

July 23, 2010

Chairman Tom Harkin
Committee on Health, Education,
Labor and Pensions
615 Dirksen Senate Office Building
Washington, DC 20515

Ranking Member Michael Enzi
Committee on Health, Education,
Labor and Pensions
428 Dirksen Senate Office Building
Washington, DC 20515

Chairman George Miller
Committee on Education and Labor
2181 Rayburn House Office Building
Washington, DC 20515

Ranking Member John Kline
Committee on Education and Labor
2101 Rayburn House Office Bldg.
Washington, DC 20515

Dear Chairman Harkin, Chairman Miller, Ranking Member Enzi, and Ranking Member Kline,

The undersigned organizations – from the civil rights, education reform, and youth advocacy communities – thank you for your commitment and focus in the reauthorization of the Elementary and Secondary Education Act (ESEA) on ensuring that students graduate from high school and are prepared for post-secondary learning and careers. As advocates committed to the promise of educational success for all of our nation's children, we write to urge your Committees to adopt an accountability and school improvement approach that will improve outcomes for *all* students by ensuring that reforms take into account the ways in which the intersection of race, ethnicity, and gender operate for both boys and girls in school.

The reauthorization provides an opportunity to address flaws in the current accountability and school improvement system. Under the current system, schools do not have to report graduation rates by sex, schools are not held accountable for student performance by sex, and student performance and graduation rate data is not cross-tabulated (i.e., within each race, by sex) for either reporting or accountability purposes. The lack of segmented data and subgroup accountability has allowed policymakers and the media alike to rely on overgeneralizations regarding differences in achievement by gender – masking problems for both males and females, and particularly for students of color, where the intersection of race/ethnicity and gender can be of major import.

For example, despite the widespread assumption that all girls are succeeding in school, the available data tells a different story. Girls at risk – particularly girls of color – are dropping out of school at alarming rates. In fact, the dropout rate for Native American female students it is 49%; for African American female students it is 41%; for Latina female students it is 41% as well; and for Asian female students is 17.3% (not even

taking into account variations between female students of different Asian ethnicities).¹ Moreover, female students who do not earn a high school diploma are especially likely to face severe economic consequences that significantly affect not only individual students and their families, but also our national economy as a whole.²

To ensure meaningful accountability and school improvement going forward:

- a. Graduation rate and academic assessment data reported by States and LEAs should be fully disaggregated,³ and cross-tabulated by gender and race/ethnicity; and
- b. The improved accountability and school improvement systems must hold LEAs accountable for the performance of all subgroups of students, fully disaggregated, and cross-tabulated by gender and race/ethnicity.

Using data cross-tabulated by gender and race/ethnicity will ensure that the accountability system does not hide the needs of smaller subgroups, and that incentives for improvements are driven by data and not by assumptions and stereotypes about the needs of boys and girls in school. A study of students who left North Carolina public schools in the 1998-99 academic year illustrates the importance of basing school reforms on more nuanced data. The study found that Black and Hispanic female students were more likely to drop out for attendance reasons in grades 9 and 10 than later in high school, while Black male students were more likely to do so in 11th grade than in earlier years.⁴ More Black and Hispanic female students than male students dropped out for academic reasons in grades 11 and 12.⁵ And although more male than female students overall in North Carolina dropped out for disciplinary reasons, more 12th grade Hispanic female students left for disciplinary reasons than any other group of students.⁶ These findings defy stereotypical assumptions, and schools responding to this data may undertake very different approaches than they might if they were not held accountable for the performance of subgroups cross-tabulated by gender within each race and ethnicity.

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As many have said repeatedly, there is no doubt that education reform is the top civil rights issue of our time. The reauthorization of ESEA provides a vitally important opportunity to reform our system to ensure that all children have equal access to high

¹ EPE Research Center, *Diplomas Count 2010: Graduation by the Numbers: Putting Data to Work for Student Success*, Education Week, June 2010.

² National Women's Law Center. *When Girls Don't Graduate, We All Fail; A Call to Improve High School Graduation Rates for Girls*, October 2007, available at <http://www.nwlc.org/pdf/DropoutReport.pdf>.

³ Further disaggregation of reported data on race and ethnicity would be preferable and helpful in this context to ensure that the educational achievement of significant proportions of Asian American and Pacific Islander students can be appropriately examined.

⁴ Elizabeth Stearns & Elizabeth Glennie, *When and Why Dropouts Leave High School*, 38 *Youth & Society* 41-42 (2006).

⁵ *Id.*

⁶ *Id.*

quality education programs and that students benefit equally from rigorous academic standards.

We appreciate the important work done on this legislation to date and look forward to working with your Committees as the process continues.

Signed,

National Women's Law Center, joined by:

American Association of University Women (AAUW)
American Civil Liberties Union (ACLU)
Asian American Justice Center, member of Asian American Center for Advancing Justice
Asian American Legal Defense and Educational Fund
Charles Hamilton Houston Institute for Race and Justice at Harvard Law School
Education Law Center
Feminist Majority Foundation
Gay, Lesbian and Straight Education Network
Girl Scouts of the USA
Healthy Teen Network
League of United Latin American Citizens
Mexican American Legal Defense and Educational Fund (MALDEF)
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Asian Pacific American Women's Forum
National Center for Lesbian Rights
National Council of Jewish Women
National Council of La Raza (NCLR)
National Girls Collaborative Project
National Indian Education Association
National Network for Youth
National Organization for Women
National Urban League
Poverty & Race Research Action Council
Professor Jim Ryan, University of Virginia School of Law
Society of Women Engineers
Southeast Asia Resource Action Center
Union for Reform Judaism
United States Student Association
Wider Opportunities for Women
Women's Law Project