

One day, all children in this nation will have the opportunity to attain an excellent education.



September 20, 2017

Dear Secretary DeVos,

Teach For America (TFA) is an organization of 56,000 current and former corps members strong. Together with our students and all who support them, we strive to create the world as it should be. We believe students deserve leaders who have the courage to live up to the American ideals of equal opportunity and justice for all.

We also believe all children deserve access to a great education, and to feel safe and welcome in their classrooms. We believe federal education laws, along with rules, regulations, and guidance related to those laws, play an important role as TFA works alongside many allies and partners to ensure that practices, structures, and policies promote educational equity for all children.

Our education system is often unfair to too many students and communities. Students who are Black, Latinx,<sup>1</sup> Asian American, Native American, immigrants, English learners, girls, LGBTQ, or students with disabilities face too many barriers to educational success. We need to use all of the tools we can to make sure all children get the education they deserve.

Federal civil rights laws are especially critical to our work, since they provide important protections for students when a school or a school district doesn't treat students fairly and allows discrimination. We also believe that many other federal regulations, rules, and guidance promote equity and excellence from outside of a civil rights context, including those related to teacher quality, school accountability, early childhood education, STEM education, and other topics, and these also deserve protection.

In order to make sure that schools understand what the law requires of them, and to make sure that everyone understands protections for students, regulations, rules, and guidance have helped to clarify the law over the past several years. To paraphrase Executive Order 13777 of February 24, 2017, which led to this request for input on existing regulations, we believe strongly that the important benefits of existing civil rights rules and regulations far exceed their costs. **We therefore oppose any effort to rescind, modify or replace regulations, rules, or guidance that clarify existing civil rights and education laws.** Now is not the time to take away or weaken civil rights laws and tools that help ensure students receive the protections and supports they deserve.

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<sup>1</sup> We use "Latinx" because at Teach For America we aspire to be an all-inclusive organization. The "x" makes the word Latino gender-neutral and moves beyond Latin@ – which we used in the past to include both masculine and feminine identities – to encompass genders outside of that male-female binary. Latinx includes people of Latin American descent whose gender identities fluctuate along different points of the spectrum from agender or nonbinary to gender nonconforming, genderqueer, genderfluid, and intersex communities.



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To illustrate this point, at the time of this writing, TFA is honoring Latinx/Hispanic Heritage Month (September 15 – October 15). During this month we celebrate Latinx leadership and the role that Latinx individuals played and continue to play in our future as an organization and a country. We note that Latinx individuals represent less than 3% of executive positions at Fortune 100 Companies, less than 5% on Fortune 100 Corporate Boards,<sup>2</sup> and in the nonprofit sector employees of color make up about 14% of leadership or upper management roles.<sup>3</sup> Latinx individuals also represent less than 8% of public school teachers in the United States<sup>4</sup> and less than 7% of public school principals,<sup>5</sup> while our current PK-12 student population is 25% percent Latinx.<sup>6</sup> Without strong civil rights action from the Department, Latinx students, among other underserved populations of students, will continue to be overlooked and experience a myriad of challenges that will impact their educational opportunities and career trajectories.

The list below is neither fully comprehensive nor inclusive, but we believe regulations and rules on the following, in particular, should not be rescinded or weakened in any way:

- **Protections for immigrant children and teachers**, including but not limited to those currently included within the Deferred Action for Childhood Arrivals (DACA) program, since under federal law, ALL children, regardless of their citizenship or immigration status, are entitled to a K-12 education. Schools and school districts must not be allowed to prohibit or discourage children from enrolling in schools or taking advantage of school services, such as college counseling, because they or their parents are undocumented immigrants. Moreover, immigration enforcement actions should not occur at any school, school bus stop, or school-affiliated activities, at any level, from preschool through college.
- **Requirements to engage and communicate with traditionally underserved students, parents and communities**. This will help ensure the engagement of not only teachers, school leaders, nonprofit education entities, and other participating stakeholders, but rules and regulations must include engagement with parents in low-income communities, the civil rights community, tribes, advocates for disabled students, and other advocates of educational equity for low income students. For this engagement to be truly meaningful, it should continue on a permanent basis; ongoing engagement is vitally important throughout the entire state accountability plan process, including follow-up consultation stages and the

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2 Senator Menendez, "2014 Corporate Diversity Survey" (June 2015). Accessed on 18 Sept 2017:

<https://www.menendez.senate.gov/imo/media/doc/2014%20Corporate%20Diversity%20Survey%20Report.pdf>

3 Is the Nonprofit Sector Doing Enough for Diversity?, Profiles In Diversity Journal (2016)

4 U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey (SASS), "Public School Teacher Data File," 2011–12.

5 Supplemental Tables to Trends in Public and Private School Principal Demographics and Qualifications: 1987-88 to 2011-12

6 U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "State Nonfiscal Survey of Public Elementary and Secondary Education," 1995-96 through 2013-14; and National Elementary and Secondary Enrollment by Race/Ethnicity Projection Model, 1972 through 2025.



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end-user consumption stage, once report cards begin to reflect state accountability plan-related information on school performance. In short, parents must always be part of any process related to school improvement, support, and accountability.

- **Strong school accountability and transparency, regardless of public school governance model**, per ESSA requirements. Though Congress rescinded regulations on accountability and state plans via the Congressional Review Act, TFA hopes the Department will, on an ongoing basis per ESSA, support an overall focus on true grade-level academic proficiency, coupled with student academic growth, and high-school graduation, while also maintaining space for multiple other measures alongside these most important measures. We also believe the Department should explicitly encourage states to monitor interim performance and progress, but to do so in a way that does not weaken standards or allow a state to count incremental progress as sufficient when students have not reached proficiency. Additionally, due to changes in how English Learners are counted under ESSA, we believe the Department should closely monitor the progress of EL student performance.
- **Requirements to use evidence and data to drive student instruction and teacher improvement and development over time, especially subgroup data disaggregation for school performance on statewide annual assessments**, so that all students' academic performance and achievement growth is tracked in a comparable manner and will provide critical information for parents, educators, and teacher preparation programs. All stakeholders in education--including students, parents, school leaders, teachers, prospective teachers, and policymakers--deserve meaningful and multi-faceted information on school quality. As an organization that has long-sought to utilize many sources of outcome data (both quantitative and qualitative) to inform our program model and to continuously improve, we believe disaggregated student outcome data should be a vital part of evaluating schools and enabling them to improve via comprehensive, evidence-based improvement plans, and we support aggressive action in schools with high dropout rates and where both schools and subgroups are chronically underperforming. We especially encourage the Department to encourage and support the expansion of subgroup disaggregation of student achievement data to include Asian subgroups.
- **Relatedly, ESSA's 95% student assessment participation requirement**, an important tool for ensuring that assessments paint a true portrait of academic achievement, must be enforced.
- **Teacher quality and effectiveness**, which we believe the Department should prioritize in its role as defined by ESSA. TFA strongly believes all teachers should be held to the same high-quality standards, regardless of their pathway into the classroom. We also support policies which encourage multiple pathways to the classroom within the teaching profession, including high-quality programs that build pathways to teaching for career-changers, recent college graduates, military veterans, para-professionals and others who can contribute immensely to the profession and to students in our nation's schools.
- **Student loan programs that increase postsecondary success for all students in higher education, especially those who teach in low-income communities**. We strongly encourage the Department to protect and expand loan repayment options and loan



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forgiveness programs, since they provide important financial help to those working to end education inequity. We stand ready to help the Department build upon programs that are effective, while limiting the flow of federal dollars to those that are not.

- **Evidence-based strategies**, in addition to the student data concepts listed above, that steer public dollars towards programs and systems that show evidence of success. In particular, we encourage the Department to continue using evidence as a factor in determining competitive grant awards. We also believe the Department should continue guidance encouraging states/districts to use strong definitions of evidence in their sub-granting of federal dollars, including in the area of teacher quality.
- **The use of race-conscious admissions in higher education**. The students we serve deserve the most diverse and talented workforce possible. As one of our nation's top recruiters of teachers of color for public schools, Teach For America believes we all have an interest in a national higher education system that produces as many remarkable leaders from all backgrounds as possible. If colleges and universities were no longer permitted to consider applicants' race to attain diversity as part of their admissions process, they could enroll and graduate fewer minority students. This would impede our efforts, alongside many others', to address the crisis in P-12 education by recruiting and training a diverse and talented corps of teachers and education leaders. Diversity contributes to the collective conscience of our college campuses, and creates a leadership force capable of transforming the lives of high-needs students. We therefore urge the Department to protect all rules and regulations related to the use of race as a factor in college admissions.
- **The collection of valuable data related to teacher preparation programs**, especially current data collection efforts that align with an outcome-based approach. Despite congressional repeal of recent teacher preparation program regulations (regulations which we supported and believed would enhance teacher quality), we encourage the Department, to the best of its ability within current law, to align its practices with "program impact" accreditation standards as embraced by the Council for the Accreditation of Educator Preparation (CAEP), alongside other accreditation standards focused on content and pedagogical knowledge, clinical practice, candidate quality, recruitment and selectivity. The Department should also continue collecting basic information on demographics of teacher preparation program participants, what subjects program participants are prepared to teach, how they perform on state licensure exams, and other characteristics of the teacher preparation in which they undergo. We hope the Department will foster more rigorous systems of accountability for teacher preparation programs of all types.
- **Finally, any and all other protections that make classrooms safe for everyone**. While this includes (but is not limited to) all groups listed in this letter, two other groups merit special mention. First, along with our largely *student*-focused comments above, we want the Department to protect the civil rights of all *teachers*. Second, we also want the Department to protect Muslim students and teachers, who must be able to attend school free from any and all forms of Islamophobia, now and always. We must all pay attention to the messages we send and ensure that our Muslim students are respected and supported, including full enforcement of their civil rights.



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We appreciate the opportunity to provide input on regulations related to education. With regard to regulations related to civil rights in particular, we urge the Department to honor the intent behind these hard-fought and hard-won laws and regulations, and preserve all important protections that are currently in place. We believe these laws require enforcement by the Department of Education and other agencies, since we must all support our nation's schools in providing high-quality education for all children. In doing so, we can all work together to meet longstanding challenges and serve the needs of all children, especially the most vulnerable.



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