

Congressional Hispanic Caucus

United States Congress

Washington, DC 20515

CHAIRMAN

CHARLES A. GONZALEZ

20TH DISTRICT, TEXAS

January 23, 2012

Russlynn Ali
Assistant Secretary, Office for Civil Rights
U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, DC 20202-1100

Dear Assistant Secretary Ali:

On behalf of the Congressional Hispanic Caucus (“CHC”), we are writing to express our grave concerns about Arizona Revised Statute (“A.R.S.”) §§ 15-112 and its harsh application against the Tucson Unified School District’s (TUSD) Mexican American Studies (MAS) Program. We urge you to investigate both the language of the statute and its targeted application against the MAS Program.

Arizona Revised Statute §§ 15-112 forbids any school district from offering classes intended for any one racial or ethnic group, and bans curricula that encourage “overthrow of the U.S. government.” Under the law, the state superintendent has the sole power to issue findings and withhold 10 percent of a district’s state funding if a district breaks the law. This law is being misapplied today.

A year ago, an independent audit of the MAS Program at TUSD was ordered by Arizona Superintendent of Public Instruction John Huppenthal. The independent auditors found the program to be in compliance with the law. The audit concluded that “no observable evidence was present to suggest that any classroom within Tucson Unified School District is in direct violation of the law [Arizona Revised Statutes] 15-112(A).” Nonetheless, in June 2011, Mr. Huppenthal announced his determination that the TUSD Mexican American Studies program was *not* in compliance with A.R.S §§ 15-112. TUSD was given 60 days to suspend the program or faced losing 10 percent of its state education funds. The program has subsequently been suspended.

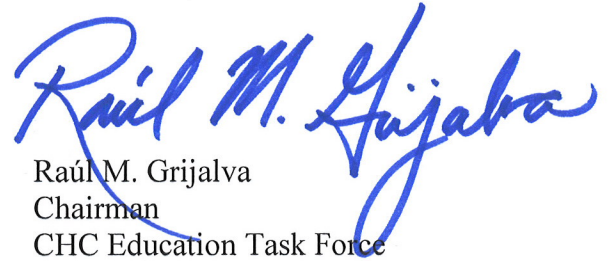
We believe that A.R.S §§ 15-112 is bad public policy and fundamentally flawed. Using the law to attack the MAS Program, with its proven educational successes, will only serve to exacerbate the already harmful anti-Latino sentiment in Arizona. Arizona is sending the wrong message.

The CHC urges you in the strongest terms possible to open an investigation of A.R.S §§ 15-112 and to ensure state compliance with federal law. We thank you in advance for your consideration of our request and look forward to your response.

Sincerely,



Charles A. Gonzalez
Chairman
Congressional Hispanic Caucus



Raúl M. Grijalva
Chairman
CHC Education Task Force