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Deborah Spitz
U.S. Department of Education
400 Maryland Ave., SW
Room 3E306
Washington, DC 20202

January 21, 2016

Docket ID: 2015-32178

Dear Ms. Spitz:

Thank you for your leadership on the implementation of the *Every Student Succeeds Act (ESSA)*. The National Council of La Raza (NCLR)-the nation's largest Latino civil rights and advocacy organization-respectfully submits these comments in response to the request for information posted on the Federal Register December 22, 2015. Our national network of nearly 300 affiliates and charter schools stands ready to work with you to ensure that the ideals espoused in this important legislation are put into practice in all of our schools.

As you form the committee for negotiated rulemaking, we urge you to include a broad cross section of stakeholders, which includes representation from the Latino community. Diversity in our schools has increased exponentially – 12 million Latino students are enrolled US public schools and five million are English learners (ELs). No one individual or organization can sufficiently represent all of the perspectives the Department will need to hear to adequately develop the proposed rules that will best meet the needs of our students. The legislation greatly enhances accountability for English learners, and it is essential that this community be represented in the discussions on implementation.

Some of the key areas where we believe that states and schools districts will need guidance on the implementation of the Every Student Succeeds Act are as follows:

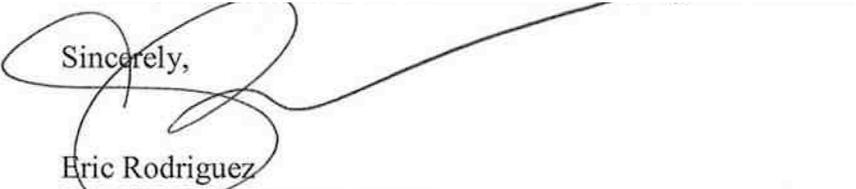
- **Goals for English Learners.** States and school districts need a clear definition of what "making progress" means for English language proficiency. Goals may take into account a student's grade and number of years enrolled in a language program. There are new reporting requirements in Title III for ELs that have not reclassified in 5 years or more. We believe this signals intent that ELs should not be labeled as ELs beyond 5 years and this timeframe should be considered as states determine their EL proficiency timeline.
- **English Language Proficiency Indicator.** Regulations must clarify that the English language proficiency indicator must be measured annually against progress made on the English language proficiency exam (section 1111(b)(2)(G)).

This indicator also falls within the group of indicators that should carry "substantial weight." The Secretary should stipulate an aggressive *range* for what "substantial weight" means for the purposes of the accountability system.

- **Accountability for recently arrived English learners.** States will need to determine how to adequately include recently arrived ELs in their accountability system. Guidance should clarify that under the second option, (1111(b)(3)(A)(ii)), recently arrived ELs should still be required to take the English language proficiency exam in order to be in compliance with provisions in Title III.
- **English learner subgroup.** ESSA allows reclassified ELs to be included in the EL category in the statewide accountability system for up to four years after reclassification. Regulations should direct states to disaggregate between current and former ELs as is current practice to avoid masking the true performance of ELs. We urge the Department to discourage the expanded EL definition (1111(b)(3)(B)) for purposes of the high school adjusted cohort graduation rate. Allowing this definition for high school could potentially result in an EL reclassified in the 5th grade to still be counted as an EL until high school graduation.
- **95% participation rate.** We urge the Department to work with states to carefully and honestly monitor the 95% exam participation rate. States must clearly state how the participation rate is factored in the accountability system and the consequences for not meeting said requirements.
- **Parent and Family Engagement.** The Hispanic community was encouraged to see the importance of parent and family engagement clearly articulated in the final legislation. We welcome the opportunity to work with you to guarantee that implementation results in the meaningful inclusion of parent voices in state wide accountability plans and local school improvement plans.

Thank you for this opportunity to provide comments in anticipation of rulemaking. Please feel free to contact Brenda Calderon at bcalderon@nclr.org with any questions. We look forward to working in partnership with you to achieve the goals of the Every Student Succeeds Act.

Sincerely,



Eric Rodriguez

Vice President, Office of Research, Advocacy and Legislation