

February 2, 2015

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor, and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor, and Pensions
428 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray,

Thank you both for your leadership on a potential reauthorization of the Elementary and Secondary Education Act (ESEA). As you continue to work on this reauthorization, we urge you to maintain a critical federal role in education and to ensure resource equity to support the nation's most underserved students. The current educational system is failing students of color and other underserved students. As such, we implore you to follow the principles we provide below and address the concerns we highlight regarding the discussion draft presented by Senator Alexander.

On January 12, 24 civil rights and education advocacy groups issued their shared their principles for reauthorization of the ESEA.¹ We stand behind those priorities, and wish to clarify and emphasize the need for:

- Each state to provide adequate and equitable funds, resources, and supports required to ensure student success and meet public accountability goals
- Annual assessments, aligned to college- and career-ready standards, for all students in grades three through eight and at least once in high school
- Each state to give students a fair and equal opportunity to meet these standards
- Annual accountability systems tied to those annual assessments, disaggregated by student subgroups, that include ambitious performance targets to reduce student achievement gaps and student graduation rate gaps, and accelerated performance targets for subgroups starting further behind
- Interventions tied to those performance targets using evidence-based methods to reduce student achievement gaps, graduation rate gaps, and resource inequity²
- A comprehensive, timely, accessible and transparent data system that provides disaggregated data by ESEA student subgroups and additional major Asian and Pacific Islander racial groups identified in the decennial U.S. Census, cross-tabulated by gender, disability, and English proficiency across every student success indicator in a state's accountability system
- A strong federal role guaranteeing these protections

¹ *Shared Civil Rights Principles for the Reauthorization of the Elementary and Secondary Education Act*, <http://www.civilrights.org/assets/pdfs/2015-01-09-ESEA-Principles.pdf>.

² These interventions could include: addressing resource inequity through increasing school funding, providing supports to students and families that address their full needs by providing additional supports including health and wellness, facilitating deeper partnerships with parents and families to increase student success, professional development for staff and leadership, adopting new curricula to meet the needs of poorly performing subgroups, implementing a new pedagogical approach to address the needs of poorly performing subgroups, restructuring the school day to allow for common planning time or additional classroom hours, tutoring or other after-school supports for students, or any other interventions proven to reduce achievement gaps.

On January 13, Chairman Alexander released a discussion draft of the “Every Child Ready for College or Career Act of 2015.” We are very concerned that several areas of the discussion draft would have a negative impact on students of color and other underserved students. We are particularly concerned with the following issues within the ESEA discussion draft that we hope you will address as you move to a bipartisan process:

- Resource equity: The discussion draft does not address the vast disparity in resources available to students. ESEA reauthorization must bring greater transparency and focused action to increase equity in the availability of critical educational inputs, including but not limited to funding, access to advanced coursework, and teaching by effective and experienced educators.
- Subgroup accountability: The discussion draft does not include a sufficient accountability focus for traditionally underserved students such as students of color, native students, English learners, students with disabilities, and low-income students. For example, within the discussion draft, states are not required to set annual performance goals and graduation rate targets for student subgroups, to intervene in schools where any subgroup has not met the annual achievement and graduation rate target or where achievement gaps exist, or to ensure there are no disparities in access to effective teachers for all student subgroups.
- Low-performing schools: The discussion draft does not provide sufficient support to students in low-performing schools, including schools failing individual subgroups. For instance, a dedicated funding stream for school improvement has been eliminated, and evidence-based reform of the state’s lowest-achieving schools and high schools with abysmal graduation rates has become optional.
- Financial protections: The discussion draft eliminates “Maintenance of Effort” requirements that are critical to the financial foundation of the nation’s system of public education. This proposal could lead to a major decline in resources for the nation’s students. Moreover, the discussion draft dilutes funding for low-income students under Title I by eliminating the requirement that at least 40% of students in school-wide Title I programs be from low-income families.
- Assessment system: ESEA must require annual, statewide assessments for all students (in grades three through eight and at least once in high school) that are aligned with and measure each student’s progress toward meeting the state’s college- and career-ready standards. The discussion draft would allow districts to create local assessments, with the approval of the state, to be used in lieu of state assessments. This is unacceptable, as it does not allow the public to effectively gauge and compare the performance of students in one district to another, thereby allowing potential inequities to arise.
- Federal prohibitions: The discussion draft both removes any level of detail regarding state accountability systems and prohibits the Department of Education from ensuring the quality of these systems. Moreover, the discussion draft essentially requires the Department of Education to approve any request it receives from states for a waiver. Together, these policies leave disadvantaged students with no assurance of support.

- English learners: The discussion draft eliminates accountability provisions in Title III for English learners. It also removes the Emergency Immigrant Education Program in Title III, which provides states additional funds to address unexpected surges in the English learner population. Additionally, the discussion draft removes the current requirements that information be sent home to parents and families in a language they understand. Without this critical information, parents and families cannot engage in their children's learning effectively.
- Students with disabilities: The discussion draft allows alternate academic achievement standards for students with the most significant cognitive disabilities. As under current law, alternate standards should be limited to no more than one percent of all students.
- Innovation: The discussion draft does not include a fund to support technology or evidence-based innovation in order to build the research base for what works; scale promising practices; and share lessons learned across schools, charter management organizations, districts, and states.

The lessons learned from No Child Left Behind are plentiful. We know protecting disadvantaged students and providing annual visibility on the performance of all students matter. We know that action must be taken in persistently low-performing schools, including schools failing individual subgroups, in order to offer a bright future to all students. We know that having an effective teacher in the classroom is the most important in school factor for impacting student outcomes, especially for high-needs students. We know that federal investments in innovation and acceleration matter to support our teachers and keep our students competitive in the 21-st century economy. We know that a federal role must exist to ensure that schools, districts, and states are on track to preparing all of their students for college, career, and life. We must approach a reauthorization of ESEA with these lessons and priorities in mind.

We stand eager to work with you to ensure all students have access to an excellent education.

Sincerely,

Alliance for Excellent Education
 Education Post
 League of United Latin American Citizens
 Hispanic Education Coalition
 Mexican American Legal Defense and Educational Fund
 NAACP
 NAACP Legal Defense and Educational Fund
 National Center for Learning Disabilities
 National Council of La Raza
 National Indian Education Association
 National Urban League
 Southeast Asia Resource Action Center