



July 16, 2015

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KEEP THE PROMISE OF ESEA
Oppose the Every Child Achieves Act, S.1177

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights and the 20 undersigned organizations, we write to ask you to oppose final passage of the Every Child Achieves Act, S.1177. Originally passed on the heels of significant civil rights legislation, including the Civil Rights Act of 1964, we believe that the ESEA is a civil rights law. **Although this bill includes some important priorities of the civil rights community, it fails to meaningfully protect and advance civil rights and achievement for the most vulnerable students the Elementary and Secondary Education Act intended to protect and we urge you to oppose it.**

The civil rights community has long recognized equal educational opportunity as central to our struggle to achieve equality for all Americans. Whether African American, Latino, Asian American, Native American students, students with disabilities, those who speak English as a second language, or those from low-income families—the struggle for access to a quality education and the resulting economic and political liberty has meant considerable sacrifice and very hard fought victories. The bill before the Senate does not sufficiently advance that cause or keep the commitment of the original ESEA to help the most vulnerable students, and we do not support its passage.

We appreciate the hard work of Chairman Alexander, Ranking Member Murray, and their staffs. We also thank those Senators who have taken the lead on amendments to address our concerns about this bill and the many Senators who have voted for these amendments. We also applaud the inclusion of important policies in the underlying bill. The Every Child Achieves Act, S.1177, importantly maintains the requirement for college or career aligned state standards, statewide annual assessment, disaggregated student achievement (including the 1 percent cap on using alternate assessments based on alternate achievement standards to assess students with the most significant disabilities and limiting the exemption of English learners from the accountability system to 1 year), and goals for achievement and high school graduation. The bill also adds additional important data related to access to critical educational resources, including per-pupil expenditures. If adopted, the amendment including data transparency across and not just within student groups would be a positive development. These tools provide invaluable information to parents, communities, educators, advocates, and policymakers to help ensure that all students have an equitable and excellent education. The value of this reporting and the benefit of the other important policies in the underlying bill, however, are greatly curtailed by the absence of meaningful accountability.

There are several important areas in which the bill falls short. States must be required to identify schools where all students or groups of students are not meeting goals and to

intervene in ways that raise achievement for students not meeting state standards. Data must be reported within student groups, including groups of Asian American students, in order to understand how all of our students are doing and what their needs might be, and action must be required to address longstanding disparities in access to educational resources, including funding. Unfortunately, amendments offered to address these weaknesses in the bill were not adopted by the Senate. In addition to the omission of these priorities, the Every Child Achieves Act, S. 1177, so restricts the federal enforcement role consistently maintained in ESEA throughout the decades that we do not have confidence that the law would be faithfully implemented or that the interests of our nation's most vulnerable students would be protected. The hard-learned lesson of the civil rights community over decades has shown that a strong federal role is crucial to protecting the interests of educationally underserved students.

Although this debate has been framed in terms of “flexibility,” “local control,” and the frustrations of state and local systems pushing back on the mandates of the No Child Left Behind Act, these are distractions from the core issue at the center of this law—to provide quality educational opportunities for all of America's students. The federal role that the civil rights community supports is the role outlined in 1965's original ESEA—to ensure that states do the right thing by all students. For students and their families, access to a quality education is now, more than ever, the difference between economic self-sufficiency and the confines of poverty. Whether or not a child can read and do grade-level math, graduates from high school on time with a regular diploma, and is prepared for success in college and career has consequences for generations.

The responsibility of every Senator in this process is to consider whether the Elementary and Secondary Education Act will be a law that provides for equal educational opportunity for all children, especially those students historically denied that opportunity, or whether it will codify a system of achievement gaps and opportunity gaps, with no one to answer for them but the affected students, their families, and communities.

We urge you to oppose the Every Child Achieves Act, S.1177. If you have any questions, please do not hesitate to contact Nancy Zirkin, Leadership Conference Executive Vice President, at zirkin@civilrights.org, or Liz King, Leadership Conference Director of Education Policy at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Alliance for Excellent Education
Association of University Centers on Disabilities (AUCD)
Children's Defense Fund
Council of Parent Attorneys and Advocates, Inc.
Disability Rights Education & Defense Fund
Judge David L. Bazelon Center for Mental Health Law
Lawyers' Committee for Civil Rights Under Law
League of United Latin American Citizens
MALDEF
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Center for Special Education in Charter Schools (NCSECS)
National Disability Rights Network

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National Down Syndrome Congress
National Urban League
Southeast Asia Resource Action Center
Southern Education Foundation
Southern Poverty Law Center
TASH
TNTP