



The Council of Parent Attorneys and Advocates, Inc.
Protecting the Legal and Civil Rights of Students with Disabilities and Their Families

May 17, 2018

The Honorable Virginia Foxx
Chair
House Education and Workforce Committee
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Robert "Bobby" Scott
Ranking Member
House Education and Workforce Committee
2101 Rayburn House Office Building
Washington, DC 20515

Dear Chair Foxx and Ranking Member Scott:

Sixty-four years ago today, a unanimous Supreme Court ruled in *Brown v. Board of Education (Brown)* that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."ⁱ In language as true today as it was in 1954, the Court said,

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."ⁱⁱⁱ

The Council of Parent Attorneys and Advocates (COPAA) exists to make the promise of *Brown* a reality for the 6.8 million children with disabilities attending America's public schools. We work to ensure that students with disabilities are afforded the educational opportunities they need to be able to live and work as independently as possible, to become active, contributing members of society, to be part of keeping American great. Just as children of color were placed in separate schools or separate classrooms before the *Brown* decision, children with disabilities were placed in separate schools and classrooms before the passage of the Individuals with Disabilities Education Act (IDEA) in 1975. And just as a unanimous Supreme Court said 'no' to segregation by race for America's public schools, a bipartisan Congress said 'no' to segregation by disability. COPAA fights to make that promise of an inclusive, high quality education for students with disabilities become and remain a reality.

And, just as integration of children of color into public schools is a bedrock civil rights issue, inclusion of children with disabilities into public schools is a bedrock civil rights issue. What happens at the elementary and secondary school level determines fundamentally what our society looks like in the future. If children with physical disabilities or autism or learning disabilities are learning side-by-side with their typical peers, we will create a society in which individuals with disabilities are no longer shunned, presumed to be incompetent, or discriminated against. American democracy is rooted in the concept that all individuals are created equal. Fundamental equality is the goal of COPAA.

We all know America is strongest if every citizen is equipped with the skills and provided the opportunity to contribute at the highest level feasible. For many current students with disabilities, what happens in school today will determine whether they will be designing the technology of the future or becoming dependents of society, whether they raise and support strong families or whether they languish in prison. Certainly, public education costs money and it can be somewhat more expensive for children with disabilities. But, saddling taxpayers with the cost of a lifetime of societal dependence or a lengthy period of incarceration makes the cost of a public education a great bargain. In short, it makes great economic sense to provide strong, inclusive educations for students with disabilities today.

In recent years advocates and Congress realized bipartisan, hard fought wins for students with disabilities, for example in the Every Student Succeeds Act (ESSA) – that are now being completely overlooked by states, by the Secretary of Education and by this Congress. We have an Administration that seems set on dismantling the very mechanisms that protect civil rights by both ignoring statutory requirements and in making damaging regulatory and administrative decisions (e.g. recent changes to the Office for Civil Rights Manual which reduces required response to complaints of discrimination; and efforts to delay the Equity in IDEA regulations). In this very Committee, the partisan bill to reauthorize the Higher Education Act (HEA) seeks to eliminate teacher preparation support to states and ignores all requested updates that would help assure the HEA promotes access and opportunity to college for students with disabilities. The bill would also dismantle alignment crafted between and among federal education laws related to teacher preparation and does nothing to improve access to post-secondary education for the majority of students with disabilities. This all runs counter to the promise of *Brown* and all civil rights laws of this country.

COPAA celebrates the anniversary of the *Brown* decision today by reaffirming our commitment to making America great by ensuring that all citizens are provided the educational opportunities to become equal and contributing members of society. We call on you to take actions that further the objectives of *Brown* and ensure equity for every child in America. We trust you will join us in that effort.

Sincerely,



Denise Marshall
Executive Director

cc: Members of the House Education and Workforce Committee

COPAA is an independent, nonprofit organization of parents, attorneys, advocates, and related professionals. COPAA members nationwide work to protect the civil rights and secure excellence in education on behalf of the 6.8 million children with disabilities under the Individuals with Disabilities Education Act (IDEA) and over 700,000 children with 504 plans under Section 504 of the Rehabilitation Act of 1973 in America. COPAA's mission is to serve as a national voice for special education rights and is grounded in the belief that every child deserves the right to a quality education that prepares him or her for meaningful employment, higher education and lifelong learning, as well as full participation in his or her community.

ⁱ *Brown v. Board of Ed. of Topeka, Shawnee County, Kan.*, 347 U.S. 483, 495 (1954).

ⁱⁱ *Id.* at 493.