



January 9, 2016

Senator Chuck Grassley
Chairman, Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

Senator Dianne Feinstein
Ranking Member, Committee on the Judiciary
331 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Grassley & Ranking Member Feinstein,

On behalf of the National Center for Learning Disabilities (NCLD), which represents the 1 in 5 individuals with learning and attention issues, I write to respectfully share our concerns regarding the nomination of Senator Jeff Sessions for Attorney General of the United States. I urge you to address these and seek clarification of the Senator's positions during the upcoming nomination hearing.

For the last 40 years, NCLD has worked to improve the lives of the 1 in 5 with learning and attention issues, which are brain-based difficulties that cover a wide range of challenges children may face in school, at home and in the community, including trouble with reading, writing, math, organization, concentration, listening comprehension, social skills, motor skills or a combination of these. NCLD's mission is to empower parents and young adults, transform schools and advocate for equal rights and opportunities. NCLD has a long history of ensuring that individuals with learning and attention issues, including those with learning disabilities, have access to the same opportunities for success as their peers.

Enforcement of the laws impacting individuals with disabilities, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA), is key to safeguarding their civil rights. These laws protect individuals from discrimination by public entities and in public programs and ensure they get the critical supports they need. Since these laws have been in place, the Department of Justice (DOJ) has performed the essential function of investigating complaints and enforcing compliance. In states that have relegated students with disabilities to separate and subpar schools, the DOJ has stepped in. In situations where students with disabilities were denied access to college or career opportunities, the DOJ has acted. Moreover, for years, states, schools, service providers, and others have relied on the DOJ to offer guidance, technical assistance, and robust collaboration with the U.S. Department of Education's Office of Civil Rights that furthers the intent of the law – full inclusion of individuals with disabilities. Our society needs a strong DOJ to protect individuals in their schools and communities.

NCLD has serious concerns about Senator Sessions' commitment to upholding these laws. In particular, we are deeply troubled by some of his past comments which reflect a misunderstanding of disability and a willingness to blame individuals for actions resulting from their disability. In one statement, the Senator repeatedly suggested that the IDEA – the very law that allows students with disabilities to be educated in our public schools and receive the special education services they need – is “a big factor in accelerating the decline in civility and discipline in classrooms all over America,” is the reason “we have

children we cannot control,” and is “the single most irritating problem” in our nation’s schools.¹ Statements like this demonstrate a callous disregard for the challenges facing individuals with disabilities and the core purpose of special education. Based on comments like these, we question his ability to appropriately enforce civil rights laws.

Moreover, in contrast to the sentiments he expressed, our federal civil rights laws have allowed millions of children with disabilities to receive diplomas, achieve their goals, and enter the workforce leading full and productive lives. A strong commitment to the letter and spirit of these laws has lifted our expectations for students with disabilities and made our society more inclusive and accepting of all people. It is essential for the U.S. Attorney General to continue to defend these laws and signal to our nation that historically disadvantaged communities – like individuals with disabilities – are a valuable part of our society.

During the nomination hearing and in his written responses, NCLD, the parents and educators we represent, and the disability community will be looking to Senator Sessions to:

1. Denounce his previous discriminatory statements about students with disabilities;
2. Affirm his commitment to protecting individuals with disabilities and assure the public that the rights of individuals with disabilities are important and will be a priority for the DOJ; and
3. Share clear and specific steps that he will take to work with the disability and civil rights communities to ensure their voices are heard and their concerns addressed.

Thank you for considering our opinions and we encourage you to raise these issues in the hearing. Parents, educators and the community will be interested to hear Senator Sessions discuss his commitment to civil rights and legal protections for individuals with disabilities. If you have any questions or concerns or if we can be of more assistance as you prepare, please feel free to contact our Vice President, Chief Policy & Advocacy Officer, Lindsay Jones (ljones@nclد.org).

Sincerely,



Mimi Corcoran
President & CEO
National Center for Learning Disabilities

cc: Members of the Senate Judiciary Committee

¹ Sessions Floor Statement, May 18, 2000. “Education Discipline and IDEA.” Available at: <http://www.sessions.senate.gov/public/index.cfm/2000/5/education-discipline-and-idea->