



February 1, 2015

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

Re: Chairman Alexander's Discussion Draft of the Elementary and Secondary Education Act (ESEA) Reauthorization

Dear Chairman Alexander and Ranking Member Murray:

I offer this statement on behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF) to raise our concerns about and offer recommendations on Chairman Alexander's Discussion Draft of the reauthorization of the Elementary and Secondary Education Act (ESEA). Founded seventy-five years ago, LDF is the nation's premier civil rights legal organization. Since its inception, LDF has championed equal educational access and opportunity for all of this nation's children. LDF successfully litigated *Brown v. Board of Education*,¹ in which the U.S. Supreme Court invalidated legalized apartheid in our nation's schools, declaring the doctrine of "separate, but equal," inherently unequal. In his unanimous opinion for the U.S. Supreme Court, Chief Justice Warren noted the significance of quality education, noting that education is the "very foundation of good citizenship," and essential to participation in our democracy.²

Eleven years after the *Brown* ruling and following passage of the Civil Rights Act of 1964 and widespread opposition to desegregation orders, Congress passed the Elementary and Secondary Education Act (ESEA) of 1965, holding states accountable for addressing educational inequities. Although it has been over sixty years since the *Brown* ruling, racial disparities in the provision of public education continue to persist and African-American children disproportionately lack access to quality facilities, rigorous course offerings, experienced and credentialed teachers, extracurricular opportunities, and technology.

¹ 347 U.S. 483 (1954).

² *Id.*

In large measure, these disparities are direct vestiges of segregation in our educational system. Accordingly, it is imperative that Congress act to ensure that the educational outcomes of African-American students, and all students, are not compromised by these inequities. While we agree that No Child Left Behind is broken and that Congress should reauthorize ESEA quickly, we believe that the Chairman's Discussion Draft is in direct conflict with the spirit of *Brown*, which was premised on the important and essential role of the federal government in holding states accountable for providing quality education on an equal basis for all public school students. We welcome this opportunity to comment on the Chairman's Draft and thank you for your consideration of the recommendations outlined herein. We look forward to a deliberate, inclusive, meaningful, and thoughtful reauthorization process to ensure that the ESEA bill fulfills the promise of *Brown*.

I. Maintain the Federal Oversight Role

LDF believes that the Chairman's Draft undermines Congress' intent behind the original ESEA of 1965 by diminishing the federal oversight role and hindering the Secretary of Education's ability to hold states and districts accountable for non-compliance with civil rights laws and other federal laws. History has shown us that providing discretion to the states resulted in a proliferation of state laws that perpetuated inequalities under *de facto* segregation, leaving students of color, low-income students, and students with disabilities at significant disadvantage. The persistent disparities that exist today demonstrate that many states are not still fulfilling their obligations to provide all children with quality public educational opportunities.

In Farmville, Virginia, a 16-year old African-American student became so upset with the learning conditions of her school, including the absence of desks and space limitations that required some classes to be held on school buses, that she organized a walkout of students at her high school. That walkout resulted in the filing of *Davis v. Board of Prince Edward County*,³ which was consolidated with five other cases to become *Brown v. Board of Education*.⁴ *Brown* held the promise that all students would have access to quality educational opportunities. The federal government has always and should continue to play a key role in ensuring compliance with federal law and addressing non-compliance. We recognize that No Child Left Behind is broken and that its sanctions were a disservice to states, school districts, and students. We also recognize that the federal government plays a key role in supporting states and providing services, and not sanctions – to ensure that all students have an opportunity to learn. We urge retention of the Secretary's discretion, oversight, and enforcement power to ensure that all children in this county are afforded the educational opportunity envisioned in the law.

³ 103 F. Supp. 337 (E.D. Va. 1952).

⁴ 347 (U.S.) 483 (1954).

II. Ensure Equitable Distribution of School Resources

Equity in education begins early with equal access to quality early childhood education programs. While many believe that early childhood education has no place in ESEA, children cannot be expected to achieve and compete when they start out on unequal footing. For instance, research shows that children who participate in high-quality pre-kindergarten programs require fewer special education services, are less likely to repeat a grade or need child welfare services, and are likely to earn higher incomes as adults.⁵

The inequitable allocation of school resources exacerbates achievement gaps.⁶ African-American children disproportionately attend schools that are under-resourced and lack high quality course offerings, qualified teachers, and adequate facilities. As a result, they continue to suffer compromised academic outcomes. Students cannot succeed without the provision of resources needed to achieve. Those resources must be provided on an equitable basis. For example, Titles I and II of ESEA and Title VI of the Civil Rights Act of 1964 require that students of color are not disproportionately taught by unqualified or inexperienced teachers. Therefore, distribution of credentialed and experienced teachers in schools and districts with high proportions of students of color ensures that they have an opportunity to learn on an equitable basis.

The Chairman's Draft requires only an "assurance" by states that they are distributing resources equitably, but does not require that states provide the kind of data that would allow the Department of Education to verify this assurance. We recommend stronger language in the bill requiring schools to detail how they are distributing school resources.

The language in the Chairman's Draft also fails to ensure that states do not use federal funds to avoid their financial obligation to support schools. We recommend that the bill require schools to affirmatively demonstrate that they are not "supplanting," but "supplementing" federal funds with local funds. The Chairman's Draft retains the "supplement, not supplant" language of No Child Left Behind, but does not require any showing by states that they are actually adhering to this requirement. In fact, the Draft prohibits the Secretary of Education from establishing any criterion by which local educational agencies (LEAs) can demonstrate compliance with the requirement. We recommend requiring an affirmative showing by states that federal funds are not being used to supplant local funds.

In addition, we are concerned that the provisions in the Chairman's Draft related to Title I funding undermine the purpose behind providing dedicated funding to low-income school districts and will instead exacerbate resource inequity. The Chairman's Draft would allow Title I funds to "follow" low-income children to the public schools they attend. This undermines Congress' intent that Title I provide funding directly to high poverty districts. Instead, the

⁵ Lynch, Robert G., *Enriching Children, Enriching the Nation*, Economic Policy Institute, 2007, Executive Summary available at http://www.epi.org/publication/book_enriching/#exec.

⁶ U.S. Department of Education-Office for Civil Rights, Dear Colleague Letter: Resource Comparability, October 1, 2014, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>.

“portability” language of the Chairman’s Draft would allow funding to follow a low-income child if that child attended a low-poverty school, effectively circumventing the law’s recognition that districts with high populations of low-income students have unique funding needs to address socioeconomic and resource disparities, which must be directly met. The “portability” language presents the likelihood of adding additional funds to low-poverty districts in circumvention of the intent of Title I funds.

We also urge the inclusion of language that would require states to ensure the equitable distribution of qualified teachers. Schools serving predominantly African American and Latino students are 1.5 times more likely to employ the newest teachers in the profession, as compared to schools predominantly attended by white students.⁷ This is despite data showing that teacher quality is the single most influential in-school predictor of student academic success.⁸ Recent national data show that nearly 7 percent of the nation’s African American students attend schools in which more than 20 percent of teachers have not met state certification requirements, compared to about 2 percent of white students.⁹ In Pennsylvania, 34.5 percent of African American students attend schools in which more than 20 percent of teachers are not yet certified.¹⁰ This inequitable distribution of credentialed and experienced teachers can also be attributed to poor working conditions in under-resourced schools (including larger class sizes; less access to books, computers, and other curricula and instructional materials, and fewer instructional supports), and the inability of under-resourced school districts to pay teachers higher salaries.

To address the inequitable distribution of teachers, we recommend that the Committee use this opportunity to target federal investment and support to states to ensure that educational conditions are met that create and retain qualified teachers, including competitive teacher salaries and ongoing professional development opportunities. Priority for Title II funding should go towards ensuring that under-resourced school districts receive high quality teachers, whether through incentive pay or other needed supports that recognize the contribution of teachers who work in under-resourced schools. We are pleased to see that the Chairman’s Draft permanently authorizes the Teacher Incentive Fund (TIF), but we are concerned about flat funding for the program until 2021 and the deference given to states to implement differential pay programs. Moreover, in comparing high-poverty to low-poverty schools, schools and districts should be required to provide information on teacher salaries in order to provide a more comprehensive and accurate picture of comparability. This information can also be used to identify and address areas where teacher equity is a problem.

⁷ *Id.*

⁸ Linda Darling-Hammond, *The Flat World and Education: How America’s Commitment to Equity Will Determine Our Nation’s Future* (2010); Steven G. Rivkin, et. al, *Teachers, Schools, and Academic Achievement*, *Econometrics*, 73, No. 2 (March 2005).

⁹ U.S. Department of Education-Office for Civil Rights, Civil Rights Data Collection, Data Snapshot: Teacher Equity, *available at* <http://ocrdata.ed.gov/Downloads/CRDC-Teacher-Equity-Snapshot.pdf>.

¹⁰ *Id.*

Title II funding should also prioritize professional development opportunities for teachers in under-resourced schools, including training on cultural competency, classroom management, and parental engagement. Classroom management is particularly important because inexperienced teachers tend to overuse exclusionary and overly punitive discipline practices, like suspensions or expulsions for minor offenses. This results in lost instruction time for students and trouble with re-entry into the general classroom and re-engagement in learning. Those students who do not successfully re-engage in the school environment are at higher risk for dropping out of school and becoming involved with the juvenile justice system, which contribute to the School-to-Prison Pipeline. In addition, funding should support the entire teaching continuum, including support for recruitment efforts for a diverse teaching workforce. This is particularly important with an aging teaching workforce and an increasingly diverse student population.

We also recommend federal funding to ensure that high-poverty schools are able to offer rigorous courses necessary to prepare students for college and careers. According to national data, only 50 percent of high schools offer calculus, and only 63 percent offer physics.¹¹ These disparities in course offerings are even more pronounced for students of color; a quarter of high schools with the highest percentage of African American and Latino students do not offer Algebra II and one-third do not offer Chemistry.¹² These courses are widely recognized as the gateway to college preparation and admission. States should be held accountable for equitable funding distribution to ensure that all students have access to rigorous, college preparatory courses. Funding should be targeted towards high-poverty school districts to ensure that they are able to offer rigorous courses that will help students be college-and-career-ready.

III. Promote Diverse Learning Environments and Reduce the Effects of Racial Isolation and Concentrated Poverty

LDF is concerned that the Chairman's Draft seeks to address racial isolation and concentrated poverty almost exclusively through an emphasis on funding school choice programs. LDF supports all publicly-funded schools that provide equal access and opportunity to all students. However, many charter schools employ exclusive admissions policies and operate with very little oversight or accountability, resulting in the exclusion of students of color and students with disabilities. These practices undermine federal civil rights laws, as recognized by the Department of Education's Office for Civil Rights' issuance of Guidance in May, 2014 to underscore the requirement that charter schools comply with federal civil rights laws. Increasing congressional support for charters without accompanying mechanisms to ensure compliance with federal civil rights laws is problematic and has the potential to exacerbate inequities impacting students of color, such as lack of access to charter schools due to selective admissions policies. Instead of merely suggesting that states work with charter schools to promote inclusion,

¹¹ U.S. Department of Education-Office for Civil Rights, Civil Rights Data Collection, Data Snapshot: College and Career Readiness, March 2014, *available at* <http://ocrdata.ed.gov/Downloads/CRDC-College-and-Career-Readiness-Snapshot.pdf>.

¹² *Id.*

Congress should hold all charters accountable for failure to comply with federal civil rights laws through discriminatory admissions or other policies, such as school disciplinary proceedings.

LDF also supports funding for magnet schools, which promote diversity and reduce racial isolation. According to the National Coalition on School Diversity, many schools are more racially isolated than they were in the 1970s. Research shows that all students benefit from racially diverse learning environments and are better able to succeed in a diverse global workforce. In fact, years before the *Brown* ruling, psychologists Kenneth and Mamie Clark conducted a series of interviews with children examining the impact of racial segregation.¹³ One finding from the Clarks' research not often highlighted was the negative impact of racially isolated schools not only on African-American children, but also on White children.¹⁴ The findings showed that racial segregation inhibited the development of White children, as well as African-American children.¹⁵ The inclusion of funding for Magnet School Assistance in the Chairman's Draft ensures that districts impacted by segregation have funding to implement alternatives, like magnets, that are proven to promote innovative and diverse learning environments.

IV. End the Overuse of Punitive and Exclusionary Discipline Practices that Push Students of Color Out of School and Fuel the School-to-Prison Pipeline

While the Chairman's Draft offers schools the option of using Title IV funds for school climate improvements, such as Schoolwide Positive Behavioral Interventions and Supports (SWPBIS), it dedicates the majority of Title IV to background checks on school employees, rather than positive practices that schools can use to improve school climate. Improving school climate is central to student achievement and success. LDF urges the Committee to include provisions in ESEA that support positive and inclusive school climates in Title IV to reverse the troubling trend of discipline disparities that are negatively impacting students of color and students with disabilities and undermining their educational outcomes. Students of color and students with disabilities are disproportionately impacted by overly punitive discipline practices that push them out of school and into the juvenile justice system. This fuels what is known as the School-to-Prison Pipeline, which refers to school-based policies, practices, and conditions that contribute to the criminalization of students in schools.¹⁶

¹³ Smith-Evans, et. al, *Unlocking Opportunity for African American Girls: A Call to Action for Educational Equity*, available at http://www.naacpldf.org/files/publications/Unlocking%20Opportunity%20for%20African%20American%20Girls_0.pdf.

¹⁴ *Id.* at 5.

¹⁵ *Id.*

¹⁶ Morris, Monique W., *Searching for Black Girls in the School-to-Prison Pipeline*, National Council on Crime & Delinquency, March 18, 2013, available at [http://www.nccdglobal.org/blog/searching-for-black-girls-in-the-school-to-prison-pipeline.](http://www.nccdglobal.org/blog/searching-for-black-girls-in-the-school-to-prison-pipeline.;);

Discipline disparities begin as early as preschool, with African-American preschool children receiving 48 percent of all out-of-school suspensions, although they comprise only 18 percent of preschool enrollment nationally.¹⁷ Nationally, African-American students are suspended or expelled at a rate three times that of their white peers, despite research showing that they do not misbehave more frequently.¹⁸ These disparities are rooted in implicit bias¹⁹ that plays out in student referral decisions. In fact, many disciplinary referrals are for “subjective” offenses, such as “disrespect” or “willful defiance.”²⁰ Students with disabilities are also disproportionately impacted by discipline disparities; they represent one-quarter of all students arrested and referred to law enforcement nationwide, although they comprise only 13 percent of the overall student population.²¹

Increases in school-based arrests and referrals to law enforcement, most often for minor offenses, are attributable to the misuse of law enforcement to handle routine discipline matters. While the Chairman’s Draft outlines some allowable uses of Title II funding for professional development, we recommend including funding for opportunities that address implicit bias, classroom management, and cultural competency to help address increased reliance on police in schools for minor infractions and overly punitive sanctions.

Exclusionary discipline practices, like expulsions and suspensions (even in-school suspensions that remove students from general classrooms) result in lost instruction time and student disengagement from the learning environment. Students subjected to exclusionary discipline often have trouble re-integrating into the general classroom and are more likely to suffer poor academic outcomes, including higher dropout rates.²²

¹⁷ U.S. Department of Education, Office for Civil Rights, Data Snapshot: School Discipline, March 2014, *available at* <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

¹⁸ “Investigations of student behavior, race, and discipline have yielded no evidence that African American over-representation in school suspension is due to higher rates of misbehavior, regardless of whether the data are self-reported or based on an analysis of disciplinary records.” Simson, David, *Exclusion, Punishment, Racism, and Our Schools: A Critical Race Theory Perspective on School Discipline*, 61 *UCLA L. Rev.* 506, 524 (2014).

¹⁹ Implicit bias is defined as “the mental process that causes us to have negative feelings and attitudes about people based on characteristics like race, ethnicity, age, and appearance. Because this cognitive process functions in our unconscious mind, we are typically not consciously aware of the negative racial biases that we develop over the course of our lifetime.” Rudd, Tom, *Racial Disproportionality in School Discipline: Implicit Bias is Heavily Implicated*, Kirwan Institute Issue Brief, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, February 2014.

²⁰ “Research suggests that when given an opportunity to choose among several disciplinary options for a relatively minor offense, teachers and school administrators often choose more severe punishment for Black students than for White students for the same offense.” Rudd, Tom, *Racial Disproportionality in School Discipline: Implicit Bias is Heavily Implicated*, Kirwan Institute Issue Brief, Kirwan Institute for the Study of Race and Ethnicity, The Ohio State University, February 2014.

²¹ U.S. Department of Education, Office for Civil Rights, Data Snapshot: School Discipline, March 2014, *available at* <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

²² Burt, Jalise, *From Zero Tolerance to Compassion: Addressing the Needs of Girls Caught in the School-to-Prison Pipeline Through School-Based Mental Health Services*, 6 *Geo. J. L. & Mode. Critical Race Persp.* 97, 101 (2014).

To address poor academic outcomes stemming from overly punitive discipline practices, we recommend prioritizing federal funding for proven discipline best practices. These include SWPBIS, which are referenced in the Chairman’s Draft as an allowable use of funds. High funding priority should be given to SWPBIS, Restorative Practices, and Social and Emotional Learning (SEL) curricula. In addition, schools should be required to include students, parents/caregivers, and community-based service providers in developing school discipline and school climate programs and interventions. Schools must address appropriateness and community-responsiveness of the programs offered. In addition, programs must be culturally-competent and fitting for the particular school setting – to be determined by students, parents, educators and school leaders, and community-stakeholders.

While the Chairman’s Draft offers schools the option of using Title IV funds for school safety, it does nothing to ensure that districts with high discipline disparities are held accountable for reducing suspensions, expulsions, or student referrals to law enforcement. Schools that allow discriminatory discipline practices to continue are in violation of Title VI of the Civil Rights of 1964 and the Individuals with Disabilities Education Act (IDEA). We recommend including language in ESEA requiring schools with high discipline disparities to detail how they plan to address such disparities and measure progress towards reducing such disparities.

Further, we recommend that schools be required to collect detailed data on school discipline and school climate, disaggregated by student subgroup, to help identify and address discipline disparities. This data should be made publicly accessible. While the Office for Civil Rights collects data every two years, many districts fail to supply accurate or timely data. Ensuring reporting of detailed data will help to address disparities and improve student educational outcomes. While eighteen states currently require schools to collect and report detailed discipline data, other schools and districts vary in the comprehensiveness of their data collection and reporting. Many parents report difficulty in receiving requested data on school discipline and school climate. Often, it is only under threat of investigation by the Office for Civil Rights that some schools provide this data. This contributes to an inaccurate and incomplete picture of compliance with federal law, such as Title VI of the Civil Rights Act, and does not allow the public to have full information on how students of color and students with disabilities are impacted by discipline practices. Without complete data and disclosure of that data, discipline disparities are persisting unchecked.

In addition, LDF and other organizations dedicated to educational equity are hearing increased reports of excessive use of force against students by law enforcement in schools with weapons such as tasers and pepper spray. This fall, LDF reported on how some schools are using surplus military weapons received through the Department of Defense’s 1033 Surplus Equipment Program to obtain weapons like AR-15s and M-16s for use by police in schools.²³ Use of this kind of weaponry only exacerbates tensions between students and police in schools. Therefore, having comprehensive data on school discipline, including student interactions with law enforcement, will provide a more comprehensive picture of school climates and help to target appropriate interventions to create positive and inclusive school climates.

²³ See NAACP Legal Defense Fund, Inc. and Texas Appleseed Letter to Vice Admiral Mark Harnitchek, September 15, 2014, *available at* http://www.naacpldf.org/files/case_issue/LDF-Texas%20Appleseed-1033%20Letter.pdf.

V. Ensure that School Employee Hiring and Retention Practices are Consistent with Equal Employment Opportunity

The Chairman's Draft allows state educational agencies to use Title IV funding to support criminal background checks of school employees, and prohibits the federal government from providing any oversight of state agencies' background check policies and practices.²⁴ LDF shares the Chairman's desire to keep children and youth safe at school, and appropriate and properly used background checks would help to accomplish this goal. But, current and potential employees should also be treated fairly during an educational system's hiring process and should not be treated in a manner inconsistent with state or federal civil rights protections in the name of school safety. LDF is concerned that the Chairman's draft may unjustly foreclose equal employment opportunities for persons of color with criminal records to and restrict their ability to obtain or retain jobs for which they are qualified.

According to the U.S. Equal Employment Opportunity Commission (EEOC), the number of working-age individuals with criminal records has increased significantly over the past several decades, with African American and Latino residents experiencing the highest arrests and incarceration rates.²⁵ If incarceration trends continue, the EEOC predicts that 1 in 3 African-American men would serve time in prison in their lifetimes, compared to 1 in 6 Latino men, and 1 in 17 White men.²⁶ Yet, research shows that racial disparities in arrests and convictions for drug offenses are not due to disparate rates of drug use, but explicit or implicit racial biases held by decision makers within the criminal justice system which lead to their overrepresentation in the criminal justice system.²⁷

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, national origin, sex and religion. Recently, the EEOC updated its longstanding guidance on the proper use of background checks for determining eligibility for employment to ensure that

²⁴ Sections 4107(b)(1) and (2) of the draft bill state "RULES OF CONSTRUCTION REGARDING BACKGROUND CHECKS. - (1) NO FEDERAL CONTROL. - Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to - (A) mandate, direct, or control the background check policies or procedures that a State or local educational agency develops or implements under this title; (B) establish any criterion that specifies, defines, or prescribes the background check policies or procedures that a State or local educational agency develops or implements under this title; or (C) require a State or local educational agency to submit background check policies or procedures for approval. (2) PROHIBITION ON REGULATION. - Nothing in this title shall be construed to permit the Secretary to establish any criterion that (A) prescribes, or specifies requirements regarding, background checks for school employees; or (b) defines the term 'background checks,' as such term is used in this Act."

²⁵ See EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Records Under Title VII of the Civil Rights Act of 1964, No. 915.002, at 3 (Apr. 25, 2012).

²⁶ *Id.*

²⁷ See, e.g., American Civil Liberties Union, *The War on Marijuana in Black and White* (June 2013), <https://www.aclu.org/files/assets/1114413-mj-report-rfs-rel1.pdf>. See also, Michelle Alexander, *The New Jim Crow*, 59-94, The New Press (2010).

such criteria are not utilized in manner that disproportionately impacts communities of color. For example, the EEOC guidance warns that an arrest record alone should not disqualify a person for employment because many arrests do not result in convictions.²⁸ Therefore, it is important for employers to conduct individualized assessments of an employee's fitness for a job by considering the type of crime committed, the relationship of that crime to job responsibilities, the time that has passed since commission of the crime and incarceration if applicable, and other factors, such as previous work history and rehabilitation efforts.

LDF is particularly concerned that current and potential employees with old, irrelevant criminal arrests or convictions may be excluded from employment opportunities. Indeed, research demonstrates that after a period of time with no arrests or convictions, people with criminal records are no more likely to commit an offense than the general public.²⁹

For these reasons, LDF recommends adding language to the criminal background checks provisions of the Draft bill that would require states to conduct individualized assessments of employees with criminal records. LDF also recommends deleting the section of the Draft bill that prohibits federal oversight of state criminal background checks, thus protecting school employees' civil rights to be treated fairly in state educational systems' hiring processes.

Conclusion

LDF is grateful to the Committee for the opportunity to offer these comments. We look forward to a cooperative and inclusive process that will produce a bill consistent with the protections and vision of the ESEA of 1965 and the U.S. Supreme Court's decision in *Brown*. The Chairman's Draft as currently written threatens to roll back the critically important federal oversight role in ensuring state compliance with civil rights and other federal laws, which has been part of the fabric of our country for 60 years. We believe that the draft also threatens to diminishing state accountability for student success, and will allow the diversion of Title I funding away from the low-income school districts that need it the most. We hope that the Committee thoughtfully considers the concerns and recommendations outlined herein. LDF

²⁸ U.S. Equal Employment Opportunity Commission, *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended*, 42 U.S.C. § 2000e et seq. (April 25, 2012), http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

²⁹ See, Alfred Blumstein and Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, American Society of Criminology, Vol. 47 No. 2 (2009), http://www.search.org/files/pdf/Redemption_Blumstein_Nakamura_2009Criminology.pdf.

looks forward and remains available to work with the Committee to produce a bill that advances educational equity for all students.

Sincerely,

A handwritten signature in black ink that reads "Sherrilyn A. Ifill". The signature is written in a cursive, flowing style.

Sherrilyn Ifill
President & Director Counsel

cc: Committee Members