



Statement from Mimi Corcoran, President and CEO of the National Center for Learning Disabilities, Urging Senators to Question Judge Brett Kavanaugh, Nominee to U.S. Supreme Court, on Disability and Education Issues

WASHINGTON – For over 40 years, the National Center for Learning Disabilities (NCLD) has worked to protect the rights of individuals with disabilities and ensure that they have a say in their own lives, such as where they live, work, and go to school. Our fight for equality has taken us from segregation to integrated classrooms and communities where those with and without disabilities learn and live together, with respect.

NCLD's commitment to the individuals we serve is why we urge the Senate to ask the current Supreme Court nominee, Judge Brett Kavanaugh, about his record on and beliefs in the importance of civil rights that exist under the laws protecting individuals with disabilities, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504) and the Americans with Disabilities Act (ADA).

In particular, we need to know more about how Judge Kavanaugh views people with disabilities and how he interprets the laws impacting them. In one concerning decision, *Doe ex rel. Tarlow v. D.C.*, Judge Kavanaugh ruled that the government was not required to ask people with intellectual disabilities what they wanted when making medical decisions about elective surgery. In another decision, his dissent in *Seven-Sky v. Holder*, Judge Kavanaugh clearly indicated that the Affordable Care Act, which provides coverage for many preconditions that are associated with individuals with disabilities, should not be the law. These are complicated legal matters, with possible dire consequences for individuals with disabilities and thus, understanding Judge Kavanaugh's views before appointing him to a lifetime position is essential.

We ask the Senate to also question Judge Kavanaugh on his strong support of government-funded private school voucher programs. Recently, NCLD conducted a large study about voucher programs and found, that of the 64 programs in the U.S., the vast majority require students and families to waive their rights under IDEA, and not one of the programs clearly explains the impact of doing so, such as loss of services as well as the right to due process.

On behalf of people with disabilities, their families, and advocates, we urge Senators to ask the following questions to better understand Judge Kavanaugh's position on the laws impacting people with disabilities:

1. Do you believe that all people, regardless of their disability status, have a fundamental right to have a say in their own lives such as where they live, work, go to school and what medical procedures they undergo?
2. Do you believe that students with disabilities should be guaranteed the same rights under the law when government funding is applied to their education whether they attend public school or private schools?

3. Do you believe that private schools receiving public taxpayer money have the right to discriminate against students based on race, gender, identity, disability or the language they speak?
4. Do you believe that students in the juvenile justice system have the right to receive equal special education services?

Individuals with disabilities and the laws that protect them are an essential part of the fabric of our nation. A commitment to protect the rights of individuals with disabilities should be a prerequisite for any judge appointed to the United State's Supreme Court.

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About the National Center for Learning Disabilities

The mission of the National Center for Learning Disabilities is to improve the lives of the 1 in 5 children and adults nationwide with learning and attention issues—by empowering parents and young adults, transforming schools and advocating for equal rights and opportunities. We're working to create a society in which every individual possesses the academic, social and emotional skills needed to succeed in school, at work and in life. For more information, visit nclد.org.