

Ad-Hoc Coalition on Education for a Multilingual America

New Mexico Association for Bilingual Education, Colorado Association for Bilingual Education, California Association for Bilingual Education, Arizona Association for Bilingual Education, Illinois Association for Bilingual Education, Dual Language Education of New Mexico, and Associated Directors of Bilingual Education of Colorado

January 23, 2009

Honorable Arne Duncan
Secretary of Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Mr. Secretary:

Congratulations on your confirmation! We join President Obama and the Senate in expressing our hope that you will lead the movement to transform the nation's schools, colleges, and universities to meet the demands of a new age.

We serve and advocate for more than 5 million students who speak a language other than English but who are limited in their English proficiency (LEP). These students, also referred to as English language learners (ELLs), are the fastest growing segment of our school-age population. While they speak virtually all world languages and many that are indigenous to the United States, approximately three quarters of all LEP students speak Spanish. And while a majority of these students are immigrant, a large and growing number are second- and third-generation Americans. Most of these students are poor and have parents with limited educational attainment; some have disabilities and some have special gifts and talents. LEP students must learn what all students are expected to learn. Additionally, they must master a new language, an accomplishment relatively few of their teachers can claim.

We write regarding two critical and time-sensitive matters.

First, on January 9th, the U.S. Supreme Court granted *certiorari* and an expedited hearing in the case *Horne v. Flores* concerning the adequacy of Arizona state funding for Limited-English-Proficient/English Language Learner student education. Oral arguments are scheduled for April. The Supreme Court's decision could effectively wipe out the civil rights protections afforded by the Equal Educational Opportunities Act of 1974 (EEOA) and, quite likely, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972 and other civil rights statutes.

This is because one of the two issues in the Flores case is whether compliance with the requirements of the No Child Left Behind (NCLB) Act satisfies the State's obligations under the Equal Educational Opportunity Act of 1974. Arizona contends that the NCLB effectively supersedes civil rights laws, and that compliance with NCLB's requirements is sufficient to ensure equality of educational opportunity.

We ask that you confer quickly with Solicitor General Kagan regarding the *Flores* case, and that the Administration defend, in the Supreme Court of the United States, civil rights protections for all students. We further urge you to prepare legislation to reinstate civil rights protections under the EEOA should the court render an erroneous and wrongful decision.

Second, using existing legal authorities and initial funding from the stimulus package, the Administration should act

immediately to rebuild the teacher training, professional development, graduate fellowships, and technical assistance programs which enable educators to serve LEP students successfully. At the same time that the LEP student population has been growing, the nation's capacity to train their teachers has been shrinking. Programs funded under ESEA Title VII, the Bilingual Education Act, were eliminated by the NCLB. Today, most teachers have little preparation and training on how to provide effective instruction to LEP students. Few uses of stimulus funds would contribute more to the nation's long-term growth than funding the LEP student teacher education programs shut down by the prior Administration. These programs can be restarted quickly; they provide immediate jobs; and most importantly, they form a solid foundation upon which to build a better, smarter, more just and productive society.

We would like to assist you and your staff when you turn to the reauthorization of the Elementary and Secondary Education Act. In that regard, you should know that we consider the overview of the Chicago Public Schools' policy on language and cultural education to be an excellent statement on preparing American children and communities for the future

We look forward to your response and the opportunity to work with you and Education Department staff in the days to come. If you have any questions, please have a member of your staff contact me.

Sincerely,

James J. Lyons, Esq.
Washington Representative
Ad-Hoc Coalition on Education for a Multilingual America
Jamesjohnlyons@comcast.net
2600 Crystal Drive
Arlington, VA 22202
302 381-0755

cc: Senator Edward Kennedy, Chair, Committee on Health, Education, Labor, & Pensions
Representative George Miller, Chair, Committee on Education and Labor
Representative Reuben Hinojosa, Chair, Congressional Hispanic Caucus Task Force on Education
Cecilia Munoz, White House Office of Public Liaison and Intergovernmental Affairs