November 21, 2011

The Honorable Secretary of Education Arne Duncan
U.S. Department of Education
400 Maryland Ave, SW
Washington, D.C. 20202

Honorable Secretary Duncan:

This letter concerns New Mexico’s waiver request for flexibility from some of the requirements of the No Child Left Behind Act. Specifically, this communication pertains to the requirement that *Each SEA must also provide a description of how the SEA meaningfully engaged and solicited input on its request from other diverse communities, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations and Indian tribes.*

The New Mexico Public Education Department submitted its waiver request on Nov. 14, 2011.

We in New Mexico are writing to voice a grave concern in this matter. The attached letter submitted by three organizations representing English Learners, immigrant community advocates, and the American Indian Language Policy Research and Training Center offered the NMPED their expertise and commitment to offer assistance in the matter. We did not receive a response to our offer.

The only, limited opportunity for public input regarding English Learners was an invitation to participate in a short PowerPoint presentation via the Internet. We requested a copy of the waiver for review prior to the web presentation but were told that this would not be available until after the submission date. We do not consider this in any way “meaningful” engagement.

We trust that the Education Department will enforce the community engagement requirement and consultation by states applying for ESEA flexibility waivers and will NOT approve New Mexico’s waiver application until the required consultation is carried out in good faith by state education officials. We respectfully request that this letter and its attachments are given to reviewers of New Mexico’s waiver request.

Sincerely,

David R. Briseño
Executive Director
The New Mexico Association for Bilingual Education