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 Cuban American National Council

June 17, 2015

Senator Lamar Alexander  
 Chairman  
 Health, Education, Labor, and  
 Pensions Committee  
 Dirksen Senate Office Building, SD-455  
 Washington, DC 20510-4206

Senator Patty Murray  
 Ranking Member  
 Health, Education, Labor, and  
 Pensions Committee  
 Russell Senate Office Building, SR-154  
 Washington, DC 20510-4704

**Re: Serious Concerns About Current Legislation and Latino Priorities for ESEA Reauthorization**

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of 39 leading national Latino advocacy organizations, we write to express serious concerns with the version of the Every Child Achieves Act (ECAA) of 2015 that was reported out of committee. While we appreciate efforts to address the long overdue reauthorization of the Elementary and Secondary Education Act (ESEA), as written, the bill lacks critical civil rights protections and falls short of the original intent of the ESEA. Therefore, NHLA does not support the bill in its current form, unless amended to address the critical issues outlined below.

Since it was first enacted in 1965, the ESEA has been a civil rights law, with the goal to ensure that all children have access to a quality education regardless of race or economic status. In the years since, the Latino community has grown to become the nation's largest minority group. Latinos are also disproportionately young, representing twenty-five percent of students in public schools. It is because of this growth in the Latino community that students of color are no longer the minority, but the new majority of students in our nation's public schools. The Senate must not abandon the ESEA's civil rights mission, but instead, should update it to meet the needs of new national demographics.

On April 14, NHLA shared with you its Latino Priorities for Elementary and Secondary Education Act Reauthorization. We acknowledge and appreciate your work to improve the bill, including increasing data on English learners (ELs) and requiring state plans to include English language proficiency goals for ELs. But we cannot ignore that, if passed in its current form, the ECAA would remove core civil rights protections from the ESEA, which are essential for Latinos and for ELs.

**NHLA cannot support the ECAA without the following improvements:**

1. Ensure that states intervene to address needs of all groups of students that do not meet state-established goals.

As drafted, the ECAA requires states to collect data, and set proficiency and graduation rate targets for racial and ethnic groups, as well as ELs, students with disabilities, and economically disadvantaged students. Unfortunately, the bill does not require states to do anything if those goals are not met for any group of students. For instance, a local education agency could fail to reach state-established proficiency targets for Latino students for two or even five consecutive years, yet those students would not be entitled to any state assistance to help the LEA improve learning and achievement. This is a fundamental flaw with the bill that erodes an essential civil rights protection.

Farmworker Justice  
 Hispanic Association of Colleges & Universities  
 Hispanic Federation  
 Hispanic National Bar Association  
 Inter-University Program for Latino Research  
 Labor Council for Latin American Advancement  
 LatinoJustice PRLDEF  
 League of United Latin American Citizens  
 MANA, A National Latina Organization  
 Mexican American Legal Defense and Educational Fund  
 National Alliance of Latin American and Caribbean Communities  
 National Association of Hispanic Federal Executives  
 National Association of Hispanic Publications  
 NALEO Educational Fund  
 National Association of Latino Independent Producers  
 National Conference of Puerto Rican Women, Inc.  
 National Council of La Raza  
 National Hispanic Caucus of State Legislators  
 National Hispana Leadership Institute  
 National Hispanic Council on Aging  
 National Hispanic Environmental Council  
 National Hispanic Foundation for the Arts  
 National Hispanic Medical Association  
 National Hispanic Media Coalition  
 National Institute for Latino Policy  
 National Latina Institute for Reproductive Health  
 National Puerto Rican Coalition  
 Presente.org  
 SER Jobs for Progress – National  
 Southwest Voter Registration Education Project  
 United States Hispanic Chamber of Commerce  
 United States Hispanic Leadership Institute  
 United States-Mexico Chamber of Commerce  
 U.S.- Mexico Foundation

The Latino community cannot afford to allow the ECAA to become law without significantly strengthened subgroup accountability language, including mandatory intervention after two years of missed goals..

2. Require states to intervene where there are disparities in access to educational resources.

As drafted, the ECAA increases reporting on educational resources, including per-pupil expenditures. While this is a welcome improvement, merely shining a light on educational inequity is not enough. States must have a plan to address those inequities, including timelines to progress significantly toward equity.

NHLA hopes that a bi-partisan compromise can be reached to ensure that all students have equitable access to the resources needed to learn.

3. Ensure expanded early learning programs reach children of migrant and seasonal workers.

We are pleased to see Senator Murray's early childhood amendment included in the ECAA and support efforts to improve and expand early learning programs for low- and moderate-income families. Unfortunately as drafted, states are the only entities eligible to receive funding under the Early Learning Alignment Improvement Grant program (section 5010) and we know from the experience of Migrant and Seasonal Head Start programs that state based programs cannot effectively address the needs of farmworker families with young children who move with their families within or across state to work in agriculture. NHLA urges you to expand eligibility for Early Learning Alignment Improvement Grants to include local or regional entities with experience serving children in families who are engaged in migrant or seasonal agricultural labor.

4. Cross-tabulate data in ESEA.

While the ECAA improves data reporting on a number of factors, it does not include data cross-tabulation, a simple fix that would greatly increase the usefulness of data at virtually no cost. If cross-tabulation were authorized under the ECAA, states, districts, schools, advocates, and the public could see not only how Latino students are performing, but how Latino and Latina students compare to boys and girls of other races, and how Latino English learners compare to English learners of other races.

5. Guarantee that the Federal government has a meaningful role in ensuring that states do not circumvent the civil rights purpose of ESEA.

The ECAA expressly prohibits the Secretary of Education from, among other things, denying state educational plans based on student benchmarks, targets or goals, and on whether a state is "meaningfully" or "substantially" meeting the requirements of the law. NHLA cannot support a reauthorization of ESEA without meaningful federal oversight to ensure states act in good faith with the federal funds they receive.

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We appreciate your consideration of these priorities and stand ready to work with you to make updates to the ESEA. NHLA may consider votes cast on the ECAA and its amendments in developing NHLA's congressional scorecard for the 114th Congress. For additional information, please do not hesitate to contact Teresa Acuña, NHLA's Director of Policy and Leadership Programs at [teresa@nationalhispanicleadership.org](mailto:teresa@nationalhispanicleadership.org).

Sincerely,



Hector Sanchez  
Chair, National Hispanic Leadership Agenda  
Executive Director, Labor Council for Latin American Advancement

Cc: Members of the United States Senate