



March 3, 2023

## Education Task Force Legislative Priorities for the 118th Congress

Dear Member of Congress,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the civil and human rights of all persons in the United States, we write to share with you the Education Task Force's legislative priorities for the 118th Congress.

The Education Task Force works to ensure that children in early care and education and grades K-12 and students in higher education (including career and technical education programs) receive an equitable, accessible, and high-quality education that prepares them for college, career, life, and the full exercise of their social, political, and economic rights. We strive to protect and expand students' civil rights, as well as remove barriers to education for historically marginalized students, especially those who are students of color, Native students, students with disabilities, LGBTQI+ students, women and girls, immigrant students, English learners, other marginalized students, and those living at the intersections of these identities.

The following priorities reflect areas where the task force believes urgent attention and action from the U.S. Congress is needed to advance civil rights and equity in education. We are eager to engage with you to advance these priorities during the 118<sup>th</sup> Congress:

- Robust funding for Title I of the Every Student Succeeds Act (ESSA) and all parts of the Individuals with Disabilities Education Act (IDEA)<sup>1</sup>
- Robust funding for early care and education programs<sup>2</sup>
- Robust funding for Title III of ESSA: Language Instruction for English Learners and Immigrant Students<sup>3</sup>

<sup>1</sup> Title I Part A of ESSA provides formula funds to schools to meet some of the additional costs of educating children in concentrated poverty. IDEA funds include early intervention, instructional, supplementary, and other supportive services for infants, toddlers, children, and youth with disabilities and their families.

<sup>2</sup> The civil rights community came together to develop and release "Civil Rights Principles for Early Care and Education," a roadmap for policymakers concerned with advancing equity and protecting civil rights for young children, their families, and caregivers in an education system that offers meaningful equal opportunity and success for all children, especially those who have been historically marginalized. The Leadership Conference on Civil and Human Rights. *Civil Rights Principles for Early Care and Education*.

<https://civilrightsdocs.info/pdf/education/Civil-Rights-Principles-for-Early-Care-and-Education.pdf>

<sup>3</sup> Title III of ESSA provides formula funds to schools to support language instruction for English learners.

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- Passage of legislation to advance safe, healthy, and inclusive school climates<sup>4</sup>
- Passage of legislation and appropriations to support:
  - K12 diversity
  - Educator diversity
  - Diversity in higher education enrollment<sup>5</sup>
- Funding to double the size of the U.S. Department of Education’s Office for Civil Rights (OCR)<sup>6</sup>
- Championing students’ and parents’<sup>7</sup> rights to an education that honestly teaches about our nation’s past; supports diversity, equity, and inclusion; prepares all students to think critically; and contributes to building a multiracial democracy<sup>8</sup> through passage of a resolution and similar agenda setting efforts
- Passage of legislation to provide for a private right of action for disparate impact under our civil rights laws, correcting the Supreme Court’s decision in *Alexander v. Sandoval*<sup>9</sup>
- Increase the size of Pell Grants<sup>10</sup>

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<sup>4</sup> In January 2022, during the 117<sup>th</sup> Congress, The Leadership Conference and 96 organizations submitted a letter to members of Congress urging them to cosponsor bills in the School Climate Legislative Agenda: S. 2125/H.R. 4011, the Counseling Not Criminalization in Schools Act (ending federal funding for school-based law enforcement and supporting positive alternatives); S. 1858/H.R. 3474, the Keeping All Students Safe Act (KASSA) (ending the use of seclusion, significantly limiting the use of restraint, and providing support and training for school staff); S. 2029/H.R. 3836, the Protecting our Students in Schools Act (ending corporal punishment); S. 2410/H.R. 4402, the Safe Schools Improvement Act of 2021 (requiring enumerated anti-bullying policies); and H.R. 2248, the Ending PUSHOUT Act of 2021 (requiring additional discipline data collection and supporting alternatives to exclusionary discipline).

[http://civilrightsdocs.info/pdf/policy/letters/2022/Generic\\_SchoolClimateBills\\_1.19.22.pdf](http://civilrightsdocs.info/pdf/policy/letters/2022/Generic_SchoolClimateBills_1.19.22.pdf).

The School Climate Legislative Agenda bills align with the “Civil Rights Principles for Safe, Healthy, and Inclusive School Climates,” a roadmap for policymakers concerned with the learning, well-being, and safety of all students in our nation’s schools. The Leadership Conference on Civil and Human Rights. *Civil Rights Principles for Safe, Healthy, and Inclusive School Climates*. <http://civilrightsdocs.info/pdf/education/School-Climate-Principles.pdf>. These bills have not yet been reintroduced in the 118<sup>th</sup> Congress.

<sup>5</sup> The Supreme Court’s decision to hear challenges to the constitutionality of affirmative action in college admissions in *Students for Fair Admissions Inc. v. President & Fellows of Harvard College* and *Students for Fair Admissions v. University of North Carolina* represent a threat to 40 years of established precedent, which has been reaffirmed by the Court multiple times. Congress’s responsibility to take action to ensure students have an equal opportunity to seek admission to selective institutions of higher education precedes and will continue regardless of the Court’s decision. Diversity in higher education is both popular (as demonstrated in polls such as [this one](#)) and necessary to achieving a multiracial democracy.

<sup>6</sup> In March 2021, The Leadership Conference and 79 organizations submitted a letter to the U.S. Senate Committee on Health, Education, Labor, and Pensions and the U.S. House of Representatives Committee on Education and Labor to double the size of the Office for Civil Rights to ensure that the Department of Education is able to fulfill its responsibility to protect the civil rights of all students. <http://civilrightsdocs.info/pdf/policy/letters/2021/EDOCRfundingLetter032521.pdf>

<sup>7</sup> The term “parent” means a student’s primary caregiver(s).

<sup>8</sup> In July 2021, The Leadership Conference and 76 organizations released a response to the attacks on the right of students to learn about historical and ongoing racial oppression in the United States. <https://civilrights.org/resource/a-civil-rights-community-response-to-attacks-on-the-right-of-students-to-learn-about-historical-and-ongoing-racial-oppression-in-the-united-states/>

In July 2022, The Leadership Conference and 152 organizations released a response to LGBTQ+ curriculum censorship and policies targeting and excluding transgender students from participation in school programming, including athletics programs, alongside their cisgender peers. <https://civilrights.org/resource/open-letter-supporting-the-full-inclusion-of-transgender-and-all-lgbtqi-youth/>.

<sup>9</sup> *Alexander v. Sandoval*, 532 U.S. 275 (2001).

<sup>10</sup> The civil rights community came together to develop and release “Civil Rights Principles for Higher Education,” a roadmap for policymakers concerned with advancing equity and protecting civil rights in higher education that offers meaningful equal opportunity and success for all students, especially those who have been historically marginalized. The Leadership Conference on

- Passage of college affordability legislation, including structural reforms to debt-financed higher education<sup>11</sup>
- Passage of comprehensive legislation to expand equitable high quality early care and education programs<sup>12</sup>
- Robust funding for Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Minority Serving Institutions (MSIs), including Hispanic Serving Institutions (HSIs), Predominantly Black Institutions (PBIs), Alaska Native and Native Hawaiian-serving Institutions (ANNHIs), Native American-serving Nontribal Institutions (NASNTIs), and Asian American and Native American Pacific Islander Serving Institutions (AANAPISIs)<sup>13</sup>
- Passage of legislation to strengthen protections against harassment under our civil rights laws, including eliminating any heightened standard for harassment in private actions by seeking to correct the Supreme Court’s decisions in *Davis v. Monroe County Board of Education*<sup>14</sup> and *Gebser v. Lago Vista Independent School District*<sup>15</sup>

We appreciate your consideration and would welcome the opportunity to connect further on our legislative priorities. If you have any questions, please contact Liz King at The Leadership Conference on Civil and Human Rights ([king@civilrights.org](mailto:king@civilrights.org)) or co-chairs of the Education Task Force, Andrea Senteno at MALDEF ([asenteno@maldef.org](mailto:asenteno@maldef.org)) or Shiwali Patel at the National Women’s Law Center ([spatel@nwlc.org](mailto:spatel@nwlc.org)).

Sincerely,

The Leadership Conference on Civil and Human Rights  
MALDEF  
National Women’s Law Center

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Civil and Human Rights. *Civil Rights Principles for Higher Education*. <http://civilrightsdocs.info/pdf/education/HEA-Civil-Rights-Principles.pdf>

<sup>11</sup> Ibid.

<sup>12</sup> *Civil Rights Principles for Early Care and Education* (n2)

<sup>13</sup> *Civil Rights Principles for Higher Education* (n9)

<sup>14</sup> *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629, 652 (1999).

<sup>15</sup> *Gebser v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274 (1998).