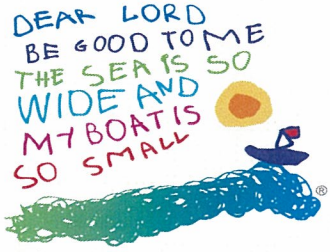
LDF
DEFEND EDUCATE EMPOWER



Children's Defense Fund

July 14, 2011

The Honorable John Boehner
Speaker of the House
H-232 U.S. Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
H-204 U.S. Capitol
Washington, DC 20515

Dear Speaker Boehner and Minority Leader Pelosi:

We write to express our strong opposition to the State and Local Funding Flexibility Act (H.R. 2445), which was approved yesterday on a partisan vote by the House Committee on Education and the Workforce. This legislation threatens to dismantle portions of the Elementary and Secondary Education Act (ESEA) that provide critical support for low-income students, English language learners, migrant children, delinquent and neglected youth and Native American students. Under the guise of providing "flexibility," H.R. 2445 invites states and school districts to rob already scarce resources from disadvantaged students, many of whom are students of color. It would trample forty-plus years of progress in the struggle for civil rights and educational equity for our nation's most vulnerable children.

In 1969, four years after the enactment of ESEA established federal aid for the education of low-income students, the NAACP Legal Defense and Educational Fund, Inc. and the Washington Research Project (the parent organization of the Children's Defense Fund) published *Title I of ESEA: Is It Helping Poor Children?* The report found that students were harmed because millions of dollars appropriated by Congress to help children in poverty were "wasted, diverted or otherwise misused by State and local school authorities." The report unquestionably demonstrated that without appropriate federal oversight, the intent of Congress to assist poor students was ignored.

As a result of such findings and other efforts, Congress added much-needed safeguards over the years to better ensure that Title I funds actually reached children living in poverty, cementing the federal role in education as one that protects and supports educational opportunity for disadvantaged children. In our view, this federal role is critical to providing equal educational opportunities for poor and minority children, as is the targeted assistance provided through it. The State and Local Funding Flexibility Act threatens these gains and we urge policymakers to again heed the dire warnings of our earlier report.

H.R. 2445 threatens decades of work by Congressional leaders on both sides of the aisle, committed educators, education advocates, and others to help ensure that disadvantaged children have access to a quality education. By giving states and districts a virtual blank check, the bill would effectively turn ESEA into a block grant that removes the protections afforded to poor students. It would allow states and school districts to *once again* divert dollars from the students ESEA is intended to help, and in the process, pit groups of vulnerable children against one another. Most importantly, however, this bill will have dire consequences for the educational achievement of students across America by taking from those children who need the most.

Since the enactment of ESEA in 1965, in the spirit of the U.S. Supreme Court's landmark decision in *Brown v. Board of Education*, Congress has worked to ensure and protect the rights of vulnerable students. Its work is not complete. We must not turn back the clock. And we must not permit Congress to use the cloak of "flexibility" to undo decades of progress. We urge you to oppose H.R. 2445.

Sincerely,

John Payton
President and Director-Counsel
NAACP Legal Defense
and Educational Fund, Inc.

Marian Wright Edelman
President
Children's Defense Fund

cc: The Honorable John Kline, Chairman of the House Committee on Education and the Workforce

The Honorable George Miller, Ranking Member of the House Committee on Education and the Workforce

Members of the House Committee on Education and the Workforce