



*Empowerment Programs*

*Office of the General Counsel*

January 20, 2023

Secretary Miguel Cardona, Ed.D.  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Re: Ohio's Every Student Succeeds Act Proposed Plan

Dear Secretary Cardona:

I write on behalf of the NAACP, the oldest and largest civil rights organization in the country. In June of 2022, the NAACP sent a letter to the Interim Superintendent of Public Instruction at the Ohio Department of Education ("ODOE"). Ohio's proposed Every Student Succeeds Act proposed plan ("ESSA plan") sets forth different, lower benchmark goals for Black and Brown students than it does for students of other races. In the letter, the NAACP advocates that the ODOE "eliminate differential benchmarks for student subgroups and acknowledge that equality and the total elimination of achievement gaps are the only acceptable objectives for education."

Our letter also pointed out that Title VI, 42 U.S.C. § 2000d et seq., of the Civil of Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. That Ohio's public schools receive federal funds is not in dispute. Similarly, that Ohio's proposed plan expressly defines success differently for students based upon race also is not in dispute. Setting lower standards necessarily sends the message to students, parents, and educators that less is expected of Black and Brown students.

The ODOE did not respond to the letter or otherwise address the concerns set forth therein, so the current ESSA plan will continue to require and expect less from Black and Brown students than from students of other races unless the Department of Education disapproves the plan. As we state in our letter to ODOE, while students may start their learning journeys at various stages, they should not be held to lower achievement benchmarks at the start.

As it has done for more than 100 years, the NAACP seeks to have all persons treated equally regardless of race. NAACP strongly believes that Black and Brown students are capable of achieving the same academic standards as students of other races. Ohio's ESSA plan should establish educational priorities that ensure all students can meet the same benchmarks. We therefore request that the

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Department of Education disapprove Ohio's ESSA plan until achievement benchmarks are the same for children of all races. Thank you for your consideration.

Sincerely,

*Janette McCarthy Wallace*

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General Counsel