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January 25, 2017

The Honorable Lamar Alexander
Chairman
Senate HELP Committee
428 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Patty Murray
Ranking Member
Senate HELP Committee
428 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the National Council of La Raza (NCLR), the nation's largest Latino civil rights and advocacy organization, I write to express our opposition to the nomination of Elisabeth "Betsy" DeVos as the next U.S Secretary of Education.

This nomination is of great importance to Latino students, who constitute the largest and one of the fastest-growing ethnic minorities in U.S. public schools. Today, one in four K-12 students in the U.S. is Latino, and this proportion is expected to continue to grow. Moreover, more than 5 million English learner (EL) students attend our public schools and more than three-quarters are Spanish-speakers. We hoped that the recent confirmation hearing would have given Ms. DeVos a platform to go on public record regarding her plans to ensure the academic success and educational achievement of Hispanic Americans. Unfortunately, during the hearing we were not given any indication that Ms. DeVos would ensure that all American families were given an equitable opportunity to an excellent public education or would uphold the civil rights aims behind longstanding education legislation. The decision to not hold a second hearing solidified our opposition.

Every Student Succeeds Act (ESSA)

As you know, NCLR has a significant history of working toward equity in education. NCLR was one of the first civil rights organizations to embrace standards-based education reforms. We supported comprehensive bipartisan education reform efforts in Congress with the No Child Left Behind Act and the passage of ESSA, which is the most recent update of the landmark Elementary and Secondary Education Act of 1965 (ESEA). Last year we recognized your leadership and successful efforts to pass ESSA, which included important measures for Latino students and parents including:

- Students must be held to challenging academic standards, at a minimum, in reading and math.
- Latino student and EL academic progress must be measured and reported annually.
- Action must be taken when students are failing academically, including sub-groups of students.
- Family-school partnerships are promoted through Statewide Family Engagement Centers.

There are many issues of importance to the Latino community related to implementation of ESSA, including ensuring that states:

1. Maintain high academic standards and use high quality assessments.
2. Develop state accountability systems that include English learners.
3. Establish rigorous intervention strategies for low-performing schools or subgroups of students.
4. Address long-standing resource inequities among schools, especially addressing resource issues in schools that are in high-poverty neighborhoods.
5. Enable parents and community stakeholders to effectively engage in planning and implementation efforts.

As states take steps to implement ESSA, responsible leadership from the U.S. Department of Education and the Administration will be crucial to close achievement gaps and support states in efforts to ensure that all students can graduate from high school ready for college and career. It is vital during this delicate period, when state education plans are being developed, that we register our concern with the appointment of a national education leader that does not demonstrate a commitment to equity in education.

Individuals with Disabilities Education Act (IDEA)

Ms. DeVos' confirmation hearing showed that she was unfamiliar with IDEA, a federal law ensuring that students with disabilities across the country have access to a free public education. When asked if schools receiving taxpayer dollars should follow IDEA, Ms. DeVos responded, "I think that is a matter that's best left to the states" and when asked if she knew that IDEA is a federal law, Ms. DeVos responded, "I may have confused it."

Unfortunately, this was the only civil rights related question asked during the hearing and her answers were problematic. We also have no information on whether or not Ms. DeVos is familiar with other federal laws, Supreme Court decisions, or federal programs that protect minority children, including EL and immigrant students. The landmark Supreme Court case *Plyler v. Doe* ensures that schools cannot use children's immigration status to exclude them from schooling. Ms. DeVos has also failed to demonstrate that she would ensure the rights and interests of EL and immigrant students with temporary lawful status under the Obama Administration's Deferred Action for Childhood Arrivals (DACA) program.

Whether it is a failure to understand the law or confusion, it is irresponsible that the nominee to head the U.S. Department of Education be unfamiliar with the laws that safeguard the civil rights of minority groups in the United States. We do not have reason to believe that Ms. DeVos would use the Department's authority and resources to improve the educational landscape for the record number of Latinos entering postsecondary institutions or address college affordability and completion rates for Latino students. By all accounts, Ms. DeVos appears to be unprepared to lead on these important issues.

It is for the above reasons that NCLR must oppose the nomination of Ms. DeVos as the next Secretary of the U.S. Department of Education.

We thank you for continued leadership and support for important education reforms and look forward to working together to advance educational equity for all American students.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Rodriguez', with a stylized flourish at the end.

Eric Rodriguez
Vice President
Office of Research, Advocacy, and Legislation