



League of United Latin American Citizens

August 2, 2017

United States Senate
Washington, D.C. 20510

Dear Senator:

On behalf of the League of United Latin American Citizens (LULAC), the oldest and largest Latino civil rights organization, I write to express my concern regarding ongoing reports that states are drafting accountability plans that include requests for waivers to key provisions of the Every Student Succeeds Act (ESSA) aimed at protecting underserved students.

As you may know, the Department of Education (ED) is in the process of reviewing accountability plans as required in the Every Student Succeeds Act (ESAA). ESSA provides states with "flexibility" to develop their own accountability plans within set parameters established by law. States have until September 18 to submit those plans and some drafts are extremely troubling.

More specifically, LULAC National is concerned that some states, like Florida, have drafted accountability plans that ask the Department of Education (ED) to allow them to skirt subgroup accountability, accountability for English language proficiency, and requirements surrounding providing native language assessments.ⁱ

In April, LULAC, along with several other civil rights organizations, sent a letter to the Department of Education urging that Secretary DeVos ensure rigorous implementation of ESSA, especially key provisions put in place to protect the delivery and access to high quality education for underserved students. As the letter states, *ESSA plans that allow schools to shirk their responsibility to all children, especially groups of children who have been shortchanged for too long, fail to meet the intent of the law and should be rejected.*ⁱⁱ

Florida's draft state plan requesting that the Department of Education exempt the state from key federal provisions, including its responsibility regarding native language assessments, is a clear example of a state attempting to circumvent its responsibility to English learners.

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LULAC National requests that your office contact the Department of Education to ensure that their staff members adhere to and implement the language of the law. ED should reject any plans from states that, like Florida, aim to shirk their responsibility to deliver a high quality public education to every child. In addition, LULAC National also requests that ED direct states to submit all public comments on their draft ESSA plans and waiver requests, and that these comments be made available to the public to ensure transparency.

The Department of Education has a responsibility to protect and serve the interests and education of all students, not the convenience of state governments. Congress needs to fulfill its oversight responsibility and ensure that ED adheres to the letter of the law and ensures that every state is held accountable for the education of all students, especially the most vulnerable, underserved students, English learners, students with disabilities, and others.

For more information, or should you have any questions, please don't hesitate to contact Luis Torres, LULAC National Director of Policy, by email at latorres@lulac.org or by phone at 202-833-6130.

Sincerely,

A handwritten signature in cursive script that reads "Roger C. Rocha, Jr." The signature is written in black ink and is positioned above the printed name.

Roger C. Rocha, Jr.
LULAC National President

ⁱ II, D. B. (2017, July 26). Florida to Seek Waiver From Key ESSA Provisions. Retrieved August 02, 2017, from <http://www.edweek.org/ew/articles/2017/07/20/florida-to-seek-waiver-from-key-essa.html?qs=daare1%2Bburnette%2Bii%2B>

ⁱⁱ LULAC National letter archive: <http://lulac.org/assets/DeVos-ESSA-State-Plan.pdf>