



July 16, 2015

Via email

Re: Opposition to the Every Child Achieves Act (S. 1177)

Dear Senator,

On behalf of the National Women's Law Center, an organization that for over 40 years has worked to expand the possibilities for women and girls in the areas of education, employment, family economic security, and health, we urge you to oppose final passage of the Every Child Achieves Act. While this bill has been improved through the amendment process and includes some important provisions, the bill strays too far from achieving the original promise of the Elementary and Secondary Education Act to provide for equal educational opportunity for all children. We therefore cannot support the overall bill in its current form.

We are grateful that floor amendments led to a number of important improvements to the bill, including the adoption of the bipartisan Warren-Gardner Data Transparency Amendment requiring states to report their disaggregated student achievement and graduation rate data in a manner that can be cross-tabulated across all categories by race/ethnicity, gender, disability, and English proficiency. And the Center commends the passage of Senator Murray's amendment to promote equity in high school athletics programs by requiring high schools to report demographic information on students in their athletics programs and the expenditures made for their sports teams. Additionally, the bill calls on states and districts to include in their plans a description of how they address the needs of expectant and parenting students, acknowledging that pregnancy and parenting are leading causes of dropout among at-risk youth. And amendments allowing grant funds to be used by districts to promote gender equity and requiring STEM grant applicants to state how they will improve access to STEM fields for underrepresented groups are important measures that will help to eliminate barriers to fully participating in all education programs.

Unfortunately, what the bill does *not* do is also quite significant. A number of amendments offered on the Senate floor, critical to strengthening this bill and ensuring that its lives up to its legacy to advance civil rights did not pass.

First, the accountability framework is too weak. The bill does not require state or local intervention when identification systems reveal that all students in a school, or particular subgroups of students in a school, are not meeting the state's achievement goals. An

amendment offered by Senator Murphy and others would have required states to provide support to and intervene in the lowest performing schools in the state, in schools that fail one or more subgroups of students for two consecutive years, and in high schools that fail to graduate more than one-third of their students. The Murphy Amendment differed dramatically from the Adequate Yearly Progress requirement in No Child Left Behind; it allowed states to design both their own accountability systems and interventions for schools that fail to meet targets, and it also provided for support to go to struggling schools, not sanctions.

The Senate also did not adopt the bipartisan amendment offered by Senators Baldwin, Reed, Brown and Kirk to ensure that critical educational resources—like access to quality teachers and school leaders, rigorous and well-rounded coursework, and up-to-date materials, technology and supplies—are available to the most disadvantaged students. That amendment would have required states to reallocate funds to address disparities in resources as necessary, and such a measure is long overdue. Additionally, the bipartisan Hirono-Heller amendment to require state report card disaggregation of data by Asian American and Pacific Islander subgroups, to shed light on disparities being hidden in this otherwise large and diverse category of students, was not included in the bill.

The bill also does not go far enough to create positive school climates in which all students can learn and thrive. Senator Franken’s amendment to prohibit all forms of discrimination in K-12 public schools based on a student’s actual or perceived sexual orientation or gender identity, or a student’s association with someone who is LGBT (the “Student Non-Discrimination Act,” or SNDA), did not pass the 60-vote threshold to which it was subjected, but it received 52 “yes” votes. SNDA would ensure that LGBT students have the right to learn in a safe environment free from discrimination, harassment, bullying, intimidation, and violence, the same way that students are protected from discrimination based on race/ethnicity, sex, and disability.

And while the Center is pleased that the bill includes a recognition of the importance of early learning, we are disappointed that the bill does not include Senator Casey’s preschool amendment, also subjected to a 60-vote threshold, which would have provided for a five-year federal-state partnership for children from birth to age five with a strong focus on prekindergarten age children. Despite the clear benefits of early childhood education programs, millions of young children from low- and moderate-income families lack access to high-quality, affordable preschool programs. This amendment would have helped to ensure that these children will be able to take advantage of the early learning programs that can put them on a path to success.

For these reasons, the Center urges you to oppose passage of S. 1177. If you have any questions, please feel free to contact Fatima Goss Graves or Lara S. Kaufmann at 202-588-5180.

Sincerely,



Marcia D. Greenberger
Co-President



Fatima Goss Graves
Vice President for Education & Employment