

United States Senate
WASHINGTON, DC 20510

May 2, 2016

The Honorable John B. King Jr.
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary King,

We write to urge the Department of Education (“the Department”) to use the authority that Congress has given it to fully enforce the “supplement, not supplant” provision in Title I of the Every Student Succeeds Act (ESSA) through meaningful regulations and oversight.

When President Lyndon B. Johnson signed the original Elementary and Secondary Education Act in 1965, it was a landmark civil rights achievement and a key piece of legislation in the “War on Poverty.” Throughout the last fifty years, the core purpose of this law has remained the same: to protect the civil rights and educational opportunity for all students, especially our most vulnerable students. It is critical, therefore, that the Department craft strong rules and regulations around ESSA to ensure the implementation of the new law lives up to its civil rights legacy and secures an equitable education for all students.

During the reauthorization of the Elementary and Secondary Education Act, Congress revised the law’s “supplement, not supplant” provision, which was designed to ensure that Title I dollars provide the supplemental supports and resources that our most vulnerable students need to succeed. This foundational fiscal accountability provision is critical to ensure that states and districts spend federal education dollars to provide additional resources to low-income schools, and to not simply replace existing investments that states and school districts are already supposed to be making. The Department must enforce this provision with strong regulations to achieve Title I’s purpose, “to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”

This important safeguard ensures that federal funds are able to provide supplemental programs, supports, and services to help economically disadvantaged students achieve and to alleviate the effects of concentrated poverty in our neediest schools. This vital safeguard addresses the extensive and unfortunate history of state and district decisions that have resulted in funding models that too often fail to provide low-income students with the resources they need to succeed. As some states and districts have failed to support their most vulnerable students adequately, the Title I dollars have effectively subsidized these inequitable funding practices.

We must learn from history, and the Department must enforce this critical provision with strong regulations that preserve our intent that states and districts use federal education dollars to ensure that low-income students are receiving the supplemental supports and services that they need.

Simply put—we believe that state and local educational agencies should not use federal funds as an excuse to spend less money on low-income children.

That's why we fought hard alongside the Obama Administration and other House and Senate Democrats to ensure that ESSA supports educational opportunities for students living in poverty. The federal government annually gives states billions of taxpayer dollars in Title I funds to provide additional educational supports for low-income students. It is critical that the Department ensures that states are not circumventing Congressional intent by using this funding to backfill shortfalls in state and local funding due to irresponsible, inequitable, or unfair budgeting decisions.

With the majority of our nation's public school children living in low-income households, the Department of Education has a responsibility to do everything it can within the law—through effective regulations and robust oversight—to ensure that states and districts are taking steps to mitigate the crippling effects of poverty and resource inequities in our nation's public schools, and to ensure that all kids in this country have access to a great education. The law that we supported, that Congress passed, and that the President signed is clear: the Department has the authority and responsibility to enforce the fiscal accountability safeguards in ESSA through strong regulations and oversight, and that's precisely what we expect to see from the Department of Education.

We look forward to working with the Department, districts and schools to implement the new education law in a manner that lives up to its civil rights legacy and supports the educational opportunities of all kids.

Sincerely,



Elizabeth Warren
United States Senator



Christopher S. Murphy
United States Senator



Al Franken
United States Senator



Barbara A. Mikulski
United States Senator



Bernard Sanders
United States Senator



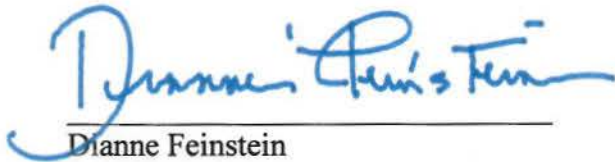
Cory A. Booker
United States Senator



Christopher A. Coons
United States Senator



Richard J. Durbin
United States Senator



Dianne Feinstein
United States Senator