure students have good information about the costs of college and the labor market outcomes of particular fields so they can make good decisions at the beginning of their educational pursuits about what program may work best for them and their situation. Finally, President-elect Trump spoke on the campaign trail about his plan to streamline the income-driven repayment plans into one plan that will cap a borrower's monthly payment at 12.5 percent of his or her discretionary income, and ensure a borrower has relief from his or her loan after 15 years of payment.

Question 71. Students learn in different ways. Would you make any effort to support applied learning, such as work-based learning and apprenticeships, at community colleges?

Answer 71. I do agree that work-based learning and apprenticeships are a great way to improve skills for students and I will work with community colleges to expand those opportunities. In general I believe it is best to defer to the judgment of State and local officials about how to implement education policies. If confirmed, I would welcome the opportunity to share data, best practices, and strong research from the Department of Education with State and local officials so they can adapt it to their particular needs. But I also hope that States and local leaders will think outside the box and innovate, looking for new solutions to vexing educational problems. If I can be a resource to help, I would welcome the opportunity.

[Whereupon, at 8:43 p.m., the hearing was adjourned.]