

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 7, 2018

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary DeVos:

We write to express our disappointment regarding implementation of the Every Student Succeeds Act (ESSA). We firmly believe that you are approving state plans that violate both the letter and spirit of the bipartisan law, and we urge you to review all state plans to ensure full compliance with the law, even if this means working with states to amend state plans the U.S. Department of Education has already approved.

As you know, the Elementary and Secondary Education Act is a federal law intended to improve educational equity for our nation's most underserved and under-resourced students. Amendments made to this civil rights era statute by ESSA sought to increase state and local flexibility while upholding the law's civil rights legacy. ESSA is designed to address the fact that students of color, low-income students, English learners, Native students, and students with disabilities, referred to in the law as "subgroups," have been historically underserved and all-too-often lack the resources and supports necessary to succeed. During Congressional negotiations, we successfully fought to include provisions to ensure these students count in state accountability systems so that educators, school leaders, parents, and students receive support and attention necessary to close achievement gaps. Commonly referred to as ESSA's "equity guardrails," effective implementation of these provisions are paramount to realizing the promise of ESSA by ensuring our students matter. Members of the Congressional Tri-Caucus are concerned that you are not carrying out key protections in the bipartisan law that enabled us to support its passage, including accountability system requirements that "subgroups" count in differentiation of schools and that schools where "subgroups" of students are underserved be identified for both state and local support.

ESSA requires each state to have an accountability system that annually differentiates all schools and, based on that differentiation, identifies statewide categories of schools for support and improvement. ESSA also clearly requires accountability systems to count all students, including each student "subgroup," in both differentiation and identification. While the law gives each state the flexibility to design its own unique system, the law is clear that each state system, regardless of design, must include the performance of underserved students on all indicators in its annual differentiation of schools and base school identification on that differentiation.

The Honorable Betsy DeVos

March 7, 2018

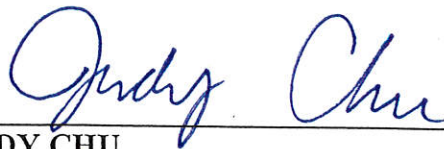
Page 2

While not all states are proposing systems that differentiate schools using a rating system, when a state proposes to use an accountability system that differentiates schools using school performance ratings, the law clearly requires that subgroup performance be included in those ratings. Regrettably, you have approved multiple state accountability systems that fail to include our children in school rating systems used to satisfy the statutory requirement for annual differentiation of schools, as required under the law. Your failure to implement this requirement will result in an incomplete picture of school performance that leaves communities of color, low-income parents, parents of students with disabilities, and parents of students who are English learners in the dark. Additionally, it will result in fewer schools with the largest achievement gaps receiving the attention necessary to better serve disadvantaged students.

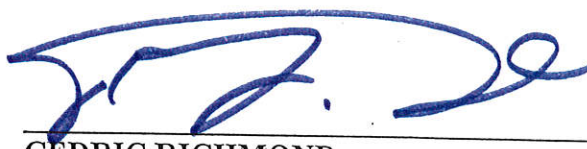
ESSA also requires three distinct categories of schools to be identified for support and improvement: comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support (ATS). While the law requires TSI schools to be identified for any consistently underperforming student “subgroup,” ESSA requires ATS identification for schools with the lowest-performing student subgroups. We fought for this important distinction to ensure both states and school districts take meaningful action to provide resources to and improve academic outcomes for historically disadvantaged students. You have approved state plans that use the same identification criteria for TSI and ATS schools. Our children should not have to wait until they are so low-performing that they rank among the lowest five percent of Title I schools in the state before they receive support to improve. In fact, the law prevents this from happening by requiring TSI and ATS as two distinct categories of identified schools, subject to different federal requirements and levels of local and state oversight for improvement. Your failure to implement the law’s school identification requirements will result in far fewer students receiving the resources the law intended them to receive.

As a strong proponent of school choice, you should know the importance of empowering parents with information. ESSA requires accurate and actionable information on school performance and student learning that serves as the basis for state and local action to improve school performance and close achievement gaps. Failure to implement ESSA’s equity guardrails that ensure all students matter in state accountability systems will rob our families and communities not only of accurate information on our students and the schools that serve them, but also of the resources necessary to make meaningful improvements. The U.S. Department of Education should be implementing ESSA, not unraveling it. We call upon you to support all states to comply with the law and prioritize educational supports for historically underserved students.

Sincerely,



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Chair
Congressional Asian Pacific American Caucus



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Congressional Black Caucus



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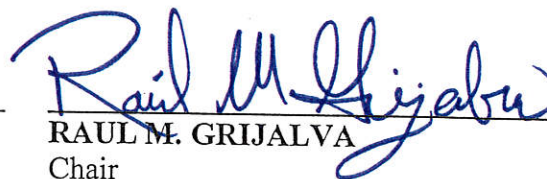
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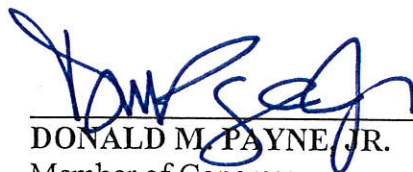
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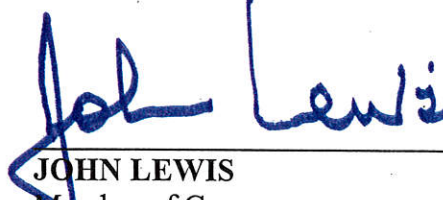
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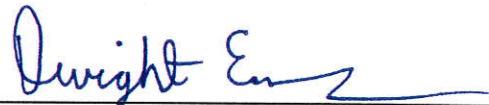
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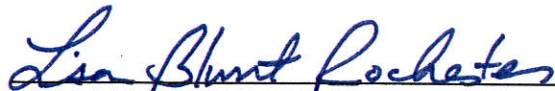
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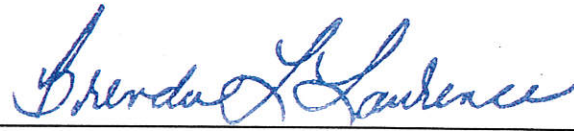
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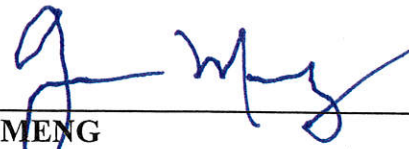
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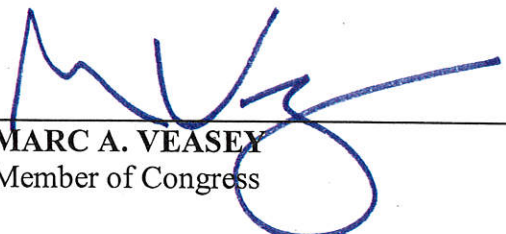
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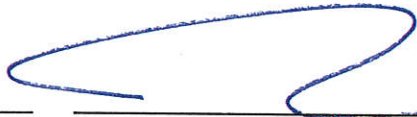
GRACE MENG
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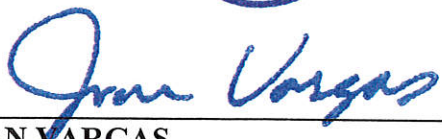
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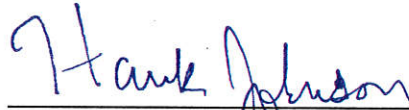
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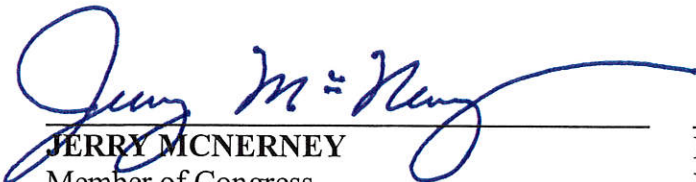
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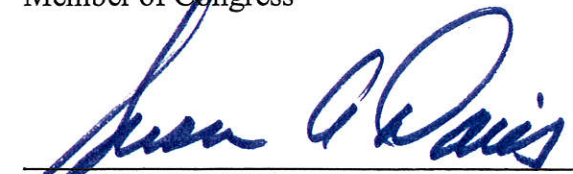

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CC:

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The Honorable Patty Murray
The Honorable Virginia Foxx
The Honorable Robert C. "Bobby" Scott