

Ranking Member Murray

1. The President-elect who has nominated you has promised to “end Common Core.” And 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: 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.

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. So, requiring testing participation is an important lever to ensure that all students are taught to 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: 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.

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: If confirmed, I will carefully review all existing regulations to ensure they adhere to the law.

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 postsecondary education?

ANSWER: 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.

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 US 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: 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.

6. Will you commit to holding schools accountable by continuing to publish the list of schools with Title IX investigations and hold schools accountable?

ANSWER: 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.

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: 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.

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: 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.

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: 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.

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: 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.

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: 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.

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: 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.

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: 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.

14. Do you believe the right 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 publically on the website and to Congress?

ANSWER: 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 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 ensure a safe environment.

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: 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 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.

16. What role do you believe the US 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? [sic]

ANSWER: 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.

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: 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.

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: 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.

19. In a report released by the Office of the Inspector General for the US Department of Education on September 29, 2016, the US 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 US 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: 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.

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: 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.

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: 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 four-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
- Wisconsin Virtual Academy (WIVA): 96 percent

As the Chairman of the Senate Committee on Health, Education Labor and Pensions has said, “Washington, D.C. 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.

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: 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.

23. The US 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.
- a. 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: 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, 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.

b. Will you prioritize funding for Civil Rights Data Collection?

ANSWER: The Civil Rights Data Collection is an important, longstanding tool of the Department. If confirmed, it will continue to have my support.

c. 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: 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.

d. Between FY 2009 and FY 2016, OCR resolved over 66,000 civil rights cases. Will you prioritize funding for investigations into potential civil rights violations?

ANSWER: If confirmed, I will work to ensure that the Office for Civil Rights has the requisite resources to fulfill its statutory mission.

24. 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.

a. Do you intend to maintain these documents and enforce the protections and support the approaches outlined in them?

ANSWER: If confirmed, I will look forward to reviewing those documents and encouraging all stakeholders to dialogue on the right next steps.

b. 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: 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.

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: 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.

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: 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.

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: 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.**

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: 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.

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 gap 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: 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.

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: 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.

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: Not to my knowledge, no. It is an idea worth looking into.

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: 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, 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.

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: 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.

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: 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 to enhance educational options for all students.

35. 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 one dollar 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.

- a. 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: 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.

- b. 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: 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.

- c. 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: 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.

36. A.) 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 company was also sued by the 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 which 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 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: 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.

B) 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 five 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 three 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 one 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: 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.

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 92 percent, but an actual placement rate of 12 percent. Everest University Computer Information Sciences Associate Degree at Brandon had a posted placement rate 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: 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.

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: 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.

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 decision 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 postsecondary 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: 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.

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 one hour per week in lecture and two 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: 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 the 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.

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 that information because of a 2008 provision in the Higher Education Opportunity Act to blocks 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: 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.

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 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: The Federal Student Aid Data Center provides information that is used by students, institutions, researchers, and policy makers. 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.

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 one dollar 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: 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.

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 recompetes 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: 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.

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: As you know, the US 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 postsecondary education.

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: 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.

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: 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.

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: 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 education 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.

49. 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 postsecondary 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.

a. Do you believe that protecting students and taxpayers is an ideological or partisan matter?

ANSWER: No.

b. If confirmed, what steps will you take to address the disparity of for-profit institutions using a disproportionate share of federal aid?

ANSWER: 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.

c. If confirmed, what steps will you take to reduce the outsized number of defaulters coming from for-profit colleges?

ANSWER: If confirmed, I look forward to engaging with Congress, borrowers, and institutions of higher education regarding ways to reduce student loan defaults.

d. 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: No.

e. What do you see as the advantages and disadvantages of each form of institutional control?

ANSWER: I believe institutions have a responsibility to serve their students in the best manner possible regardless of tax status, or organizing structure.

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: Fraud should not be tolerated. Period. If confirmed, I will use the tools available to address these types of concerns.

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: If confirmed, I will protect students and taxpayers. As such, I will faithfully implement the provisions of the Higher Education Act.

52. 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.

a. Do you believe that students who have concern or complaints about their institutions have the right to raise those concerns publicly?

ANSWER: Yes.

b. 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: Numerous complaint processes exist through the states and courts.

c. When students are defrauded by their college, do you believe they have a right to seek legal remedies in court?

ANSWER: Yes.

d. 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: 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.

e. 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: If confirmed, I will use the tools available to the Secretary outlined in the Higher Education Act.

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: I strongly believe there needs to be alignment between postsecondary 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.

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: The goal of the federal student aid programs is to ensure access to postsecondary 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.

55. Many students who attend community colleges plan to transfer onto a four-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 four-year institutions do not accept or do not count toward a major. A 2014 study from the City University of New York found that 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: 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.

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%) of adults with a high school diploma have less-than-basic literacy skills and 35% 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 one- or two-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: 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 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. 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.

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: 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.

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: 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 Trump and I agree we need to support all post-secondary avenues, including credentials, trade and vocational schools and community colleges.

In addition, President 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 postsecondary program. And President 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.

59. Campus-based aid is a key source of support for millions of postsecondary 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: If confirmed, I look forward to working with you during the reauthorization of the Higher Education Act to review the campus based aid program.

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 30th 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 30th, 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: 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.

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: Foster care and homeless youth face unique challenges in accessing postsecondary 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.

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: 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 postsecondary education, and help states and institutions of higher education develop or improve policies that are effective at helping these vulnerable students.

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: Foster care and homeless youth face unique challenges in accessing postsecondary 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.

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 report 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: 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 postsecondary education, and help states and institutions of higher education develop or improve policies that are effective at helping these vulnerable students.

65. Lesbian, Gay, Bisexual, Transgender or Questioning students are particularly susceptible to homelessness 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: 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 postsecondary 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.

67. 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: 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.

68. 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: 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 postsecondary education and to help states and institutions of higher education continue to develop or improve policies that are effective at helping these vulnerable students.

69. 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 financial 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: 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 postsecondary 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.

70. 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: 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 postsecondary 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.

71. 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: Yes.

72. 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: If confirmed, I will review the GAO report and thoughtfully consider the recommendations.

73. 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 two- and four-year institutions. This provision is set to expire in FY 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: 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 dialogue with you and your colleagues.

74. 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: 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.

75. 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: 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.

76. Do you believe it is appropriate for institutions of higher education to be able to use federal dollars for marketing, advertising, and recruitment?

ANSWER: 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.

77. 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: 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.

78. 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 reversed. 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: I will faithfully implement the Higher Education Act.

79. 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: 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.

80. 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: It takes a partnership between the federal government, states, institutions of higher learning, and families to ensure postsecondary education is affordable. If confirmed, I would work with states and institutions to ensure they are holding up their end of the bargain.

81. 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 notification 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: If confirmed, I plan to review the regulations and the processes put in place to ensure the Higher Education Act is being implemented faithfully.

82. 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: 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.

83. 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: 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.

84. 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 postsecondary 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 nontraditional student populations?

ANSWER: 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.

85. My state has a large number of farmworkers. 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: If confirmed, I look forward to working with you to address these issues through the Higher Education Act reauthorization.

86. 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 a U.S. citizen, 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: The Personal Responsibility and Work Opportunity Reconciliation Act prohibits federal postsecondary 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.

87. 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: 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.

88. 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 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? [sic]

ANSWER: 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.

89. 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: 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.

90. Child homelessness continues to skyrocket in the U.S., 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: 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.

91. 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 play 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? [sic]

ANSWER: 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.

92. 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) 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: 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 dialogue with you on the transportation needs for students attending public charter schools, if confirmed.

93. 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: 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, D.C. 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.

And 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.

94. 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? [sic]

ANSWER: 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.

95. 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: 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.

96. 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: 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.

97. 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 U.S. 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 arrest undocumented students at school and other sensitive locations?
- c. If the new administration pursues a rollback of DACA, will you oppose punitive actions towards 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 U.S.?

ANSWER: 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 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.

98. 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 restated 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 benefit 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: First, I believe prejudice and intolerance are unacceptable and un-American. Second, I support two-way educational exchange at the postsecondary 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.

99. 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.

a. If confirmed, how do you intend to support undocumented DREAMer students at the Department of Education?

ANSWER: 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 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.

b. 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: I believe this is a decision for the states.

100. 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 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: Every student deserves to attend school in a safe, supportive environment where they can learn, achieve and thrive and are not discriminated against. Period.

101. 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? [sic]

ANSWER: 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.

102. 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 of 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 okay 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, D.C., 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: 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.

103. 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: 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.

104. 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: 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 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% 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 of their current options and rights within their local public school system.

105. 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: 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.

106. 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: 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.

107. 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: 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.

108. 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: 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.

109. 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: 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.

110. 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: 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.

111. 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: 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.

112. 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 publically mocked a journalist with a disability. Since Trump was elected, educators have reported that incidents of bullying and harassment in schools have significantly increased.

a. Do you condone the Trump's use of bullying in the public stage?

h. 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?

i. 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?

j. 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?

k. 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?

l. 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: 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.

113. Do you believe in federal investment in school mental health, school climate, student supports and academic enrichments as a path towards increasing student achievement?

ANSWER: 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.

114. 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? [sic]

ANSWER: Yes.

115. 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: 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.

116. 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?" [sic]

ANSWER: 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% African American, and is one of our nation's finest institutions of higher education, with an important mission of serving historically underserved African Americans, along with others who choose to attend. Diversity is important, as is finding a common bond that brings us together.

117. 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% to 16% 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: 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.

118. 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: 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.

119. 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: 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 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.

120. 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 four-five 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: 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 percent 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.

121. 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: Yes, if that is the decision that the family makes. Pell grants and pre-K vouchers also allow this type of choice.

122. You advocated for (and contributed substantially to funding) a voucher initiative in 2000 in the state of Michigan. Voters rejected that initiative in 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: The President 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.

123. 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: The unemployment rate for people with disabilities is troubling. If confirmed, I will work with the President and Congress to find bipartisan solutions to address this significant issue.

124. The Department of Education's Office of Special Education and Rehabilitative Services has stressed the importance of improving transition services from high school to postsecondary 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: One of the best ways to help a child with a disability get a job or pursue postsecondary 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.

125. 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: 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.

126. 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: Yes. To the best of my knowledge, all organizations I have been engaged with have made appropriate accommodations for people with disabilities.

127. Investment in K-12 computer science education is essential to ensuring our future workforce is equipped with the skills needed to fill critical US 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: 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.

128. 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 other these other agencies and entities particularly the National Science Foundation, to expand their reach?

ANSWER: 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.

129. 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: 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.

130. 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: Please see my Senate Committee on Health, Education, Labor & Pensions questionnaire, completed December 30, 2016 and my OGE Form 278e, which was submitted Thursday, January 19, 2017.

131. 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: 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.

132. Due to the confusion that occurred in the hearing on January 17th, 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? And can you confirm that you took the first steps to remove yourself from the Board on January 13, 2017.

ANSWER: 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.

133. 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: 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.

134. 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 one trillion dollars in federal student loan debt?

ANSWER: Yes, I will comply with all ethics requirements required by the Office of Government Ethics and the Ethics Office at the Department of Education.

135. 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: 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.

136. 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: I participated on various board committees of the corporation. I served on the corporation's investment committee from October 2001 to February 2013.

137. 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 3 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.

No question identified.

138. 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: Any indirect ownership interest in Performant will be divested pursuant to the terms of my ethics agreement.

139. Do you believe that it is likely that your extended family will continue their long-standing pattern of giving to candidates, PACs, parties and other 527 organizations at the state and federal level if you are confirmed?

ANSWER: Yes.