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February 2, 2015

The Honorable Lamar Alexander
Chairman
Committee on Health, Education,
Labor, and Pensions
428 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education,
Labor, and Pensions
428 Dirksen Senate Office Building
Washington, D.C. 20510

Chairman Alexander and Ranking Member Murray:

Thank you for your leadership on the reauthorization of the Elementary and Secondary Education Act (ESEA). While the Every Child Ready for College or Career Act of 2015 (ECRCCA) is a start to update this important law, the National Council of La Raza (NCLR)—the nation’s largest Latino civil rights and advocacy organization—believes that this proposal will not provide sufficient opportunities and protections for Hispanic and English language learner (ELL) students. Given the increasing presence of Latino children in American schools, it is imperative that efforts to close achievement gaps and disparities across educational opportunities are included in any reauthorization bill.

Latinos comprise 25% of all school-age children in the U.S. and are the fastest-growing racial/ethnic population in the American educational system. There is also a significant number of ELLs in the U.S. In 2010, nearly 4.6 million students were classified as an ELL and nearly 80% of these students were from a Spanish speaking background. As the Latino population grows, disparities in education are further highlighted. For example, in 2012, only 57.6% of Hispanic children were enrolled in early childhood education programs; a rate that is far less than for other racial/ethnic groups. NCLR believes that more equitable access to early childhood education can positively affect the educational trajectories of students. However, this can happen only when *all* children, including Latinos, have access to high quality preschool programs and the same resources and high academic standards as other students throughout their school years. Given their importance to the success of our school system, it is critical to have programs and policies that will provide a strong foundation to help Latino children to succeed in school.

Civil rights protections to hold states accountable for the performance of some of the nation’s most vulnerable students are critical. These protections were included in the ESEA but the ECRCCA, in its current form, removes them. Specifically, states will no longer be required to identify or remediate disparities, demonstrate compliance regarding educational equity, or demonstrate that a state addresses inequitable educational opportunities between school districts. Further, the draft legislation removes the accountability provisions in Title III for ELLs, leaving states and districts unaccountable for the performance of these students. In focusing on state flexibility, this proposal disregards civil rights protections that are important to help ensure achievement of disadvantaged students, including Latinos.

Historically, lax accountability structures have shown to be ineffective. For example, the 1994 reauthorization of ESEA, known as the Improving America's Schools Act (IASA), required states to set broad targets for schools and districts that would result in "continuous and substantial improvement."ⁱ Evaluations of the law's implementation found outcomes opposite to the intention of the law. That is, local education agencies had lower expectations for disadvantaged students compared to their counterparts.ⁱⁱ In a time when the majority of the student population in American schools is now composed of low-income and students of color, it is critical to maintain high expectations and standards for *all* students.

Additionally, strong Federal investments are necessary to meet the educational needs of all students. However, the draft ECRCCA decreases authorized appropriations to less than fiscal year 2003 levels, leaving little room to ensure that necessary resources are targeted to the neediest schools. This draft also removes the Maintenance of Effort requirements; these provisions are critical in preventing state and local divestment in public education. Further, this draft removes the Emergency Immigrant Education Program in Title III that Congress authorized in 1984 to provide states additional funds to address unexpected surges of immigrant children and youth. Together, these changes proposed could lead to a major decline in resources for students and exacerbate existing resource inequities and disparities in student achievement across the nation.

Finally, any reauthorization of the ESEA must maintain a robust federal role with funding attached to ambitious and unequivocal demands for higher achievement for all students. Our policies should ensure that all students have the opportunity to obtain an excellent and equitable education. Anything less is a disservice to our students and compromises the economic future of this country.

Thank you,

A handwritten signature in black ink that reads "Janet Murguía". The signature is written in a cursive, flowing style with a large initial "J".

Janet Murguía
President and CEO

ⁱ Elmore, R. F., & Rothman, R. (Eds.) (1999). Testing, teaching and learning: A guide for states and school districts. A report of the National Research Council's Committee on Title I Testing and Assessment. Washington, DC: National Academy Press.

ⁱⁱ Rebecca Skinner. 2010. "Accountability Issues and Reauthorization of the Elementary and Secondary Education Act. Congressional Research Service.