

15 June 2018

The Honorable Mitchell Zais  
Deputy Secretary  
United States Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202

Dear Deputy Secretary Zais,

The undersigned organizations thank you for your letter of May 21, 2018, in response to our May 9, 2018 correspondence regarding the proposed reorganization of the Office of English Language Acquisition (OELA). We appreciate your words acknowledging our collective effort to improve the education of English Learners. However, with respect to the proposed reorganization of OELA, several key questions remain.

As noted in our letter of May 9, 2018, OELA is authorized under 20 USC §3420, which establishes OELA as a separate standing entity whose Director, by statute, reports to directly the Secretary. The law states:

There shall be in the Department an Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, to be administered by a Director of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, who shall be appointed by the Secretary. The Director shall coordinate the administration of bilingual education programs by the Department and shall consult with the Secretary concerning policy decisions affecting bilingual education and minority languages affairs. The Director shall report directly to the Secretary, and shall perform such additional functions as the Secretary may prescribe.

During the stakeholder meeting with Mr. Kent Talbert on May 7, 2018, it was made clear that the Department believes that the reorganization plan complies with 20 USC §3420.

Our questions are as follows:

1. EO 13781 §3(b) requires that “[t]his order shall be implemented consistent with applicable law and subject to the availability of appropriations.” **How, specifically, will the Department ensure that the Office continues to function as prescribed by law? Furthermore, if OELA is merged into the Office of Elementary and Secondary Education, how will the Director and the Office continue to fulfill the duties prescribed by law?**
2. As you know, the United States Supreme Court has issued several rulings, namely *Lau v. Nichols*, *Castenada v. Picard*, and *Plyler v. Doe*, establishing rights for English Learners and providing for specific responsibilities to be carried out by the Department and by OELA. **How will the proposed reorganization meet these legally prescribed responsibilities?**
3. **Will the Department seek Congressional approval for the reorganization plan? If not, how does the Department justify its authority to reorganize OELA?**

4. **Will the Department make the reorganization plan available for public comment through the *Federal Register*?**
5. **Have there been any changes made to the level of resources or number of full-time staff at OELA over the last 18 months?**

We close with a reaffirmation of our collective support for English Learners, their academic success, and their development of meaningful bilingualism and biliteracy in our nation's schools.

Respectfully,

American Federation of Teachers  
American Association of Teachers of German  
The ASPIRA Association  
Association of Latino Administrators and Superintendents  
California Association for Bilingual Education  
Californians Together  
Center for Applied Linguistics  
The Education Neuroscience Foundation  
The Global Institute for Language and Literacy Development  
Hispanic Association of Colleges and Universities  
Joint National Committee for Languages  
League of United Latin American Citizens  
National Center on Immigrant Integration Policy - Migration Policy Institute  
National Association for Bilingual Education  
National Council for Languages and International Studies  
National Migrant and Seasonal Head Start Association  
TESOL International Association  
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