



April 24, 2017

The Honorable Lamar Alexander
Chairman
Senate Committee on Health, Education,
Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Senate Committee on Health, Education,
Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of The Leadership Conference on Civil and Human Rights and the 25 undersigned organizations, we write to express our deep concerns about the Department of Education's seriousness in approaching its central responsibility to protect students from discrimination and ensure equal access to education. We urge Secretary DeVos to nominate a qualified individual to serve as Assistant Secretary for Civil Rights and urge the committee to conduct public hearings and thoroughly vet any nominee to ensure they have a demonstrated record of support for civil rights law and protecting marginalized students.

The Office for Civil Rights (OCR) has a unique responsibility to enforce core nondiscrimination statutes in schools. Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975 and Title II of the Americans with Disabilities Act of 1990 prohibit discrimination in schools on the basis of race, color, national origin, sex, disability and age. These laws were passed by Congress in response to the widespread denial of equal protection and equal opportunity by states, districts and schools. Although considerable progress has been made in the decades since these laws were passed, they continue to serve a vital function in the face of ongoing discrimination.

Given Secretary DeVos' confusion regarding federal special education law¹ and her first official action withdrawing guidance explaining schools' responsibilities under Title IX regarding transgender students,² there is clear reason to doubt her commitment to federal civil rights law and marginalized students. Most recently, the appointment of Candice Jackson, an individual with a history of hostility towards civil rights,³ to serve in the Office for Civil Rights and even as Acting Assistant Secretary for Civil Rights, raises new questions about the direction of the office and the status of longstanding protections for students. In

¹ See: <https://www.bostonglobe.com/news/politics/2017/01/18/devos-unfamiliarity-with-civil-rights-law-for-students-with-disabilities-concerns-hassan/eaRGm1bAzUy9PG2RCI5Q8M/story.html>

² See: https://www.washingtonpost.com/local/education/trump-administration-rolls-back-protections-for-transgender-students/2017/02/22/550a83b4-f913-11e6-bf01-d47f8cf9b643_story.html?utm_term=.3fb9285a8b5f

³ See: <https://www.propublica.org/article/devos-candice-jackson-civil-rights-office-education-department>

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Karen McGill Lawson



past writings, Ms. Jackson appeared to be ignorant of the history and continued presence of race and sex discrimination as evidenced by her claims that equal opportunity/affirmative action policies discriminate against White students. Moreover, she has seemingly based the credibility of sexual assault victims on the political affiliation of their alleged assailants.⁴ Students and families deserve both words and actions by the Department of Education that convey that their concerns will be heard, their rights will be protected, and the law will be followed.

OCR's enforcement, policy and data responsibilities have considerable impact on whether or not student's constitutional and statutory rights to equal protection under the law are meaningful and whether marginalized students receive the supports and attention they deserve to achieve their dreams. These responsibilities are central to the work of the Department of Education.

The Senate's Health, Education, Labor and Pensions (HELP) Committee has a unique responsibility to ensure that the Department of Education faithfully and effectively implements and enforces federal laws, protects the interests of the nation's students, and ensures individuals nominated to serve in the department are qualified and prepared to fulfill their duties and committed to upholding federal law and the Constitution. In the service of that responsibility, we urge that you demand a thorough and public vetting of nominees to serve as Assistant Secretary for Civil Rights. If you have any questions, please contact Liz King, Leadership Conference director of education policy, at king@civilrights.org or (202)466-0087.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Association of University Women (AAUW)
American Civil Liberties Union
American Federation of Teachers
American-Arab Anti-Discrimination Committee
Judge David L. Bazelon Center for Mental Health Law
Center for Law and Social Policy (CLASP)
Education Law Center-PA
Human Rights Campaign
Lawyers' Committee for Civil Rights Under Law
League of United Latin American Citizens
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Alliance for Partnerships in Equity (NAPE)
National Bar Association
National Center for Learning Disabilities
National Center for Transgender Equality
National Council of Jewish Women
National Council of La Raza
National Urban League

⁴ Ibid.



National Women's Law Center
People For the American Way
PolicyLink
Poverty & Race Research Action Council
Southern Poverty Law Center
TASH