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AAJC

Interim President & CEO
Wade Henderson

July 12, 2021



SUPPORT STUDENTS' CIVIL RIGHTS: CONFIRM CATHERINE LHAMON

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 27 undersigned organizations, we write to strongly urge you to support the confirmation of Catherine Lhamon to serve as Assistant Secretary for Civil Rights at the U.S. Department of Education. Ms. Lhamon has demonstrated a willingness and ability to enforce civil rights law and protect all students in our country from discrimination, and she is well-suited to lead the Department of Education's Office for Civil Rights.

The Office for Civil Rights (OCR) has a unique responsibility to enforce core nondiscrimination laws in schools. These laws were passed by Congress 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 Assistant Secretary for Civil Rights serves as the agency's chief legal advisor on civil rights matters and is responsible for leading the Department of Education's work to:

- Ensure justice for students who report discrimination on the bases of race, color, national origin, sex (including sexual orientation and gender identity), disability, or age through the department's complaint process
- Investigate systemic discrimination
- Issue clarifying policy guidance and provide other technical assistance to assist schools, districts, and states in meeting their obligations under federal law
- Collect and report the data needed to identify where students do – and do not – have equal opportunity in education

These 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 support and attention they deserve to achieve their dreams. And they are core to the work of the Department of Education. As our nation continues to face the COVID-19 pandemic, which has disproportionately harmed students of color, students with disabilities, LGBTQ students, pregnant and parenting students, and other marginalized students, and as the country grapples with a long overdue

reckoning with racism and white supremacy, it is more important than ever that the person leading OCR be committed to facing these challenges and advancing equity for all students.

The Assistant Secretary for Civil Rights is one of the most important roles in the education of our nation's students, and Ms. Lhamon is an exemplary nominee for this position. She has a demonstrated record of support for our nation's civil rights laws and marginalized communities and a demonstrated commitment to the belief that every student has a right to learn free from discrimination and be treated with dignity. Ms. Lhamon was unanimously confirmed by the Senate and served as Assistant Secretary for Civil Rights at the Department of Education from 2013-2017. Under her leadership, OCR utilized many of the tools at its disposal to make significant progress in realizing our nation's federal civil rights promises for all students. As Assistant Secretary, Ms. Lhamon worked to increase the quantity, quality, transparency, and reach of OCR's policy and enforcement efforts. She also worked with the office to emphasize the importance of data by releasing a new, expanded Civil Rights Data Collection that provided transparency around equity indicators in schools and districts across the country. In her time at OCR, the office worked to make the data known to the public through presentations, technical assistance, and the media, and staff intensified efforts to improve the data collection system and to work with districts to ensure data quality.

Importantly, Ms. Lhamon also led OCR in developing and releasing essential comprehensive policy guidance documents to support schools and families in understanding their legal obligations and rights. These documents addressed urgent and complex questions, such as schools' responsibilities to respond promptly and effectively to sexual violence and to unequal school discipline policies and practices. They also addressed how schools should promote equitable access to resources relating to students' rights on the basis of race or national origin, immigration status, and pregnant and parenting status — including their rights to enroll in and attend school. These policy documents provided timely resources on the use of race in voluntary efforts to increase diversity and reduce racial isolation and the prohibition against retaliation under civil rights laws. In her time as Assistant Secretary for Civil Rights, she oversaw the issuance of a Dear Colleague letter that provided much needed clarity for schools, students, and families regarding Title IX's protections for transgender students. Ms. Lhamon also worked to ensure robust investigation of all complaints of discrimination. Without thorough and prompt responses to reports of discrimination in educational programs or activities, Congress' commitments to the nation's students, families, and taxpayers would ring hollow.

Following her time with the U.S. Department of Education, Ms. Lhamon was appointed to the U.S. Commission on Civil Rights (USCCR) by President Obama. During her time at USCCR, the Commission released a report on civil rights enforcement,¹ and she has most recently served as Deputy Director of the Domestic Policy Council for Racial Justice and Equity where she managed President Biden's equity portfolio. Her extensive background in civil rights and particularly the rights of young people and students illustrates her devotion to uplifting equity for all. Ms. Lhamon's direct experience with OCR as well as her commitment to ensuring students have the protections they need to thrive in schools demonstrate that she is not only well-qualified for this role, but that she is also well-prepared to take on

¹ See: <https://www.usccr.gov/pubs/2019/11-21-Are-Rights-a-Reality.pdf>

the task of once again overseeing OCR in carrying out its mission. At this pivotal time, Ms. Lhamon will provide the leadership OCR needs to fulfill its obligation to protect the civil rights of all students.

The Senate HELP Committee has a unique responsibility to ensure that the Department of Education faithfully and effectively implements and enforces federal laws, protects the interests of the nation's students, and ensures that individuals nominated to serve in the department are qualified, prepared to fulfill their duties, and committed to upholding federal law and the Constitution. The person responsible for leading the OCR must be absolutely committed to respecting, valuing, and protecting every single student in this country — without regard to LGBTQ identity, race, ethnicity, home language, gender, religion, disability, pregnant or parenting status, or immigration status. Our nation's laws, economy, future, and children deserve no less. As such, we strongly urge your support for Catherine Lhamon's confirmation to be Assistant Secretary for Civil Rights at the Department of Education.

If you have any questions, please reach out to Arielle Atherley, policy analyst, at atherley@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
American Association of University Women (AAUW)
Americans United for Separation of Church and State
Asian Americans Advancing Justice | AAJC
Augustus F. Hawkins Foundation
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Center for Learner Equity
Clearinghouse on Women's Issues
Council of Parent Attorneys and Advocates
Disability Rights Education & Defense Fund
Feminist Majority Foundation
GLSEN
Hispanic Federation
Human Rights Campaign
Lambda Legal
NAACP Legal Defense and Educational Fund, Inc (LDF)
National Alliance for Partnerships in Equity (NAPE)
National Center for Learning Disabilities
National Center for Transgender Equality
National Disability Rights Network (NDRN)
National Education Association
National Urban League
National Women's Law Center
SPLC Action Fund

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Teach For America
 UnidosUS
 YWCA USA