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April 24, 2017

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary DeVos:

On behalf of The Leadership Conference on Civil and Human Rights and the 26 undersigned organizations, we write to express our deep concerns about the seriousness with which the Department of Education is approaching its central responsibility to protect students from discrimination and ensure equal access to education. The choice of an individual to lead the Office for Civil Rights (OCR) is one of the most significant decisions you and the president will make with regard to the civil rights of the nation's students. We urge you to nominate an individual to serve as Assistant Secretary for Civil Rights who has a track record of experience with a range of civil rights issues; has experience with and a commitment to remedying individual and systemic discrimination; is prepared to follow wherever the law and the facts lead; and believes that every student in elementary, secondary or postsecondary school has the right to learn and be treated with dignity without the burden of discrimination.

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. Congress passed these laws 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.

The recent appointment of Candice Jackson, an individual with a history of hostility towards civil rights,¹ 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 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. In addition, she has seemingly based the credibility of sexual assault victims on the political

¹ See: <https://www.propublica.org/article/devos-candice-jackson-civil-rights-office-education-department>



affiliation of their alleged assailants.² Given concerns raised during your confirmation process,³ and your first action withdrawing guidance explaining schools' responsibilities under Title IX regarding transgender students,⁴ the communities with and for whom we work are rightfully skeptical that the Department of Education will enforce the laws that protect them from discrimination. These children and families deserve both words and actions by this department that convey that their concerns will be heard, that their rights will be protected, and that the law will be followed.

OCR's enforcement, policy and data responsibilities have considerable impact on whether or not students' 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.

In selecting an individual to serve as Assistant Secretary for Civil Rights, you and the president have the opportunity to demonstrate a commitment to core American values of equal opportunity, nondiscrimination, and diversity as well as a respect for the rule of law. We hope that you will make a decision guided by those values. 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
MALDEF
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

² Ibid.

³ 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>

⁴ 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



National Council of Jewish Women
National Council of La Raza
National Urban League
National Women's Law Center
People For the American Way
PolicyLink
Poverty & Race Research Action Council
Southern Poverty Law Center
TASH