



June 18, 2015

## ENSURE A REAUTHORIZED ESEA PROTECTS CHILDREN AND CIVIL RIGHTS

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights and the 36 undersigned organizations, we write to express our views regarding the Every Child Achieves Act of 2015. We are committed to a reauthorized Elementary and Secondary Education Act (ESEA) that preserves the critical federal protections of that law and builds on the lessons of the past to ensure greater academic progress for all students. We believe that the bill must be improved by: strengthening accountability for student outcomes; providing additional data on student groups; addressing disparities in resources; and providing a more meaningful federal role. We look forward to working with you to ensure that the critical protections included in this bill continue to be preserved and that the improvements we seek are incorporated in the final bill. **We do not support the bill in its current form because, without addressing these issues, it will not fulfill its functions as a civil rights law.**

### Accountability

We applaud maintaining 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 goals for achievement and high school graduation. These tools provide invaluable information to parents, communities, educators, advocates, and policymakers to help ensure all students receive an equitable and excellent education. The power of this reporting, however, is greatly curtailed by the absence of meaningful accountability. **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

The bill does not require schools to report disaggregated data in a way that can be cross-tabulated by gender and disability status across major racial and ethnic groups. The bill also does not include additional data necessary to track the progress and treatment of all students, including different groups of Asian American students, students in foster care, pregnant and parenting students, and other vulnerable groups of students. **It is critical that states transparently report on student groups in order to understand how all of our students are doing and what their needs might be.**

### Resource Equity

We appreciate that the existing targeting of Title I funds to students, schools, and districts in the greatest need was maintained and that the portability provision was excluded from this bill. We also believe that the new transparency around per-pupil expenditures, school climate and discipline, and access to qualified and effective teachers, principals, and other school leaders will help to identify disparities in educational opportunity. However, while the

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reporting is robust, there is no requirement to act on the basis of that information. **It is critical that states intervene to remedy disparities in access to resources between school districts and that the comparability loophole be closed.**

### **Federal Role**

While there are fewer limitations on the authority of the Secretary of Education than were included in the Chairman's discussion draft, there remains insufficient federal oversight to ensure that the law is faithfully executed as Congress intends. **The Secretary must have sufficient authority to ensure the law is appropriately implemented and the most vulnerable students are protected.**

We appreciate the work of Senators Alexander and Murray and their staff and look forward to working with you on the Senate floor and as the process moves forward to ensure that the successes of this legislation are maintained and the weaknesses addressed. If you have any questions, please do not hesitate to contact Nancy Zirkin, Leadership Conference Executive Vice President, at [zirkin@civilrights.org](mailto:zirkin@civilrights.org), or Liz King, Leadership Conference Director of Education Policy at [king@civilrights.org](mailto:king@civilrights.org).

Sincerely,

The Leadership Conference on Civil and Human Rights  
Alliance for Excellent Education  
American Association of University Women (AAUW)  
American-Arab Anti-Discrimination Committee (ADC)  
Association of University Centers on Disability (AUCD)  
Children's Defense Fund  
Council of Parent Attorneys and Advocates  
Democrats for Education Reform  
Disability Rights Education & Defense Fund  
Easter Seals  
Education Law Center-Pennsylvania  
Judge David L. Bazelon Center for Mental Health Law  
Lawyers' Committee for Civil Rights Under Law  
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National Congress of American Indians  
National Council of La Raza (NCLR)  
National Association of Councils on Developmental Disabilities  
National Disability Rights Network  
National Down Syndrome Congress  
National Indian Education Association  
National Urban League  
National Women's Law Center  
PolicyLink  
Southeast Asia Resource Action Center  
Southern Education Foundation, Inc.

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Southern Poverty Law Center  
Stand for Children  
TASH  
Teach Plus  
The Education Trust  
TNTP