

Congress of the United States
Washington, DC 20515

April 3, 2017

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

Dear Secretary DeVos:

We are writing to request that you provide us with a full explanation of how the U.S. Department of Education (the Department) will enforce provisions in the Every Student Succeeds Act (ESSA) that require states and school districts to meaningfully consult with diverse stakeholders during the development of state and local plans for carrying out the law.

The bipartisan ESSA shifts considerable responsibility and decision making to state and district education leaders. The law also maintains a prominent role for the Department to oversee and enforce compliance with the ESSA's statutory requirements, which are intended to advance educational equity by holding states accountable for closing achievement gaps and improving outcomes among historically underserved students.

Section 1111(a)(1)(A) specifies that state plans for implementing Title I must be developed with input from a wide array of stakeholders, including parents. Similarly, Sections 1111(d)(1)(B), 1111(d)(2)(B), and 1112(a)(1)(A) of the ESSA require school districts and schools to involve stakeholders in the development of district-level plans and school improvement activities. In addition to the requirements for stakeholder engagement in Title I-A, states must satisfy similar requirements as they develop plans for Title II-A and Title III. And school districts are required to develop plans for Title II-A, Title III, and Title IV, in consultation with diverse stakeholders. Finally, the tribal consultation requirements in Title VIII apply to multiple programs covered under consolidated state plans. Bipartisan members of Congress recognized that engaging diverse stakeholders in policy development is an essential step in achieving lasting education reforms that best serve students from every background, which is why these provisions are included in the ESSA.

Because stakeholder consultation is required for implementation of the largest formula programs covered by states' consolidated plans, we urge states to submit their consolidated plans using the template made available by the Obama Administration in 2016. The 2016 template is aligned to the regulation for consolidated state plans that was finalized in November 2016, and the template appropriately requires states to provide assurances that stakeholders have been, and will continue to be, engaged in the development of state and district consolidated plans. We agree with your decision to allow states to submit consolidated state plans using the 2016 template.

Following the Congressional Review Act vote to block implementation of the regulation for consolidated state plans, the Department released a revised template on March 13th—only three weeks before the first consolidated state plan submission deadline. The revised template does not ask

states to describe their extensive outreach and consultation with stakeholders, despite numerous statutory requirements across multiple titles. The Department also announced on March 13th that states are invited to develop alternative templates for submitting consolidated plans. We are troubled by the Department's exclusion of the stakeholder consultation requirements from the revised template and fear that both the revised template and the use of alternative templates will complicate the Department's ability to monitor and enforce compliance with the applicable statutory provisions.

We request that you answer the following questions as soon as possible, and no later than Friday, April 7th:

1. The largest formula programs authorized under the ESSA require states and school districts to involve diverse stakeholders in plan development, yet you did not deem stakeholder consultation "absolutely necessary for the consideration" of consolidated state plans. How did you determine, under the authority provided your office in Section 8302(b)(3) of the ESSA, that information about states' and districts' efforts to meaningfully engage stakeholders, including educators and parents, was not necessary?
2. With which stakeholders and groups of stakeholders did you collaborate in developing the Department's revised template and as required by Section 8302(b)(1) of the ESSA?
3. What steps will the Department take to verify that any state submitting a consolidated state plan using the Department's revised template has satisfied the statutory requirements to consult with stakeholders in plan development?
4. What steps will the Department take to verify that any state submitting a consolidated state plan using an alternative template that does not include detailed assurances of stakeholder consultation has satisfied the statutory requirements to consult with stakeholders in plan development?
5. If a state has made available for public comment a draft consolidated state plan that is aligned with the Department's 2016 template, but submits for approval a consolidated state plan using the Department's revised template, how will the Department ensure that the consolidated state plan submitted for approval was developed in consultation with diverse stakeholders, as required by statute?

We look forward to working with you to give parents, teachers, principals, paraprofessionals, superintendents of rural school districts, Indian tribes, civil rights advocates, and other stakeholders the opportunity to consult meaningfully in the implementation of the ESSA, as Congress intended.

Thank you for your prompt attention to this request.

Sincerely,



Suzanne Bonamici
Member of Congress



Robert P. Casey, Jr.
United States Senator

Alma Adams

Alma S. Adams, Ph.D.
Member of Congress

Tammy Baldwin

Tammy Baldwin
United States Senator

Lisa Blunt Rochester

Lisa Blunt Rochester
Member of Congress

Margaret Wood Hassan

Margaret Wood Hassan
United States Senator

Joe Courtney

Joe Courtney
Member of Congress

Chris Murphy

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Susan A. Davis

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Mark DeSaulnier

Mark DeSaulnier
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