



Written testimony of

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League of United Latin American Citizens

Hearing on

**Assembly Bill 194**

Before the

Wisconsin House State Affairs & Government Operations Committee

May 6, 2015



# League of United Latin American Citizens

*Midwest Region*

## **Midwest Region:**

- Illinois
- Indiana
- Iowa
- Kansas
- Michigan
- Minnesota
- Missouri
- Nebraska
- North  
Dakota
- Ohio
- South  
Dakota
- Wisconsin

Chairman Swearingen, Vice Chair Craig and distinguished members of this committee wish to thank you for holding today's hearings on Assembly Bill 194 and for providing an opportunity for me to testify on this proposed legislation.

My name is Darryl Morin of Muskego, Wisconsin, and I speak to you here today, as the National Vice President for the twelve (12) states that comprise the Midwest region of the League of United Latin American Citizens (LULAC). LULAC is our nation's largest and oldest Hispanic membership based organization with over 130,000 advocates and solution providers throughout the United States. I am responsible for all advocacy, awareness and assistance programs across the region.

I am proud to say here in Wisconsin we:

- Opened and operate a LULAC Community Technology Center in Waukesha, Wisconsin
- Have donated just under 100,000 lbs. of meat with our partners at Tyson Foods to provide relief for families that suffer from food insecurity
- Have provided over \$1,250,000 in college scholarships to deserving and talented Wisconsin Hispanic American Youth
- Have provided over \$500,000 in online reading intervention software
- Have spent over \$250,000 in a dual enrollment program that takes at-risk youth out of some of Wisconsin's most challenged high schools and takes them to the local community college, where they transfer college credits, earn their high school diploma and transition to a college or university and much more.

I share these contributions not to boast of our accomplishments, but to underscore that LULAC is not an organization dedicated to identifying issues, but more importantly, systemically identifying and implementing solutions. Through our network of committed volunteers and alliance of corporate partners ranging from Ford, General Motors and Toyota, to Wal-Mart, Target and Walgreen's to McDonald's, Taco Bell, MillerCoors as well as AT&T, Comcast and Time Warner Cable and more, we deliver solutions. I am proud to say that over 99% of all funding for the projects I mentioned came from LULAC or LULAC partnerships with other non-profit or for profit private entities and not the federal or state government.

LULAC was founded on the guiding principal of helping Hispanics integrate in to the American cultural fabric. Much of our constitution is modeled after the U.S. Constitution. The LULAC Prayer is an adaptation of Thomas Jefferson's "*Prayer for a Nation*", our flag is the U.S. Flag, our song, *America the Beautiful*.

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Hispanics continue to make rich cultural contributions to society and are beginning to drive more of our state and national economy through their work ethic and entrepreneurship

Since our inception in 1929, LULAC members have fought to defend our nation on foreign battlefields, as well as at home in the courts; never asking for something given, but always insisting our constitutional right, to an equal opportunity to earn the American Dream.



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This brings me to today. While LULAC firmly believes that each and every child has the right to a world class education, and while LULAC agrees that a strong foundational understanding of civics is necessary to this end, AB194 as written is overly broad and without definition in key areas that could call in to question its constitutionality as well as funding from the U.S. Department of Education at Risk. There are significant concerns that I respectfully submit must be addressed by this body and the bill's authors. These include but are not limited to the following:

## **1. English Language Exemptions**

The current draft of AB194 makes no reference to support for English Language Learners or students whose native language is not English. This is a serious concern for newly arrived students from non-English speaking nations or even United State Citizens from territories and commonwealths where the primary language is not English. If there are ELL students with insufficient knowledge of the English language, there must be language exemptions that allow them to demonstrate their civics knowledge in alternate ways (similar to current practice at United States Citizenship and Immigration Service when administering the U.S. Citizenship test) i.e. allowing ELL students to take assessments in their native language or with interpretation/translation assistance. I have include a copy of these USCIS provision in my written submission. In addition, the Department of Education currently allows states to use native language assessments should they believe these assessments will yield a more accurate picture of the knowledge that student's possess. Similarly, tests passed by the Wisconsin legislature as it pertains to education must do the same. We need to be very clear that a civics assessment should not be mistaken with an assessment of "language" skills.

## **2. Preparation, Support and Development for ELL and other Underserved Students**

Additional supports and development for ELL and already underserved students must be available to help ensure that students receive the instruction and attention they need to do well on these assessments. School sponsored tutoring, additional class time, and support to hire additional civics instructors is critical so that this doesn't become yet another high stakes test. Nowhere in the current legislation do we find consideration of these requirements.

## **3. Support and Resources for Teachers**

There must be specific commitments in the legislation that expands teacher resources, supports, and training to help them prepare their classrooms for these civics assessments. This cannot be an unfunded mandate that teachers have to prepare for without the required training, resources, and support that they need to be ready to administer the civics test.



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## 4. Non-Discrimination Language

It is important that every member of this distinguished body understand the importance of this point. No language in the bill can supersede Federal civil rights laws that prohibit discrimination in programs or activities that receive Federal funds. These laws prohibit discrimination on the basis of race, color, and national origin, language, sex, disability, and on the basis of age. These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds. The legislature may also wish to address potential methods of recourse for students denied a graduation certificate because a school district failed to provide them with the proper instruction and preparation necessary to pass the test on account of their race, color, national origin, language, sex, disability, or age.

I would be remiss in my duty to LULAC and my state of residence, as a person who has been involved in civil rights actions as it pertains to education, if I did not respectfully submit a word of caution to this committee. The Civil Rights Act of 1964, particularly Title VI, provides protections against discrimination of individuals based on national origin, race, color as well as language, as it pertains to access to a public education. As such Federal law prohibits denying students access to a public education on account of their *or* their parent's national origin. The U.S. Supreme Court has affirmed that citizenship or immigration status of students, parents, or guardians cannot be used to bar students from public schools (*Plyler v. Doe*, 1982). The Department of Education through the Office for Civil Rights works to ensure that schools' enrollment policies and practices are consistent with Title VI's prohibition against discrimination based on race, color, or national origin.

More to the point, there are specific areas covered under Title VI as it relates to language. I have submitted with my testimony a copy of the recent report issued by the U.S. Department of Education Office for Civil Rights, for the committee's benefit. It details the department's enforcement and compliance activities aimed at ensuring that students like English Language Learners have the supports they need to do well in school. Per the report and I quote *"it is important to note that students whose first language is not English (English learners or EL students) may require language supports in order to meaningfully participate in school. Title VI requires that state education agencies (SEAs) and districts take affirmative steps to address language barriers so that EL students may participate meaningfully in their schools' educational programs. A district must effectively implement a sound educational approach in its programs for EL students. Title VI also requires schools to adequately communicate with limited English proficient (LEP) parents about important school-related information in languages they can understand. OCR has sought to ensure that limited English proficiency is not an obstacle for students or their LEP parents to access educational opportunities."*

A school district that denies an ELL student a graduation credential on account of the results of an English only assessment based on U.S. citizenship test – without concern for the child's language ability – may in fact be breaking Federal law because they did not ensure that said student



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received the proper support needed to meaningfully participate in school and take affirmative steps to address language barriers that affect an ELL student's scores on a civics test.

This information is particularly important in this context as AB194 requires students pass a civics assessment, by which the direct verbiage of the legislation requires it be identical to the U.S. Citizenship test as provided by the U.S.C.I.S, as a requirement to confer graduation credentials to students. A school district that denies a student a graduation credential on account of the results of an English only assessment based directly on the U.S. Citizenship test – but the same time tells students and parents that they don't discriminate based on national origin- would be seen by most as inherently problematic. Considering the proven history of discrimination against U.S. born Latinos and other minorities, there could be a concern among many in the community that this legislation was actually a patriotic litmus test on minorities. Conferring a graduation credential is not anything that should be taken lightly. Students need these credentials to be competitive in the job market and those with these credentials earn more on average, pay more in taxes on average, purchase more goods and services, live longer, and have a higher quality of life than those who don't possess this credential. Denying credentials on account of civics test is not a new concept. Latinos and African Americans were denied the right to vote based on civic tests. Serious consideration of this bill in a historical context is important when weighing the impact and the reception of these types of policies in the community.

Once again, distinguished gentleladies and gentlemen, I appreciate your time and serious consideration on the proposed bill.

May the Lord bless all of you, may the Lord bless the great state of Wisconsin and may He bless the United States of America.

Thank you,

Mr. Darryl D. Morin  
National VP-Midwest Region