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on Civil and Human Rights

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February 6, 2017

The Leadership Conference

Keep ESSA Implementation Moving Forward – Oppose H.J. Res. 57

Dear Representative,

On behalf of The Leadership Conference on Civil and Human Rights and the 29 undersigned organizations, we urge you to oppose H.J. Res. 57 and to support continued implementation of the bipartisan Every Student Succeeds Act (ESSA). In order for the latest reauthorization of the Elementary and Secondary Education Act of 1965 to fulfill its purpose as a civil rights law and for implementation to comply with the requirements Congress set forth, federal oversight is critical. The underlying accountability and state plan regulation will help states, districts, and schools to faithfully implement the law and meet their legal obligations to historically marginalized groups of students including students of color, students with disabilities, and students who are English learners, immigrants, girls, Native American, LGBTQ or low-income. **Congress should reject the effort to overturn these regulations under the Congressional Review Act (CRA) and should preserve critical protections for marginalized students.**

Over the course of legislative debate in 2015, Congress reached several compromises which enshrined both meaningful guardrails and state flexibility into the new law. It was these compromises – the allowance of flexibility while still maintaining core principles of fiscal responsibility and protections for marginalized students – which led to the passage of the ESSA. At the core is an offer to states – federal funding in exchange for compliance with requirements regarding accountability, protections for students, and fiscal responsibility. States must not be permitted to take federal funds while flouting the law's mandates. The accountability and state plan regulation provides clarification and timelines which will support the vital role of the U.S. Department of Education in ensuring that states hold up their end of that deal.

The process of soliciting public feedback on potential ESSA regulations began long before a draft rule was even published. On December 22, 2015 the Department of Education issued a request for information and noticed two public meetings, "soliciting advice and recommendations from interested parties prior to publishing proposed regulations." Then, when draft rules were issued more than five months later, the agency received over 21,000 public comments in response to the notice of proposed rulemaking. After considering the voluminous feedback, the Department of Education issued a final rule on November 29, 2016. This robust and transparent engagement process was appropriate and needed – questions regarding the responsible use of federal funds and the need to ensure that every student succeeds generate considerable interest. Support for the CRA and discarding this important regulation diminishes the important time and thought dedicated to this process, and the voices of parents, students, advocates, educators and others who have sought to be heard.

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ESSA can and should, "provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps." These lofty objectives, however, require vigilance and oversight by the Department of Education and support from Members of Congress. We urge you to oppose this resolution and to allow for the continued implementation of the law. Should you have any questions, please reach out to Liz King, Leadership Conference director of education policy, at king@civilrights.org or (202) 466-0087.

Sincerely,

The Leadership Conference on Civil and Human Rights
Alliance for Excellent Education
Association of University Centers on Disabilities
Children's Defense Fund
Council of Parent Attorneys and Advocates
Democrats for Education Reform
Disability Rights Education & Defense Fund
Easterseals
The Education Trust
Judge David L. Bazelon Center for Mental Health Law
League of United Latin American Citizens
MALDEF
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Association of Councils on Developmental Disabilities
National Center for Learning Disabilities
National Council of La Raza
National Disability Rights Network
National Down Syndrome Congress
National Indian Education Association
National Urban League
National Women's Law Center
New Leaders
PolicyLink
Southeast Asia Resource Action Center (SEARAC)
Stand for Children
Teach For America
Teach Plus
TNTP
UNCF