



January 14, 2008

The Honorable George Miller  
Chairman, House Committee on Education  
2205 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Miller:

On behalf of the National Women's Law Center, we are writing to follow up on our letter to you of September 14, 2007 and to provide further comments on the discussion drafts of the No Child Left Behind Act released by the Committee on August 28, 2007 and September 6, 2007. We understand that changes still are being made to these drafts, and we appreciate this opportunity to offer additional input. We thank you for all of your work on this legislation to date and look forward to working with the Committee as it finalizes the law.

Many of our current recommendations are based on the National Women's Law Center's recently-released report on the dropout crisis, *When Girls Don't Graduate, We All Fail: A Call to Improve High School Graduation Rates for Girls*, a copy of which is enclosed (also available at [www.nwlc.org/dropout](http://www.nwlc.org/dropout)). The high school dropout crisis has received significant recent attention, but almost exclusively as a problem for boys. Our report highlights that girls too are dropping out of school at alarmingly high rates, and that female dropouts are especially likely to suffer economic consequences that significantly affect not only individual students and their families, but also our national economy as a whole. For example, as compared to male dropouts, girls who fail to graduate from high school have higher rates of unemployment, make significantly lower wages, and are more likely to need to rely on public support programs.

We hope that the findings of our report will inform your work on the reauthorization of NCLB, which offers a valuable opportunity to address the dropout crisis for both boys and girls. What our report demonstrates is that in order to meaningfully address the nationwide crisis and adopt the most efficacious interventions to keep students in school, educators and policy makers must have and work from a greater understanding of the different dropout rates, educational experiences, risk factors and barriers faced by male and female students of different races and ethnicities. As a result, we believe that **NCLB must contain a general provision that makes clear that any reference in the law to "research-based" programs, "evidence-based" approaches, or "relevant scientifically valid research" requires the consideration of the impact and efficacy of such programs or approaches on each of the subgroups of**

**students identified in the draft.** We recommend inserting this provision into Title IX, Section 901 (pages 186-95 of discussion draft). We would be happy to draft specific language to accomplish this goal if that would be useful to you.

We also believe that the draft's provisions for data collection, analysis and reporting should be strengthened in specific ways. As we stated in our previous letter, we appreciate that the Committee's discussion draft provides for a clear definition of graduation rates and that it takes steps to increase graduation rate accountability. We also commend the Committee's plan to maintain requirements for disaggregation of graduation rate data by gender, race, disability, English language learner status, migratory status and economically disadvantaged status. But we make the following recommendations to improve the diagnostic utility of the data collected:

- (1) **Cross-Tabulation of Data.** Although all collected data must currently be disaggregated, we want to re-emphasize the importance of requiring that all data, for each of NCLB's assessment and reporting requirements, also be maintained in a format that can be cross-tabulated. Although simply disaggregating data exposes disparities between genders or among different racial or ethnic groups, cross-tabulation of disaggregated data offers additional critical insight for parents, educators and policymakers into whether educational systems are adequately serving more refined subgroups of students and how their situations might be improved. For example, cross-tabulation of graduation rate data will enable schools and policymakers to track the graduation rates of Hispanic girls and compare it to the graduation rates of Hispanic boys or non-Hispanic girls – and to tailor interventions accordingly.

Using the discussion draft as a reference point, the following are the sections for which we recommend that the statute call not only for disaggregation, but also for cross-tabulation, of the data collected. In general, we believe that cross-tabulation must, at a minimum, include race, ethnicity and gender. Thus, not only should data tracking racial and ethnic groups be broken down by gender (and vice versa), but data tracking other populations, such as English language learners or economically disadvantaged students, should be similarly cross-tabulated by race, ethnicity and gender. We understand that these proposals are similar to ones offered by Representative Danny Davis (D-Ill.), and much appreciate your willingness to include them in the base version of No Child Left Behind.

- i. Title I, Section 1111(b)(3)(D)(xiv) (state assessment systems) (pages 72-73 of discussion draft).
- ii. Title I, Section 1111(h) (state reporting requirements) (page 99 of discussion draft).

- iii. Title I, Section 1124(c)(2) (graduation rate requirements) (page 324 of discussion draft).
- iv. Title I, Section 1124(d)(2) (reporting of additional complementary indicators along with graduation rates) (pages 327-328 of discussion draft). This section should require the Secretary of Education to include disaggregation and cross-tabulation requirements in developing regulatory definitions for these indicators.

(2) **Tracking of the educational progress of pregnant and parenting students.** Currently, both NCLB and the discussion draft overlook a critical subgroup – that of pregnant and parenting students. Research has shown that at least one-third of female students and one-fifth of male students report leaving school without a diploma because of issues related to their pregnant and/or parenting status. And in response to a Gates Foundation survey, more than any other group of dropouts, these students were “most likely to say they would have worked harder if their schools had demanded more of them and provided the necessary support.” Thus, it would significantly enhance dropout prevention efforts to provide schools tools to target and support this receptive population.

As a result, we recommend that NCLB’s reporting and assessment requirements call for separate tracking of the progress and graduation rates of pregnant and parenting students. Such tracking is consistent with the Carl D. Perkins Vocational and Technical Education Act of 1998, 20 U.S.C. § 2301, et seq., which requires funding recipients to monitor the performance of special populations, including single parents and single pregnant women, in CTE courses. Therefore, we recommend the following:

- i. In Title I, Section 1006 (Graduation Promise Fund), include pregnant and parenting students among the groups that are at high risk of not graduating from high school and as to whom local educational agencies must work to include information in statewide longitudinal data systems (page 19 of discussion draft).
- ii. For each section that requires separate analysis of subgroups of students, based on race, ethnicity, and other categories, add pregnancy and parenting status to the categories listed. These sections include Section 1111(b)(3)(D)(xiv) (state assessment systems) (pages 72-73 of discussion draft); Section 1111(h) (state reporting requirements) (page 99 of the discussion draft); Section 1124(c)(2) (graduation rate requirements) (page 324 of discussion draft); and Section 1124(d)(2) (regulatory definitions for complementary indicators).

(3) **Attention to and support for vulnerable groups of students, including pregnant and parenting students.** To provide the support that pregnant

and parenting students need to stay in school and further assist schools in reducing their dropout rates, we recommend the following changes to the discussion draft:

- i. In Title I, Section 1112(b)(1)(F)(ii) (Local Educational Agency Plans), add pregnant and parenting students to the list of at-risk populations for whom LEAs must coordinate and integrate services provided with other educational services (pages 121-122 of discussion draft).
- ii. In Title I, Section 1112(b)(1)(U), add pregnant and parenting students to the list of at-risk populations for whom LEAs must coordinate with other agencies and community-based organizations to address nonacademic barriers to learning (pages 126-127 of the discussion draft).
- iii. In Title I, Section 1112(c)(1)(S), require LEA plans to provide assurances that the LEA will take into account the experience of model programs for early identification of students at risk for dropping out and the findings of research identifying appropriate interventions for students exhibiting early risk factors, including “teen pregnancy and parenting responsibilities” (pages 132-133).
- iv. In Title V, subpart 2 (Elementary and Secondary School Counseling Programs), insert language allowing programs funded under the section to provide training for school counselors, teachers, principals, etc. concerning the “(2) barriers to school attendance and completion faced by pregnant and parenting students” (page 103 of Title III-XI discussion draft, at line 24).
- v. In Title V, add a provision allowing programs providing special services to pregnant and parenting students to be funded under this section. Such programs may include, among other things, on-site child care, transportation, parenting classes, and individualized academic counseling. This could be added as a new subpart under Part D. We would be happy to draft more specific language if that would be useful.

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We believe that the above recommendations are consistent with Congress’ goals in enacting NCLB, including the objective of early and effective identification of students who are at risk of dropping out. We have provided annotated copies of the discussion draft to make clear where we would make the changes identified above.

We look forward to working with you on the NCLB reauthorization and its implementation. For additional information, please contact Jocelyn Samuels, Vice President for Education and Employment, Lara S. Kaufmann, Senior Advisor, or Fatima Goss Graves, Senior Counsel, at 202-588-5180.

Sincerely,



Jocelyn Samuels  
Vice President for Education and  
Employment

Enclosures