



February 2, 2015

Via email to FixingNCLB@help.senate.gov

Chairman Lamar Alexander
Committee on Health, Education,
Labor and Pensions
428 Dirksen Senate Office Building
Washington, DC 20515

Ranking Member Patty Murray
Committee on Health, Education,
Labor and Pensions
525 Dirksen Senate Office Building
Washington, DC 20515

Dear Chairman Alexander and Ranking Member Murray,

We are writing on behalf of the National Coalition for Women and Girls in Education (NCWGE), a nonprofit coalition of more than 40 organizations dedicated to improving educational opportunities for women and girls. As you work towards reauthorization of the Elementary and Secondary Education Act, we respectfully offer the following recommendations.

NCWGE urges your Committee to adopt an accountability and school improvement framework that will meaningfully improve educational equity and close achievement gaps so that *all* students graduate high school prepared for 21st Century post-secondary learning and careers. While the current ESEA structure needs improvement, its essential role addressing the needs of the most disadvantaged students must be maintained. The federal government's oversight is critical to ensuring that boys and girls of color, low-income students, English learners, and students with disabilities in every state have access to a robust and well-rounded curriculum and supports that address a range of student needs so that they are better prepared to succeed in the classroom.

NCWGE remains committed to eradicating barriers to equal educational opportunity and urges Congress to provide for the following in its reauthorization of ESEA.

1. Require Reported Data to “Cross-Tabulated” by Race/Ethnicity and by Sex.

The reauthorization provides an opportunity to address a gap in ESEA's current data reporting requirements. Under the current system, although State Report Cards must include academic assessment data disaggregated by subgroups, including sex, schools do not have to report graduation rates disaggregated by sex. Additionally, student performance and graduation rate data are not reported in a cross-tabulated manner (i.e., within each subgroup, further disaggregated by sex so that, for example, schools and communities know what is happening for key population subgroups such as African American boys and Latina girls). The lack of segmented data has allowed policymakers and the media alike to rely on overgeneralizations

regarding differences in achievement by sex – masking problems for both males and females, and particularly for students of color, many of whom face significant barriers stemming from unconscious bias and the intersection of racial and gender stereotypes. Analyzing data segmented by subgroups (e.g. by sex and by disability within each racial/ethnic group) will help bring to light barriers that otherwise would go unnoticed, and thus will lead to better targeted and more effective interventions.

Importantly, this recommendation is not tantamount to adding a new data requirement to ESEA, as schools already collect these data. The only difference is that the data reported by race/ethnicity will be disaggregated further, by sex and by disability status (subject to student privacy protections). And this requirement is not burdensome, as existing longitudinal data systems with individual student identifiers – which all 50 States, the District of Columbia, and Puerto Rico already have – can easily cross-tabulate these data, with the push of a button. Indeed, a cross-tabulation requirement was included in the Strengthening America’s Schools Act of 2013, the reauthorization bill passed by the HELP Committee in the 113th Congress; and in 2011 Senator Murray’s data cross-tabulation amendment to the Committee’s bipartisan bill passed without opposition.

Data transparency is critical to exposing disparities in access and barriers to equal opportunity, and it supports parent involvement and community-based efforts to improve learning conditions for vulnerable girls and boys. Therefore, in addition to data about academic achievement and graduation rates, Congress should require the reporting of data about access to curriculum, coursework materials (including technology), and other supports aligned with college- and career-ready standards (e.g., college-preparatory courses in middle and high schools; college-credit-eligible classes like AP, IB, dual enrollment programs; and high quality career and technical education programs), and to be meaningful, those data too should be disaggregated by sex within each subgroup. Additionally, Congress should require the reporting of data segmented by sex and disability within each race/ethnicity category on school climate indicators (including bullying and harassment, the use of exclusionary discipline practices, use of police in schools, and student referrals to law enforcement), opportunity measures (including access to pre-K, technology, and as discussed below, athletics opportunities), attendance, grade promotion rates, and per-pupil expenditures.

2. Require High School Sports Data Collection (S. 217 in the 113th).

Consistent with ESEA’s emphasis on data transparency, this reauthorization bill provides an important opportunity to enact the High School Data Transparency Act (S. 217), a bill which has long had bipartisan support in both houses of Congress. The bill’s provisions would require high schools to report basic data on the number of students in their athletics programs and the expenditures made for their sports teams. Requiring, in Title I, that all schools provide access to such data will enhance compliance with Title IX of the Education Amendments of 1972 and aid in the continued expansion of athletic opportunities for girls at the high school level. This is important because girls in high school still receive about 1.3 million fewer opportunities to participate in sports than boys. Ensuring equal opportunities for girls in athletics is critical, as participation in athletics leads to better educational and employment outcomes, improved physical and mental health, and lower rates of sexual activity and unplanned pregnancy.

3. Improve Access to Education for Pregnant and Parenting Students.

Overall, roughly one in four girls in the U.S. become pregnant at least once before age 20, and for girls of color the rates are higher: one in three Latinas and 4 in 10 African American girls get pregnant at least once by age 20.¹ And because of the barriers these students face to enrolling, attending, and succeeding in school – including illegal discrimination against them by their schools, in violation of Title IX – pregnancy and parenting responsibilities are significant risk factors for dropout. Only 51 percent of women who have children as teenagers get a high school diploma by age 22, compared to 89 percent of women who do not give birth as teens.² Yet without a high school diploma, the prospects for young mothers of finding a job, earning a living wage, and achieving economic security are dim, and the children of dropouts are more likely to drop out of school themselves.

Significantly, many students who become pregnant as teenagers are highly motivated to succeed – indeed, many describe a renewed sense of determination to finish school and find a career once they learn they will be having a child – but they fall through the cracks because schools either disregard their very real needs or harbor low expectations of them and even push them out. Only a fraction of school districts undertake serious efforts to help these vulnerable students and improve their chances of success and those of their children.

Providing pregnant and parenting students (PPS) with the supports they need to stay in school and succeed is an essential component of any serious effort to improve graduation rates and college- and career-readiness. Congress must take this opportunity to address the needs of this vulnerable group of students and:

- Instruct states and school districts to include PPS in their Title I plans. The plans submitted by states and school districts should describe how they address the needs of PPS so they are enrolled in, attend, and succeed in school. This requirement was included in the Strengthening America’s Success Act (SASA) of 2013, which was passed by the HELP Committee in the 113th Congress.
- Require the reporting of non-personally identifiable data on the enrollment, academic achievement, and graduation rates of PPS. The SASA bill passed by the HELP Committee in the last Congress also called for the inclusion in State Report Cards of (non-personally identifiable) data on PPS and their outcomes (to the extent it is available, such as by self-reporting the way that single parent data is collected per the Perkins Career and Technical Education Act). Currently, most schools do not track the number of PPS they have or their achievement, and there is minimal data on alternative schools and programs. To enable educators to address the unique barriers facing this vulnerable population, ESEA should require separate tracking and reporting of the enrollment numbers, graduation rates, and assessment results for PPS in both mainstream schools and alternative programs or school settings.
- Authorize Pregnant and Parenting Students Access to Education Program. A program like that proposed in the Pregnant and Parenting Students Access to Education Act (S. 870 in the 113th Congress) should be established, providing grants to states and districts to

formulate policy and offer targeted assistance to pregnant and parenting students in enrolling, attending, and succeeding in secondary school, ensuring school completion, and preparing them for postsecondary opportunities.

- Encourage more targeted use of existing funds. The reauthorized ESEA should clarify, among other things, that a wide range of academic and other support services that help to keep PPS in school and on track for success are allowable uses of Title I funds.
- Professional Development. States and districts should provide professional development materials and training to make school personnel aware of: (1) the rights of PPS under Title IX; (2) the nature and extent of barriers to educational access and success facing PPS in their geographic area; (3) ways to address and help eliminate those barriers; and (4) the identity of the staff member responsible for coordinating the provision of services, at the school, district, and state levels, as well as participating community partners.

4. Increase Girls' Participation in STEM.

While progress has been made over the last 40 years, girls and women are still vastly underrepresented in numerous STEM fields of study, particularly computer science. Not only is increasing the participation of women and underrepresented minorities in these fields a civil rights imperative, but also it is critical to our country's global competitiveness. More must be done to recognize and address barriers to the participation of women and girls in STEM fields and to encourage women and girls to enroll in and complete STEM programs.

To that end, ESEA should include initiatives to increase numbers of underrepresented students in STEM fields, including targeted outreach to and recruitment of students underrepresented in high-level STEM programs. It should ensure that state and districts collect and report data on access to and completion of science, technology, engineering and math courses by race/ethnicity and sex, as well as grade level, special education status, and English learner status. Reporting this information will allow school districts to identify and address any disparities in access to STEM promptly. ESEA also should help states and districts to increase girls' participation and confidence in STEM at the K-12 level, by providing for: (1) training for teachers and counselors in gender-fair methods that will reduce implicit bias and reliance on gender-based stereotypes, and thus will help to eliminate hostile learning environments and maximize academic achievement and non-traditional career aspirations for both boys and girls; (2) training for counselors and teachers in career development practices that break down gender stereotypes and encourage STEM career exploration for all students; (3) promotion of STEM education through federally-funded after-school programs, summer programs, mentoring programs, field trips, and internships; and (4) technical assistance to schools to help them understand their obligations under Title IX and how the law applies in the STEM context. Together, these efforts would help to narrow the current access and achievement gaps for girls and underrepresented minorities in STEM subjects and encourage more of those students to pursue STEM fields of study and careers.

5. Improve School Climate.

To be effective and improve student achievement, the reauthorization of ESEA must require schools to address threats to students' physical and mental health and to create a positive school climate conducive to learning. NCWGE supports policies and programs that promote youths' social and emotional health and address relational aggression, bullying, and harassment. Simply put, students cannot learn if they don't feel safe.

A. Sexual Harassment, Violence, and Trafficking

Sexual harassment, including sexual violence, is a problem too many girls face in school. According to a survey by the American Association of University Women, 56 percent of school-aged girls report experiencing sexual harassment.³ The same study found that African American students were more likely than white students to "change the way they go to or from schools," or even change to a new school, in response to sexual harassment.⁴ And qualitative studies have observed differences in the ways African American and white girls experience harassment. For example, in a 2001 national survey of 8th- through 11th-graders, 67 percent of African American girls reported being "touched, grabbed, or pinched in a sexual way," compared to 56 percent of white girls, and 28 percent of African American girls reported being "forced to kiss someone," compared to 15 percent of white girls.⁵ Another survey showed that six in 10 students (63 percent) felt unsafe in school because of their sexual orientation and four in ten students (44 percent) felt unsafe in school because of their gender identity.⁶ Feeling unsafe at school has been correlated with declining academic performance, skipping school, and dropping out.⁷

Two bipartisan measures would make great strides in ensuring that learning environments for students are safe, and should be included in a reauthorized ESEA. First, the Safe Schools Improvement Act (S. 403 in the 113th) would direct States to help districts and schools prevent and respond to bullying and harassment by adopting data collection and reporting requirements (regarding the incidence and prevalence of bullying and harassment and students' perceptions regarding such incidents and the school's responsiveness) and by adopting, disseminating, and implementing policies and procedures to prevent and address such conduct based on protected characteristics, including sexual orientation and gender identity. Second, the Student Non-Discrimination Act (S. 1088 in the 113th) would protect against discrimination in K-12 public schools based on actual or perceived sexual orientation or gender identity or a student's association with someone who is LGBT and would provide meaningful and effective remedies. To ensure that schools are welcoming places where all students can learn, both of these bills should be incorporated into the ESEA reauthorization.

Additionally, girls of color are disproportionately vulnerable to involvement in the child sex trafficking industry. Victims of child and teenage sex trafficking in the U.S. are overwhelmingly (1) female; and (2) members of racial and ethnic minorities.⁸ Victims of sex trafficking experience serious trauma that causes damage to their mental and physical health and disrupts learning, and they also are likely to suffer from poor school attendance and engagement. Too often, instead of getting the services they need, those who are victimized get arrested for prostitution and treated as criminals. Because sex trafficking has a significant impact on school-age girls, schools can be critical points of intervention for those at-risk and those involved in

child sex trafficking, and can offer individualized support to help those who are particularly vulnerable. ESEA should require districts to train staff to identify potential victims of trafficking and signs of trauma, and provide targeted resources for schools to provide culturally-responsive, gender-responsive, trauma-informed support, including mental health services.

B. School Discipline

Exclusionary school disciplinary practices, another barrier to learning that the ESEA reauthorization should address, are used disproportionately against students of color and students with disabilities. For example, while African American males are the most likely to be disciplined in school, African American females are also disproportionately suspended and expelled. In fact, during the 2011-12 school year, 12 percent of all African American female pre-K-12 students received an out-of-school suspension, which is six times the rate of white girls and more than any other group of girls and several groups of boys.⁹ Additionally, 19 percent of African American girls with disabilities received out-of-school suspensions, compared to just 6 percent of white girls with disabilities.¹⁰ African American girls are more likely than white girls to be suspended for minor offenses like dress code violations, or subjective offenses like “defiance” or “disobedience,” and studies indicate that stereotypes of Black women as hypersexualized and aggressive may inform these disciplinary practices.¹¹

Because of such severe and frequent discipline, African American girls spend more time out of the classroom, which contributes to poor academic performance, lower graduation rates, and higher representation in the juvenile justice system.

To ensure that girls of color have a fair chance to succeed in school, and to enable parents and schools to track and address disparities in discipline practices, the ESEA reauthorization should:

- Prohibit zero-tolerance policies;
- Require schools to annually report to the public the numbers of in-and out-of-school suspensions, the number of students receiving multiple suspensions, expulsions, instances of corporal punishment, school-based arrests and referrals to law enforcement agencies, the number of referrals to disciplinary alternative schools, and any progress in reducing disparities in discipline; these data should be disaggregated by gender, race, disability status, socioeconomic status, and English learner status, and cross-tabulated by gender in each category to allow for more insightful review and decision-making.
- Require schools to conduct regular audits of discipline policies, practices, and data to identify and address disparities and limit the use of suspensions and expulsions; and
- Encourage schools to implement positive behavior interventions and culturally-responsive supports, social and emotional learning, peer mediation, conflict resolution, and restorative justice practices as alternatives to punitive discipline practices and police in schools.

A determination that a particular school is not meeting academic or climate standards should trigger technical assistance and resources from states and districts so that the school can implement successful, proven and promising practices for improving the learning environment for all students.

6. Expand Training in Gender-Fair Methods of Teaching.

Gender-fair teaching is a key component of increasing student achievement. It reduces reliance on gender-based stereotypes and differential treatment based on sex, which will help maximize academic achievement for both boys and girls. Many girls and boys are steered towards different paths based on their gender, which hurts girls, boys, and society as a whole. Professional development for teachers should cover topics such as how to eliminate gender and racial bias in the classroom, how to be sensitive to gender and racial differences, and how to engage students in the face of gender-based and racial peer pressure and parental expectations.

NCWGE recommends that the ESEA reauthorization increase the number of teachers who are trained in gender-fair methods. Ideally this would be a mandatory part of teachers' professional development. In addition, teachers should be evaluated on how equitably they treat their students.

7. Reauthorize and Strengthen the Women's Educational Equity Act (WEEA).

This law was first enacted in 1974 to help educational agencies and institutions meet the requirements of then newly-enacted Title IX. The goal of WEEA is to fund effective and replicable gender equity programs and disseminate information about recommended programs and practices so that teachers, parents and students will learn to avoid sex discrimination and refrain from reinforcing stereotypes that limit educational opportunities for all students. In addition to reauthorizing WEEA, it is important that its funding be increased and that some of the funding be set aside for technical assistance. In more recent years, WEEA's budget has been eliminated entirely; before that almost all of WEEA's tiny budget of less than \$3 million annually was allocated to local projects and the work on identifying and disseminating replicable, effective gender equity model programs was curtailed. Among other things, there has been little attention to federal support for, or assistance to, Title IX coordinators at any level, despite the fact that Title IX regulations require all recipients of federal funding to appoint Title IX coordinators. When WEEA is funded appropriately, it can provide critical technical assistance to schools as they work to comply with Title IX. This additional support is needed, as sex discrimination in education persists.

8. Direct the Department of Education to Fill the Special Assistant for Gender Equity Position.

The position of Special Assistant for Gender Equity position – created in 1994 – is currently vacant and was never filled by the Bush Administration. The position was authorized to “advise the Secretary and Deputy Secretary on all matters relating to gender equity” and to “promote, coordinate, and evaluate gender equity programs, including the dissemination of information, technical assistance, and coordination of research activities.”¹² The Department of Labor has a Women's Bureau, and the Department of Health and Human Services has various women's health offices, but there is no overarching Department of Education office or official focusing on the Department's gender equity goals and coordinating its efforts. Some possible tasks for the Special Assistant for Gender Equity include: (1) Helping to design and review federal education

legislation to ensure that it advances gender equity and that it is adequately funded; (2) Overseeing Department programs focused on gender equity, such as WEEA, Equity Assistance Centers, Office of Career, Technical and Adult Education programs to prepare people for nontraditional careers, and research and evaluations focused on gender equity; and (3) Providing technical assistance to establish a viable infrastructure of Title IX coordinators and others to ensure Title IX compliance and enforcement.

NCWGE appreciates the opportunity to provide input regarding the reauthorization of ESEA. We look forward to working with the Committee to ensure that all of our nation's children have equal opportunities to learn and succeed. If you have any questions, please feel free to contact Lisa Maatz at 202-785-7720 or Fatima Goss Graves at 202-588-5180.

Sincerely,



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¹ National Campaign to Prevent Teen and Unplanned Pregnancy, *Fast Facts: Teen Pregnancy in the United States* (August 2014), available at http://thenationalcampaign.org/sites/default/files/resource-primary-download/fast_facts_-_teen_pregnancy_in_the_united_states_aug_2014_0.pdf.

² Kate Perper, M.P.P., Kristen Peterson, B.A., and Jennifer Manlove, PhD, Child Trends Fact Sheet: *Diploma Attainment Among Teen Mothers* (Child Trends, 2010), at http://www.childtrends.org/Files/Child_Trends-2010_01_22_FS_DiplomaAttainment.pdf.

³ CATHERINE HILL & HOLLY KEARL, AM. ASS'N OF UNIV. WOMEN, *CROSSING THE LINE: SEXUAL HARASSMENT AT SCHOOL 11* (Nov. 2011), available at <http://www.aauw.org/files/2013/02/Crossing-the-Line-Sexual-Harassment-at-School.pdf>.

⁴ *Id.* at 25.

⁵ Am. Ass'n of Univ. Women Educ. Found., *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School 24-25* (2001), available at <http://www.aauw.org/files/2013/02/hostile-hallways-bullying-teasing-and-sexual-harassment-in-school.pdf>.

⁶ JOSEPH G. KOSCIW ET AL., GAY, LESBIAN & STRAIGHT EDUC. NETWORK, *THE 2011 NATIONAL SCHOOL CLIMATE SURVEY: THE EXPERIENCES OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH IN OUR NATION'S SCHOOLS 20* (2012), available at <http://glsen.org/sites/default/files/2011%20National%20School%20Climate%20Survey%20Full%20Report.pdf>.

⁷ American Association of University Women Educational Foundation, *Hostile Hallways: Bullying, Teasing, and Sexual Harassment at School 36-38* (2001), <http://www.aauw.org/research/hostile.cfm>.

⁸ Parsons et al., Ctr. for Am. Progress, *3 Key Challenges in Combating the Sex Trafficking of Minors in the United States* (2014), available at <http://cdn.americanprogress.org/wp-content/uploads/2014/04/HumanTrafficking-brief.pdf>.

⁹ In the 2011-12 school year, 12% of all African American girls in grades pre-K-12 were suspended from school—six times the rate of white girls and higher than the rate for any other group of girls, and white, Latino, and Asian American boys. CIVIL RIGHTS DATA COLLECTION, U.S. DEP'T OF EDUC. OFFICE FOR CIVIL RIGHTS, ISSUE BRIEF NO. 1, DATA SNAPSHOT: SCHOOL DISCIPLINE 3 (2014), available at <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

¹⁰ *Id.* at 4.

¹¹ Jamilia J. Blake, Bettie Ray Butler & Charlotte Danielle Smith, *Challenging Middle Class Notions of Femininity: The Cause for Black Females' Disproportionate Suspension Rates*, in *CLOSING THE SCHOOL DISCIPLINE GAP: RESEARCH TO PRACTICE* (Daniel Losen ed., forthcoming) (manuscript at 4, on file with National Women's Law Center) (citing Regina Rahimi & Delores D. Liston, *What Does she Expect when She Dresses Like That? Teacher Interpretation of Emerging Adolescent Female Sexuality*, 45 EDUC. STUD. 512 (2009)).

¹² 1994 Department of Education Organizational Act, USC Title 20, Chapter 48, Subchapter II, 3412: Principal Officers.