July 8, 2015

Dear Senator,

We write to express our support for a proposed bipartisan amendment to the Every Child Achieves Act that will enhance the utility of the data reported in ESEA state report cards. The Data Transparency amendment, which will be offered on the Senate floor by Senator Warren and Senator Gardner, will help states, schools and communities to better target interventions by enabling them to take into account the ways in which the intersection of different categories like race, ethnicity, gender, and disability operate for both boys and girls in school. This amendment was in the bipartisan 2011 Harkin-Enzi ESEA draft, and passed by voice vote at the 2013 ESEA mark-up. The Data Transparency amendment would not require states to spend additional resources to implement and is supported by the 48 undersigned organizations—members of the civil rights, women's rights, disability rights, education, and youth advocacy communities that are committed to the promise of educational success for all of our nation's children.

The reauthorization of ESEA provides an opportunity to address flaws in education data reporting systems. Currently, states are required to report data on student performance that is disaggregated by gender, race/ethnicity, disability status, English proficiency, economic status, and migrant status. But the data remain in those silos when they could be presented in a more informative manner. In most states, there's no way to compare achievement for students who fall into more than one category—for example, African American girls, Native American boys, or Latino students with disabilities. Yet the intersection of these categories can contribute to and inform student experiences and outcomes.

To create meaningful data transparency going forward, the Warren-Gardner Data Transparency amendment to the Every Child Achieves Act would ensure that graduation rate and academic assessment data reported by States are not only disaggregated, but also cross-tabulated—that is, segmented by more than one subgroup, such as by race and gender together, by gender and disability together, and by race and disability together (within N size constraints, to protect student privacy).

Using data cross-tabulated by gender, race/ethnicity, disability and other factors will ensure that state report cards do not mask the needs of smaller subgroups of students, and that interventions are driven by data and not by assumptions and stereotypes about the needs of boys and girls in school. The Every Child Achieves Act as passed out of the HELP Committee requires that all interventions be evidence-based, and data cross-tabulation would help to support that goal. After all, educators and communities responding to cross-tabulated data may undertake very different approaches than they would if they relied only on data broken down solely by one category.

To be clear, cross-tabulating data does not require the collection of any new data and does not create any new burdens. Cross-tabulation would simply require that the data already collected and reported be presented in a format that is more helpful and useful.

With today's data systems, presenting the data in this format takes just the push of a button. In fact, ten states already report data in this manner.[1] With billions of federal dollars going to states under ESEA, all parents and educators should have access to similarly transparent information for their children and students—no matter which state they live in. And at the same time that states are tweaking their data reporting systems to include data on students from military families (which they will have to do if the Every Child Achieves Act passes), they can also implement cross-tabulation with little effort.

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The reauthorization of the Elementary and Secondary Education Act provides a vitally important opportunity to ensure that all children have equal access to high quality education programs and that all students benefit equally from rigorous academic standards. We urge you to vote "yes" on the Warren-Gardner Data Transparency amendment.

Thank you for your consideration. If you have any questions, please contact Lara S. Kaufmann of the National Women's Law Center at lkaufmann@nwlc.org or 202-588-5180.

Signed,

National Women's Law Center, joined by:

Alliance for Excellent Education
American-Arab Anti-Discrimination Committee
American Association of University Women (AAUW)
American Civil Liberties Union
American Federation of Teachers (AFT)
Association of University Centers on Disabilities
Black Organizing Project
Center for Civil Rights Remedies at UCLA's Civil Rights Project
Clearinghouse on Women's Issues
Coleman Advocates for Children and Youth
Council of Parent Attorneys and Advocates (COPAA)
Democrats for Education Reform
Dignity in Schools Campaign
Education Law Center - PA
Education Reform Now
Equal Justice Society
Feminist Majority Foundation
Healthy Teen Network
Judge David L. Bazelon Center for Mental Health Law

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[1] Those states are Colorado, Maine, Maryland, Minnesota, Missouri, Nevada, New York, Ohio, Rhode Island and Vermont.

Lawyers Committee for Civil Rights Under Law
Leadership Conference on Civil and Human Rights
League of United Latin American Citizens (LULAC)
MALDEF
Minnesota Education Equity Partnership
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Alliance for Partnerships in Equity
National Association of Councils on Developmental Disabilities
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Coalition for Women and Girls in Education
National Down Syndrome Congress
National Disability Rights Network
National Education Association (NEA)
National Indian Education Organization
National Organization for Women
National Urban League
New Leaders
Poverty & Race Research Action Council
Racial Justice NOW!
Southeast Asia Resource Action Center (SEARAC)
Southern Poverty Law Center
Statewide Education Organizing Committee (SEOC)
Teach for America
Teach Plus
TNTP
UNCF