

May 9, 2018

The Honorable Betsy DeVos  
Secretary, United States Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202

Dear Madam Secretary,

On February 15, the Honorable José Viana, Assistant Deputy Secretary of Education and the Director of the Office of English Language Acquisition, read your message to the annual meeting of the Joint National Committee for Languages, here in Washington. You concluded with: “Students who are competent in two, three, four languages are better prepared for every turn in their careers and lives.”

For more than 40 years, the United States Department of Education has supported State and Local Education Agencies in furthering this goal for America’s English Learners (ELs), through the programs of the Office of English Language Acquisition (OELA). Authorized under 20 USC §3420 et seq., the Office is established as an entity whose Director, by statute, reports to the Secretary. The structure of the Office on the one hand reflects the history of the program, driven by the civil rights imperative and Supreme Court case law (*Lau v. Nichols*) to ensure equal access to education for our nation’s ELs, and on the other, the recognition by successive administrations and Congresses that OELA plays the lead role in providing expertise, advice, information, research, and assistance to SEAs and LEAs, educators, and parents, all while serving as the key proponent office in the Federal Government for the rapidly growing and increasingly diverse population of ELs in our schools.

America’s ELs constitute the most rapidly growing segment of our PK-12 population, with more than 5 million ELs in all 56 states and territories; the EL population grew at 60% in the last decade, compared to an overall growth of 7% in the PK-12 population. Increasingly diverse, more than 70% of ELs are citizens, according to the Department’s data; while Spanish is the most common language among ELs at 71%, more than 150 languages are spoken by this group. More than 3,300 school districts have EL populations greater than 25% of their overall enrollments.

Furthermore, in most states, a large percentage of ELs is not reaching state academic standards nor English language proficiency levels equal to their peers. In many instances, this is due to the lack of direction and evidence-based, coherent policy and practice. The Department has an important role to play to leverage Title III funding, in addition to funding that ELs receive from other Titles, toward implementation of exemplary policy and practice, and to serve as a critical focal point for sharing current research and best practices across states. Importantly, the funding provided to IHEs under the National Professional Development Program grants, which are part of Title III and administered by OELA, help address the national shortage of qualified bilingual teachers. This shortage affects 44 states and Washington, DC, and significantly limits the ability of LEAs as well as charter schools to establish Dual Language Immersion programs. These programs have grown by a factor of 15 in the past two decades; the adoption of the Seal of Biliteracy by 34 states is one element driving this program growth. Awareness of

the value of biliteracy among parents, students, and communities, further increases the demand for high-quality programs for ELs.

OELA has historically led in the development of evidence-based policy for ELs, promoting successful instructional programs that work and effectively educate ELs in two languages, closing academic achievements gaps, and achieving greater educational equity among all of our nation's schoolchildren. OELA led the 2016 Multiliteracy Symposium, and was a key element in developing the Department of Education's Global Competency Framework. The recent reports of the National Academies of Science, Engineering, and Medicine, and the American Academy of Arts and Sciences, emphasize the cognitive, educational, and societal benefits of bilingualism and biliteracy; among these are higher graduation rates, higher matriculation rates, higher salaries, and well-understood benefits to America's security and economic growth.

It has come to our attention that the Department of Education, operating under the guidance of Executive Order 13781 of March 13, 2017, is considering significant structural changes to OELA. At the Stakeholders' Meeting on May 7th, attended by Mr. Kent Talbert in his capacity as senior policy adviser delegated the duties of the deputy secretary, Department officials indicated that possible changes might include designating another official, such as the Assistant Secretary for Elementary and Secondary Education, as the Director of OELA, and integrating OELA functions into the Office of Elementary and Secondary Education (OESE). The justifications provided by Department officials for these changes include achieving operational efficiencies and integrating services to ELs with services to other groups of underserved students.

The undersigned organizations, representing ELs, superintendents, teachers, parents, and businesses, oppose this plan for the following reasons:

First, 20 USC §3420 clearly states that there shall be a Director of OELA, reporting to the Secretary. "Dual-hatting" another political appointee would necessarily and inevitably diminish the time, attention, and supporting expertise and analysis applied to EL issues, as statutorily required, and may well exacerbate staffing shortfalls in OELA;

Second, any potential reorganization, however well-intentioned, necessarily and inevitably creates perceptions of the Department's priorities among SEAs, LEAs, and other stakeholders. Frankly put, as Secretary of Education, you have a tremendously powerful bully pulpit, and the contemplated reorganization undermines your messaging on languages as well as your priorities.

Rather than diminishing the role of OELA by subsuming it in a much larger organization, where it would be forced to compete for resources and attention, we believe that the present time affords an opportunity to strengthen OELA, building on several strands of fine work started under President George W. Bush. These include No Child Left Behind and the National Security Language Initiative which led to significant improvements in the nation's capacity to meet the challenges of multilingually and multiculturally competitive economics and geopolitics. Additionally, reorganization affords the

Department the opportunity to correct policy decisions made in the Obama administration which weakened national capacity in languages.

Specifically, we offer the following recommendations:

First, that OELA retain its current organizational profile, to include a full-time Director, at the Assistant Deputy Secretary level, who reports to the Secretary;

Second, that the formula grants under Title III of the Every Student Succeeds Act should be once again administered by OELA. At present, these are administered by OESE, which means that the technical assistance, desperately required by recipients, is divorced from the formal oversight of the program;

Third, the administrative oversight, currently provided by the Office of the Deputy Secretary, should be provided by whichever office is best positioned to do so, so long as OELA's resources and staffing are continued at or above current levels. Given the rapid growth of ELs across the country, the Department should seriously consider assigning additional staff to OELA and providing professional development for current staff so as to increase expertise in offices across the Department.

In addition, we respectfully request clarification on two points:

First, what authorities does the Department seek, or believe it has, to implement the OELA reorganization?

Second, during the aforementioned Stakeholder's meeting, it was stated that the motivation for the reorganization is to achieve efficiencies. How would spreading EL expertise across OESE achieve this?

Merging OELA into the OESE would not only contravene federal law, it would reduce the effectiveness of the Department's support for ELs, thereby increasing costs at the state and local level, and it would undermine positions taken publicly by you.

We thank you for considering our request. Your support of bilingualism and language learning is to your credit, and is deeply appreciated by our organizations and constituents.

Sincerely,

American Federation of Teachers  
American Association of Teachers of German  
The ASPIRA Association  
Association of Latino Administrators and Superintendents  
California Association for Bilingual Education  
Californians Together  
Center for Applied Linguistics  
The Education Neuroscience Foundation

The Global Institute for Language and Literacy Development  
Hispanic Association of Colleges and Universities  
Joint National Committee for Languages  
League of United Latin American Citizens  
Migration Policy Institute  
National Association for Bilingual Education  
National Council for Languages and International Studies  
National Migrant and Seasonal Head Start Association  
TESOL International Association  
UnidosUS

CC:

The Honorable Mr. Kent D. Talbert, Senior Policy Advisor, Delegated the Authority to Perform the Duties of the Deputy Secretary of Education

The Honorable Mr. José Viana, Assistant Deputy Secretary and Director of the Office of English Language Acquisition

The Honorable Ms. Denise Carter, Principal Deputy Assistant Secretary for Management

The Honorable Mr. Jason Botel, Principal Deputy Assistant Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary of Elementary and Secondary Education

The Honorable Dr. Lisa R. Ramírez, Deputy Assistant Secretary for Policy and Programs in the Office of Elementary and Secondary Education