

Proposed Changes to Education Act Undermine Civil-Rights Protections for New Majority of Students | Commentary

- By Brent Wilkes, Marc Morial and Quyen Dinh
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This school year marks the first time in American history that students of color make up the majority of students in our nation's public schools. This year also marks the 50th anniversary of the passage of the Elementary and Secondary Education Act. The statute sought to create equal educational opportunities for disadvantaged students, particularly students of color, which had long been disregarded due to segregation and political disenfranchisement. Unfortunately, the Every Child Achieves Act of 2015, which would amend and alter the ESEA, rolls back our nation's core education civil rights protections. In fact, under the guise of providing flexibility to states, the ECAA sacrifices critical accountability provisions which formed the civil rights foundation of the ESEA. Amendments that could have restored these provisions were withdrawn, and the ECAA was rushed through the Senate Health, Education, Labor and Pensions Committee for consideration on the Senate floor.

In the landmark decision *Brown v. Board of Education of Topeka*, the Supreme Court held that separate but equal was unconstitutional. A decade after *Brown*, in 1965, Congress passed the ESEA, marking a hard-fought civil rights triumph that helped move our public schools toward education equality.

Unfortunately, today's public schools remain segregated with high poverty school districts lacking critical resources. As such, we must acknowledge that the students protected by the ESEA still need the protections under the ESEA. While formerly counted as "minorities," these students now make up the new majority of students in our nation's public schools and need equal access to educational opportunities to help them succeed.

Over the past 50 years and several reauthorizations, the ESEA continues to serve as the bedrock of civil-rights education law. It has invested critical dollars in schools with underserved students, and has ensured accountability for the performance of students of color. Most importantly, it has provided much needed oversight of states and school districts with poor records of serving students of color. While we acknowledge that there is still much more to be done to close achievement gaps and remove barriers to educational opportunities for vulnerable students, the ESEA has helped move the needle in a positive direction.

To continue with this progress, any reauthorization of the ESEA must include language that requires states to intervene if students of color fall behind, and develop timelines for those interventions. In addition, the reauthorization should identify the worst offending school districts in order to prioritize resources and support to those students who need it most. Without strong subgroup accountability, better data, resource equity and a strong federal role to intervene when states are not acting in good faith, the ECAA does a great disservice to our children and nation, and cannot become law.

Now is not the time to turn back the clock and weaken civil rights protections in our nation's public schools. The version of the ECAA that passed the Senate HELP Committee severely weakens the civil rights legacy of the ESEA. Our organizations represent Latinos, African-Americans, Asians, Pacific Islanders, students with disabilities, English-language learners and economically disadvantaged students. These students represent the new majority of students. We oppose the current version of the ECAA and call on members of Congress to ensure that these critical provisions are incorporated in the ECAA as the legislative process continues. These provisions are key to maintaining the civil rights foundation of the Elementary and Secondary Education Act and the Every Child Achieves Act of 2015 cannot become law without them.

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