

November 7, 2017

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary DeVos,

On behalf of UnidosUS, formerly the National Council of La Raza, the nation's largest Latino civil rights and advocacy organization, I write to express our strong opposition to the approval of Florida's submitted Every Student Succeeds Act (ESSA) plan. As an organization that advocates on behalf of the one in four Latino students and the five million English Learners in our nation's public K-12 schools, we urge you to ensure that all children in Florida, and across the nation receive the high-quality education they deserve through the implementation of ESSA.

Of particular concern to UnidosUS is the lack of accountability for English Learners and Latino students in Florida's state plan. With input from our affiliates—nearly 300 community based organizations across the nation—UnidosUS, and our partners, worked tirelessly through Elementary and Secondary Education Act (ESEA) reauthorization to secure key provisions for English Learners and Latino students in ESSA. We believe that Florida's plan does not adequately address these provisions of the law. It is the U.S. Department of Education's responsibility to hold Florida accountable to serve the interest of all students and comply with the requirements of the bipartisan law.

In September, we joined 90 state, local and national organizations, including UnidosUS affiliates, in a letter to Governor Rick Scott and Commissioner Pam Stewart expressing our opposition to the waiver requests included in Florida's draft ESSA plan.¹ Along with our partners, we voiced our concerns through official comments and outreach with state lawmakers to share concerns and priorities on the state's draft plan. In Florida's final submitted state plan, the state did remove the requests for waivers but did not make any substantive changes that would improve outcomes and conditions for English Learners, students of color, students with disabilities, low-income students and other vulnerable students.

We echo the concerns of local stakeholders—the approval of Florida's ESSA plan would “hinder the advancement of all Florida students. Parents and communities deserve to know that schools will be held accountable for ensuring the educational success of their children and that problems will not be ignored or swept under the rug. ***We cannot afford to let our children down.***”ⁱⁱⁱ

We believe Florida's plan is not compliant in the following ways with ESSA:

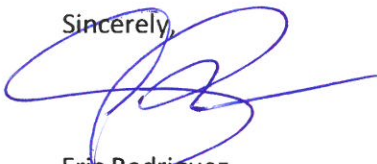
- The state has proposed an accountability system that does not include an English Language Proficiency (ELP) indicator in the rating or identification of schools, a critical requirement of

ESSA. By not including an ELP indicator, the state will fail to meaningfully count the 207,729 English Learners in Florida's public schools.

- The state has proposed to measure English Language Proficiency through the English Language Arts (ELA) assessment. ELA tests do not test English across the domains, which is part of the English language proficiency standards, and ELA assessments do not test oral language, a requirement of Title III.ⁱⁱⁱ
- The state has not proposed to develop native language assessments to more accurately measure the progress of their English language learners and dual language learners. Florida's ESSA plan states "providing an assessment in the native language would impede, rather than support, the student's ability to demonstrate their knowledge."^{iv} Native language assessments give our students the opportunity to demonstrate their content subject mastery while still progressing towards English Language Proficiency.
- The state has also proposed an accountability system that does not include calculations for subgroups of students such as English Learners, Latino students and other federally recognized subgroups. One of the critical civil rights protections for our students is that they are justly included in the accountability system.

In short, Florida's submitted ESSA plan fails to hold schools accountable for how *all* students are performing. It is the responsibility of the Department to monitor and enforce the requirements of ESSA and provide vital civil rights protections to Florida's English learners and its nearly 700,000 Latino students. We urge the Department to not approve Florida's final submitted state plan and reaffirm its commitment to protect the rights of all of America's children.

Sincerely,



Eric Rodriguez
Vice President

CC: Florida State Board of Education, U.S. Secretary of Education Betsy DeVos, Speaker Richard Corcoran, President Joe Negron, Senator Bill Nelson, Representative Carlos Curbelo, Representative Mario Diaz-Balart, Representative Kathy Castor, Representative Stephanie Murphy, Representative Michelle Lujan Grisham, Representative Cedric Richmond, Representative Virginia Foxx, Senator Lamar Alexander, Representative Darren Soto, Senator Marco Rubio, Representative Val Demings, Representative Al Lawson, Representative Alcee Hastings, Representative Frederica Wilson

ⁱ <http://www.lulacflorida.org/home.html>

ⁱⁱ <http://www.lulacflorida.org/home.html>

ⁱⁱⁱ Boals, T., Kenyon, D. M., Blair, A., Cranley, M. E., Wilmes, C., & Wright, L. J. (2015). Transformation in K-12 English language proficiency assessment: Changing contexts, changing constructs. *Review of Research in Education*, 39(1), 122-164.

^{iv} <https://www2.ed.gov/admins/lead/account/stateplan17/flconsolidatedstateplan.pdf>