

Congress of the United States
Washington, DC 20515

February 27, 2012

The Honorable John Kline
Chairman
Committee on Education and the Workforce
2181 Rayburn House Office Building
Washington, DC 20515

The Honorable George Miller
Ranking Member
Committee on Education and the Workforce
2101 Rayburn House Office Building
Washington, DC 20515

The Honorable Duncan D. Hunter
Chairman
Subcommittee on Early Childhood,
Elementary, and Secondary Education
Committee on Education and the Workforce
223 Cannon House Office Building
Washington, DC 20515

The Honorable Dale E. Kildee
Ranking Member
Subcommittee on Early Childhood,
Elementary, and Secondary Education
Committee on Education and the Workforce
2107 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Kline, Ranking Member Miller, Chairman Hunter, and Ranking Member Kildee:

As the Committee on Education and the Workforce considers the *Student Success Act* and the *Encouraging Innovation and Effective Teachers Act*, the Congressional Black Caucus (CBC), the Congressional Hispanic Caucus (CHC) and the Congressional Asian Pacific American Caucus (CAPAC) write to share our significant concerns for the potentially grave consequences of these bills for children in our own communities and across America. Moreover, we are extremely disappointed that the Chairman chose to proceed in drafting legislation without bipartisan support. *ESEA* reauthorization has been a bipartisan bill since its inception; reauthorization will only succeed if the legislation represents agreement between the majority and minority parties. For these reasons, we cannot support these bills.

In previous letters to you, dated March 29, 2011 and November 10, 2011, we explained in detail our priorities for *ESEA* reauthorization and its importance as a civil rights law. Unfortunately, the current proposed legislation dramatically rolls back the civil rights protections inherent in *ESEA* in multiple ways. These bills:

Weaken standards and accountability by:

- Failing to provide federal accountability and weakening protections for students' educational success and learning gains by sub-groups of students, including low-income students, students of color, students learning English as a second language, and students with disabilities;
- Eliminating performance targets that encourage teaching at high levels;
- Failing to promote college-and-career-ready standards;
- Limiting the ability of the federal government to protect underprivileged students;

- Encouraging a narrowing of the curriculum by retreating from state science standards, thus hurting students' chances to compete in a global economy;
- Eliminating data reporting requirements for migrant students and for student gender;
- Walking away from English language learners by removing measurable performance targets for student language acquisition or content mastery and deemphasizing teacher fluency and parental notification; and
- Exempting students with disabilities from meaningful accountability.

Fail to provide necessary resources to students with the highest need by:

- Undermining assistance to low-income students via Title I by eliminating "Maintenance of Effort" requirements, thus allowing states to dramatically reduce their education spending and still receive federal dollars;
- Failing to address weaknesses in the current comparability requirement, allowing school districts to receive Title I funds even when state and local funds are spent inequitably among schools;
- Allowing dedicated funding for English language learners, migrant children, neglected and delinquent youth, Indian education, and rural students to be spent on students without as significant need;
- Eliminating School Improvement Grants to improve our lowest-performing schools, which disproportionately serve students in our communities;
- Shifting Title II Improving Teacher Quality State grant money toward states with lower poverty rates that need it less;
- Ignoring the inequitable distribution of excellent teachers between and within school districts; and
- Ignoring the benefits of investing in high-quality early learning.

Accountability systems with clear performance targets serve as an essential tool for ensuring that all students, regardless of race, ethnicity, language status, national origin, income or disability are taught to high levels. We agree with former President George W. Bush when he stated in his January 2012 interview with Andrew Rotherham of *Time* that "...No Child Left Behind basically says, If you're going to fund [schools], like we've been doing for years, we in the federal government ought to demand accountability, which seems to me a very conservative principle." Relinquishing accountability fails to ensure that federal dollars are spent on effective educational programs. Eliminating clear performance targets is a step backward from high expectations for all children and would return us to the differentiated (and often discriminatory) expectations of the past. We must balance federal oversight and decision making at the state level without abdicating federal responsibility for safeguarding equal educational opportunity regardless of race, ethnicity, language, country of origin, income or disability.

Although we welcome the opportunity to work with you on bipartisan legislation to advance *ESEA* reauthorization, we will not support a proposal that rolls back civil rights gains, makes America less competitive, and absolves responsibility for the educational achievement of all children. These bills would dramatically reduce educational opportunities for low-income students, students of color, students learning English as a second language, and students with disabilities – those who for decades have been harmed by low academic expectations. In addition to our broader concerns outlined above, these bills attempt to eliminate collective

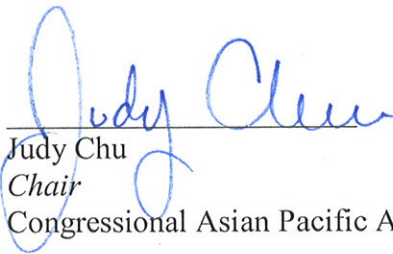
bargaining and exclude state-led efforts to improve college- and career-ready standards and modernize assessments.

For the foregoing reasons, the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus strongly oppose the *Student Success Act* and the *Encouraging Innovation and Effective Teachers Act* in their current forms.

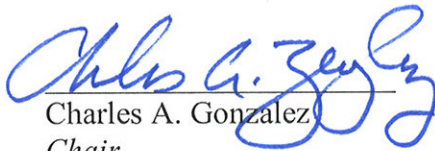
Sincerely,



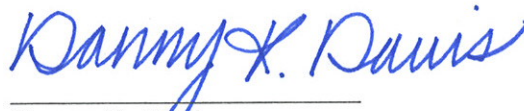
Emanuel Cleaver
Chair
Congressional Black Caucus



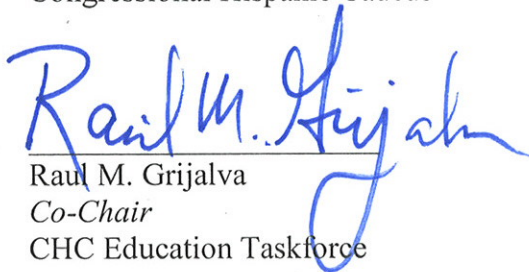
Judy Chu
Chair
Congressional Asian Pacific American Caucus



Charles A. Gonzalez
Chair
Congressional Hispanic Caucus



Danny K. Davis
Chair
CBC Education and Labor Taskforce



Raul M. Grijalva
Co-Chair
CHC Education Taskforce



Mazie K. Hirono
Chair
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