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February 25, 2016

James Butler
U.S. Department of Education
Room 3W246
400 Maryland Ave. SW
Washington, DC 20202

Re: Docket ID ED–2015–OESE–0130

Dear Mr. Butler:

On behalf of The Leadership Conference on Civil and Human Rights and the 21 undersigned organizations, we would like to nominate the individuals below to serve as negotiators during the negotiated rulemaking committee that was noticed in the Federal Register on February 4, 2016. We appreciate the opportunity to nominate these individuals and look forward to future opportunities to engage with the Department of Education as it seeks to implement ESSA.

The civil rights community has long recognized equal educational opportunity as central to the struggle to achieve equality for all Americans. Without a robust and thoughtful implementation of ESSA over the next decade, we will have missed a crucial opportunity and the students we represent will continue to be denied the full protections they need and are entitled to under federal law.

The civil rights community worked very hard to preserve the Department's authority to issue regulations and guidance, and to provide technical assistance for the implementation of ESSA. Fortunately, despite spurious claims to the contrary, federal funds are still conditioned on thorough compliance with the law. The Department still has the weighty responsibility of developing regulations that are comprehensive enough and sufficiently detailed to ensure that state and local implementation is consistent with the intent of this law and the longstanding federal role in protecting the civil rights of all Americans.

As the Department considers nominations and makes the final selection for negotiators for the negotiated rulemaking committee, we encourage you to include robust representation from the civil rights community. Students who are African-American, Latino, Asian American and Pacific Islander, Native American, low-income, English learners or who have a disability all have a great deal at stake in the regulations that will govern both the "assessment" and the "supplement, not supplant" requirements of the law. These provisions contain both opportunity and peril for these most affected stakeholders and they all deserve thorough representation on the negotiated rulemaking committee.

To that end, we nominate the following individuals to serve as representatives of the civil rights community, including representatives of students with disabilities, English Learners, and other historically underserved students:

- (1) Liz King, Director of Education Policy, The Leadership Conference on Civil and Human Rights;



- (2) Rita Pin Ahrens, Director of Education Policy, Southeast Asia Resource Action Center;
- (3) Ricki Sabia, JD, Senior Education Policy Advisor, National Down Syndrome Congress;
- (4) Delia Pompa, Senior Fellow for Education Policy, Migration Policy Institute;
- (5) Dr. Martha Thurlow, Director, National Center on Educational Outcomes and Senior Research Associate, Educational Psychology, University of Minnesota;
- (6) Ronald M. Hager, JD, Senior Staff Attorney, National Disability Rights Network;
- (7) Leslie Seid Margolis, JD, Government Affairs Committee, Former Board Member, Council of Parent Attorneys and Advocates; and
- (8) Dr. Laura Shifter, Lecturer on Education, Harvard Graduate Schools of Education.

We would also like to nominate the following individuals to serve as representatives of parents and students, including historically underserved students:

- (1) Rita Pin Ahrens, Director of Education Policy, Southeast Asia Resource Action Center;
- (2) Ricki Sabia, JD, Senior Education Policy Advisor, National Down Syndrome Congress; and
- (3) Leslie Seid Margolis, JD, Government Affairs Committee, Former Board Member, Council of Parent Attorneys and Advocates.

Liz King serves as the Director of Education Policy at The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States. The Leadership Conference works with and on behalf of students and communities who are African-American, Latino, Asian American and Pacific Islander, Native American, students with disabilities, low-income, women, LGBT, faith based, organized labor, and allied communities.

Ms. King supported the work of the civil rights coalition to influence and inform the reauthorization of ESEA, now known as ESSA. This work included advocacy around both assessment and supplement, not supplant. Prior to joining The Leadership Conference in 2015, Ms. King served as Senior Policy Associate for Education at the Children's Defense Fund, Legislative Assistant and later Legislative Director for Congressman Chaka Fattah and was a middle school teacher in Philadelphia. She has extensive experience with both assessment and fiscal issues, as seen through the lens of equity.

Ms. King is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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Rita Pin Ahrens is Co-Chair of the National Coalition of Asian Pacific Americans' Education Committee, Director of Education Policy at the Southeast Asia Resource Action Center (SEARAC) and the mother of two young children. Mrs. Ahrens is also an active member of the Leadership Conference

on Civil and Human Rights' Education Task Force and the Coalition for Teaching Quality's policy committee.

As a negotiator, Mrs. Ahrens would represent NCAPA and specifically the Education Committee, which includes organizations such as the Asian Pacific American Labor Alliance (APALA), Japanese American Citizens League (JACL), and OCA- Asian Pacific American Advocates. Collectively, NCAPA represents educators, civil rights leaders, students, and community advocates.

Mrs. Ahrens is a parent, Cambodian refugee, and former educator who has extensive experience in education public policy. She played an active role in the congressional negotiation process of the Every Student Succeeds Act, working closely with the Congressional Asian Pacific American Caucus to represent the voice of Asian American Native Hawaiian and Pacific Islander students. As the Director of Education Policy at SEARAC, Mrs. Ahrens also understands and represents the needs of English learners and the historically underserved Southeast Asian American community. Mrs. Ahrens is also an active member of the American Education Research Association and the Society for Research in Educational Effectiveness.

Mrs. Ahrens is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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Ricki Sabia, JD is Senior Education Policy Advisor for the National Down Syndrome Congress and the mother of a 24-year-old son with Down syndrome. Ms. Sabia has been an advocate for her son, who was in the school system during most of the years of NCLB implementation, and for other parents for 20 years. She has been a board member of the local Arc chapter and local Down syndrome organization. For six years, she also represented families of all students with disabilities as the co-chair of the Special Education Continuous Improvement Team that reported to the Superintendent in Montgomery County, MD and represented families of all students in MD on the MD Universal Design for Learning Task Force. A large part of the work she does, locally and nationally, involves listening to and helping individual parents.

Ms. Sabia has worked on national education policy since 2002, advocating for students with Down syndrome, but also students with any disability. Prior to 2002 she worked for the MD Coalition for Inclusive Education on behalf of all students with disabilities. She has significant expertise in assessments, including alternate assessments and computer adaptive assessment, from her national advocacy experience. In addition, Ms. Sabia was the Technical Assistance and Parent Training Specialist for the NCSC Alternate Assessment Consortia for three years and has been on the advisory boards of numerous federally funded assessment projects. She has also worked on funding issues, such as the supplement not supplant requirement.

Ms. Sabia is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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Delia Pompa is Senior Fellow for Education Policy at MPI's National Center on Immigrant Integration Policy where her work focuses on research and policy analysis related to improving educational services for immigrant students and English Language Learners (ELLs).

Ms. Pompa came to MPI from the National Council of La Raza (NCLR), where she was Senior Vice President for Programs, overseeing its education, health, housing, workforce development, and immigrant integration work, and where she previously served as Vice President of Education. She has had a key role in shaping federal education policy through her positions as Director of the Office of Bilingual Education and Minority Languages Affairs in the U.S. Department of Education, and as Executive Director of the National Association for Bilingual Education.

Ms. Pompa came to Washington, DC to serve as Director of Education for the Children's Defense Fund after serving as Assistant Commissioner for Program Development at the Texas Education Agency. Her previous experience as Executive Director for Bilingual and Migrant Education in the Houston Independent School District, and as a bilingual classroom teacher and instructor to prospective teachers at the graduate level, has anchored her work.

Ms. Pompa is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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Dr. Martha Thurlow is the Director of the National Center on Educational Outcomes and Senior Research Associate, Educational Psychology, at the University of Minnesota.

For more than 40 years, Dr. Thurlow has gained a wide variety of experiences and developed expertise on policy and practice issues that affect students with disabilities and English learners. Currently, in her role as Director of the National Center on Educational Outcomes, Dr. Thurlow addresses the implications of contemporary U.S. policy and practice for students with disabilities, English Language Learners (ELLs), ELLs with disabilities, and other struggling students.

Dr. Thurlow has been the principal investigator on more than 20 federal or state projects focused on students with special needs in state and national policies and in large-scale accountability assessments, including graduation exams. These students have delved into the topics of participation decision making, accommodations, universal design, accessible reading assessments, computer-based testing, graduation requirements and graduation exams, and alternate assessments. Dr. Thurlow focuses specifically on maintaining validity, reliability, and comparability of assessment measures while ensuring that the assessments are truly measuring the knowledge and skills of students, rather than the students' disabilities or limited English language proficiency.

Dr. Thurlow is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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Ronald M. Hager, JD, is Senior Staff Attorney for the National Disability Rights Network (NDRN), the non-profit membership organization for the federally mandated Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies for individuals with disabilities. The P&A and CAP agencies were established by Congress to protect the rights of people with disabilities and their families through legal support, advocacy, referral, and education and collectively, the agencies are the largest provider of legally based advocacy services to people with disabilities in the United States.

Mr. Hager has more than 40 years of experience in disability and education law and is recognized nationally as an expert in the legal aspects of education of children with disabilities. Over the course of his career, Mr. Hager has litigated education cases, served as a Clinical Professor at the State University of New York at Buffalo Law School, served as a co-chair of the New York State Bar Association's Committee on the Rights of People with Disabilities, was the President of the Board of Directors of Autistic Services, Inc. in Western New York, and served on the Board of Directors of a federally funded parent training and information center.

In his current capacity as a Senior Staff Attorney at the National Disability Rights Network, Mr. Hager provides critical training and technical assistance to the P&A/CAP Network on education and assists in overseeing training and technical assistance to the Client Assistance Program. Mr. Hager also is part of the National Assistive Technology Advocacy Project team and is a frequent speaker and author on disability and assistive technology related issues.

Mr. Hager is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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Leslie Seid Margolis serves on the Government Affairs Committee and is a Former Board Member of the Council of Parent Attorneys and Advocates (COPAA), an organization of attorneys, advocates, parents and related professionals who work to protect the legal and civil rights of and secure excellence in education on behalf of tens of thousands of students with disabilities and their families each year at the national, state and local levels. Ms. Margolis is also the parent of a young adult with significant disabilities. She has practiced law in Maryland since 1985, focusing her legal expertise on special education, education and disability law and is currently the managing attorney of the education unit with the Maryland Disability Law Center (MDLC), Baltimore, Maryland where she supervises attorneys, paralegals and law students; represents individual children with disabilities; and supports the MDLC long-standing special education reform litigation, and takes a leadership role in policy issues at the state

and national levels. She writes, speaks and presents nationally on education, special education, disability and civil rights issues impacting children with disabilities and chronic health conditions.

Ms. Margolis is also a faculty member of the Kennedy Krieger Institute, Maternal and Child Health Bureau Leadership Education in Neurodevelopmental and Related Disabilities Project.

Ms. Margolis is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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Dr. Laura Schifter is a Lecturer on Education at the Harvard Graduate Schools of Education. Dr. Schifter has extensive professional and personal experience in addressing policy issues related to students with disabilities. As an individual with dyslexia, Dr. Schifter has used her personal experience to deeply understand the implications of federal policy she helped craft during her time as a senior education and disability advisor on the U.S. House Committee on Education and the Workforce and in her current role as a Lecturer on Education at the Harvard Graduate School of Education.

Currently, Dr. Schifter teaches multiple courses at Harvard. The topics of her courses include high school graduation rates and the dropout crisis as well as school discipline and the disproportionate use of exclusionary discipline for students of color and issues related to the school-to-prison pipeline. Through a current grant, Dr. Schifter is also studying the special education placement of low-income students across three different states.

Previously, Dr. Schifter served as Senior Education and Disability Advisor for Ranking Member George Miller on the House Committee on Education and Labor. During that time, Dr. Schifter advised Rep. Miller on disability policy, including the Individuals with Disabilities Education Act, the Rehabilitation Act, the Americans with Disabilities Act, and the Keeping All Students Safe Act. She also worked extensively on legislative drafting and negotiating policies relating to accountability, assessments, teachers, charter, schools and students with disabilities during previous attempts to reauthorize ESEA.

Dr. Schifter is available for all of the meetings and is committed to actively participating in the work of the Negotiated Rulemaking Committee.

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The test of regulations, guidance, technical assistance and other ESSA implementation activities must be whether or not they advance educational equity and serve the interests of all students.

Low-income students, students of color, students with disabilities, English Learners, and Native students deserve no less than robust and thorough regulation by this Department to close opportunity and achievement gaps. There is little question that these individuals will be able to play a vital role in helping to ensure these goals are met.

We appreciate this chance to offer these nominations and look forward to many more opportunities to inform the implementation of this law at the federal, state and local level. The civil rights community is deeply invested in ensuring that this law is implemented in an inclusive way and that it drives towards equity. If you have any questions, please feel free to contact Nancy Zirkin, Leadership Conference Executive Vice President at zirkin@civilrights.org or 202-466-3311. Thank you for your consideration.

Sincerely,

The Leadership Conference on Civil and Human Rights
Alliance for Excellent Education
American-Arab Anti-Discrimination Committee
Association of University Centers on Disabilities
Council of Parent Attorneys and Advocates
DREDF
Easter Seals
Judge David L. Bazelon Center for Mental Health Law
League of United Latin American Citizens
MALDEF
National Association of Councils on Developmental Disabilities
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Disability Rights Network
National Down Syndrome Congress
National Indian Education Association
National Urban League
National Women's Law Center
Partners for Each and Every Child
SEARAC
Teach Plus
TNTF