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MEMBERS

June 29, 2015

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National Latino
Children's Institute

National Migrant
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Start Association

National Council
of La Raza

Senator Lamar Alexander
Chairman
Health, Education, Labor, and
Pensions Committee
Dirksen Senate Office Building, SD-455
Washington, DC 20510-4206

Senator Patty Murray
Ranking Member
Health, Education, Labor, and
Pensions Committee
Russell Senate Office Building, SR-154
Washington, DC 20510-4704

Re: Serious Concerns About Current Legislation and Latino Priorities ESEA Reauthorization

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the Hispanic Education Coalition (HEC), which unites 14 organizations dedicated to improving educational opportunities and outcomes for the more than 54 million Latinos living in the United States and Puerto Rico, we write to express serious concerns with the version of the Every Child Achieves Act (ECAA) of 2015 that was reported out of committee. While we appreciate efforts to address the long overdue reauthorization of the Elementary and Secondary Education Act (ESEA), as written, the bill lacks critical civil rights protections and falls short of the original intent of the ESEA. Therefore, HEC does not support the bill in its current form, unless amended to address the critical issues outlined below.

Since first enacted in 1965, the ESEA has been a civil rights law with the goal to ensure that all children have access to a quality education regardless of race or economic status. In the years since, the Latino community has grown to become the nation's largest minority group. Latinos are also disproportionately young, representing twenty-five percent of students in public schools. It is because of this growth in the Latino community that students of color are no longer the minority, but the new majority of students in our nation's public schools. ESEA must not abandon its civil rights mission, but instead, should update it to meet the needs of America's new demographics.

On January 12, HEC released its Latino Priorities for Elementary and Secondary Education Act Reauthorization. We acknowledge and appreciate your work to improve the bill, including improved reporting on English learners (ELs), and requiring state plans to include English language proficiency goals for ELs. But we cannot ignore that, if passed in its current form, the ECAA would remove core civil rights protections from the ESEA, which are essential for Latinos and for ELs.

HEC cannot support the ECAA without the following improvements:

- 1. Ensure states use evidence-based supports and interventions to address needs of groups of students that do not meet state-established goals.*

As drafted, the ECAA requires states to collect data, and set proficiency and graduation rate targets for racial and ethnic groups, as well as ELs, students with disabilities, and economically disadvantaged students. Those proficiency targets must be based on assessments that are both valid and meaningful for the populations being assessed, including ELs, students with disabilities, and students of color.

Unfortunately, the bill does not require states to do anything if those goals are not met for any group of students. For instance, a local education agency could fail to reach state-established proficiency targets for Latino students for two or even five consecutive years, yet those students would not be entitled to any state assistance to help the LEA improve learning and achievement. This is a fundamental flaw with the bill that erodes an essential civil rights protection. The Latino community cannot afford to allow the ECAA to become law without significantly strengthened subgroup accountability language, including mandatory intervention and evidence-based assistance for LEAs missing state goals for two consecutive years.

2. Require states to intervene where there are disparities in access to educational resources.

As drafted, the ECAA increases reporting on educational resources, including per-pupil expenditures. While this is a welcome improvement, merely shining a light on educational inequity is not enough. States must have a plan to address those inequities, including timelines to progress significantly toward equity. HEC hopes that a bipartisan compromise can be reached to ensure that all students have equitable access to school resources.

3. Ensure expanded early learning programs reach children of migrant and seasonal workers.

We are pleased to see Senator Murray's early childhood amendment included in the ECAA and support efforts to improve and expand early learning programs for low- and moderate-income families. Unfortunately, as drafted, states are the only entities eligible to receive funding under the Early Learning Alignment Improvement Grant program (section 5010) and we know from the experience of Migrant and Seasonal Head Start programs that state-based programs cannot effectively address the needs of farmworker families with young children who move with their families within or across state to work in agriculture. The HEC urges you to expand eligibility for Early Learning Alignment Improvement Grants to include local or regional entities with experience serving children in families who are engaged in migrant or seasonal agricultural labor.

4. Cross-tabulate data in ESEA.

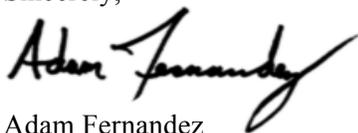
While the ECAA improves data reporting on a number of factors, it does not include data cross-tabulation, a simple fix that would greatly increase the usefulness of data at virtually no cost. If cross-tabulation were authorized under the ECAA, at the click of a button, states, districts, schools, advocates, and the public could see not only how Latino and Latina students collectively as a group are performing, but how Latino and Latina students compare to boys and girls of other races, and how Latino English learners compare to English learners of other races.

5. Guarantee that the Federal government has a meaningful role in ensuring that states do not circumvent the civil rights purpose of ESEA.

The ECAA expressly prohibits the Secretary of Education from, among other things, denying state educational plans based on student benchmarks, targets or goals, and whether a state is "meaningfully" or "substantially" meeting the requirements of the law. A state could, for example, set a 25% graduation benchmark for all student groups and a ".01%" annual growth rate. These low marks would not be subject to review, essentially undercutting one of the chief purposes of the Act. HEC cannot support a reauthorization of ESEA without meaningful federal oversight to ensure that states act in good faith with the federal funds they receive.

If you have any questions, please feel free to contact the HEC co-chairs: Adam Fernandez of the Mexican American Legal Defense and Educational Fund, at afernandez@maldef.org, or Brenda Calderon of the National Council of La Raza, at bcalderon@nclr.org.

Sincerely,



Adam Fernandez
HEC Co-Chair
Mexican American Legal
Defense and Educational Fund (MALDEF)



Brenda Calderon
HEC Co-Chair
National Council
of La Raza (NCLR)

CC:

Members of the United States Senate
Members of the Congressional Hispanic Caucus
Arnie Duncan, Secretary of Education
Valerie Jarrett, Senior Advisor to the President
Cecilia Muñoz, Director of the White House Domestic Policy Council
Roberto Rodriguez, Special Assistant to the President for Education Policy
Joseph Conaty, Department of Education, Senior Advisor to the Secretary
Samuel Myers, Department of Education, White House Liaison