



May 6, 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 Building
Washington, DC 20515

Dear Chairmen Harkin and Miller and Ranking Members Enzi and Kline,

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 believes it is both possible and necessary to maintain a commitment to high standards and greater accountability in our nation's public schools. The reauthorization of Elementary and Secondary Education Act offers a valuable opportunity to improve educational equity and address the high school dropout crisis in this country in a meaningful way. But that pledge cannot be in principle only; it must be accompanied by the federal commitment and financial assistance to make it a reality. While the American Recovery and Reinvestment Act provided schools with significant funding, No Child Left Behind has been underfunded every year since its authorization.

Moreover, in order to reform our nation's schools in a way that meaningfully addresses the nationwide school crisis and prepares students for post-secondary education and careers, educators and policymakers must be aware of the different dropout rates, educational experiences, risk factors, and barriers faced by male and female students of different races and ethnicities.

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

1. Hold Schools Accountable for the Performance of All Subgroups of Students Based on Data that is Cross-Tabulated by Race/Ethnicity and by Gender

NCWGE strongly believes that nuanced data should be the driver of any school reform and, to do so, that data must be broken down by smaller subgroups. As policymakers debate the reforms necessary

to ensure student success, it is critical that they take into account the ways in which the intersection of race, ethnicity, and gender play out for both boys and girls in school.

Under the current accountability 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. While the dropout crisis is often portrayed almost exclusively as a problem for boys, like boys, the barriers faced by girls in school and the extraordinary dropout rates are alarming. In fact, one in four girls overall do not finish high school, and the numbers are even worse for girls of color: the dropout rate for Asian female students is 19% (this rate does not take into account variations between female students of different Asian ethnicities); for Latina female students it is 41%; for African American female students it is 43%, and for Native American female students it is 49%. 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.¹ But the lack of data and lack of data-driven accountability has allowed policymakers and the media to rely on overgeneralizations that all boys are doing poorly in school and all girls are successful.

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, 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.

Including gender within race/ethnicity across all categories will ensure that the accountability system does not mask the needs of smaller subgroups and that incentives for improvements are data-driven and not based on assumptions and stereotypes about the needs of boys and girls in school.

2. Require High School Sports Data Collection (S. 471/H.R. 2882)

NCWGE strongly supports the inclusion of high school sports data collection in the reauthorization. This bi-partisan legislation would require high schools to report basic data on the number of female and male students in their athletics programs and the expenditures made for their sports teams. Access to such data will enhance compliance with Title IX and aid in the continued expansion of athletic opportunities for girls at the high school level. This is important because while girls comprise 49 percent of the high school population,² they receive only 41 percent of all athletic participation opportunities, amounting to 1.3 million fewer participation opportunities than male high school athletes.³ Ensuring equal opportunities for girls in athletics is critical, as participation in athletics leads to better educational outcomes and improved physical and mental health for women. Studies have shown that girls thrive when they participate in sports, are more engaged in school, and less likely to get pregnant, drop out of school, do drugs, smoke, or develop mental illness.⁴

In addition, the legislation could help decrease childhood obesity by helping to ensure that schools are providing all their students with equal opportunities to benefit from school sports programs. The *New York Times* recently highlighted research that found that the “increase in girls’ athletic participation caused by Title IX was associated with a 7 percent lower risk of obesity 20 to 25 years

later, when women were in their late 30s and early 40s.” The study notes that while a 7 percent decline in obesity is modest, “no other public health program can claim similar success.”⁵ Simply put, properly enforcing Title IX and increasing children’s physical activity can lower obesity risks even into adulthood.

In addition, much of the data on athletic program participation and expenditures is already collected by schools, just not made publicly available. Kentucky and Georgia have adopted and successfully implemented similar state legislation and New Mexico passed similar legislation in April of 2009. According to officials in those states, it takes school officials only two to six hours per year maximum, depending on the number of sports offered, to transfer this information into a report that is publicly available.⁶ Since the implementation of the state legislation, the administrators of the compliance programs in the Kentucky and Georgia State High School Athletic Associations have seen significant improvements in the Title IX compliance of their member schools.⁷ In December 2009, the District of Columbia City Council approved its own version of this legislation, the “Title IX Compliance Act of 2009.”

3. Require Collection and Reporting of Data on Pregnant and Parenting Students and Authorize “Young Parent Access to Education Program”

The reauthorization provides an important opportunity to support a critical subgroup of students that is wholly overlooked under the current legislative scheme: pregnant and parenting students. There are inadequate data on the number of pregnant and parenting students in schools and the number who graduate, and ESEA does not require tracking of these data. Yet in a Gates Foundation survey, close to one-half of female dropouts said that becoming a parent played a role in their decisions to leave school, and 33% of female students said it was a *major* factor.⁸ This is an issue for boys too: over one-third of the boys surveyed said it was a factor for them; with 19 percent saying it played a major role in their decisions to drop out.⁹ Significantly, pregnant and parenting students often are highly motivated – in the same survey, those who left school to care for a family member or because they became a parent, more than any other group of dropouts, were “most likely to say they would have worked harder if their schools had demanded more of them and provided the necessary support.”¹⁰ To enable educators to address the barriers facing this vulnerable population, ESEA should require separate tracking and reporting of the enrollment numbers, graduation rates, and assessment results for pregnant and parenting students in both mainstream schools and alternative programs or school settings.

Second, pregnant and parenting students can face enormous barriers to graduation, yet states and local school districts rarely allocate resources to monitor schools’ compliance with non-discrimination laws, let alone establish supportive programs to help pregnant and parenting students stay in school and succeed. Congress should authorize a new program that would provide grants to state and local educational agencies 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. Also, new and existing programs designed to help “at-risk students” should explicitly include pregnant and parenting students in their definition of those “at risk.”

Providing pregnant and parenting students with the supports they need to stay in school and succeed is a critical component of any serious effort to address poverty. And with the proper resources, it can be done – some schools have had much success taking affirmative steps to provide these students

with the services and guidance they need while still giving them access to rigorous academic opportunities.

4. Increase Girls' Participation in STEM

While progress has been made, girls and women are still vastly underrepresented in numerous STEM fields of study. As President Obama has recognized, 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. Accordingly, ESEA should encourage states and schools to recruit and retain girls in the STEM field by taking the following steps. First, ESEA 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 gender. Reporting this information will allow school districts to identify and address any disparities in access to STEM promptly. Second, ESEA should provide incentives for states and local districts to increase girls' participation in STEM at the K-12 level, including: (1) training teachers in gender-fair methods that will reduce reliance on gender-based stereotypes and differential treatment based on sex, and thus will help to eliminate hostile learning environments and maximize academic achievement for both boys and girls; (2) integrating career development practices in counseling and instruction that encourages career exploration that breaks down gender stereotypes and increases options for all students, including girls' entrance into STEM career fields (3) promoting STEM education through federally-funded after-school, summer programs, mentoring programs, field trips, and internships; and (4) providing technical assistance to schools to help them understand their obligations under Title IX and how the law applies in the STEM context. NCWGE also recommends a grant program to narrow the current achievement gap for girls and underrepresented minorities in STEM education, and to encourage these students to pursue STEM careers. Schools should be able to use these grants to cover a number of expenses including mentoring programs, after-school programs, summer programs and internships, and field trips.

5. Improve School Climate

The implementation of policies that improve school climate will increase student achievement. Congress' support for holistic programs and policies that address both emotional and physical well-being is necessary to ensure children's physical health, academic performance, and personal growth. ESEA must recognize the connection between emotional and physical health and support whole child programs and policies that emphasize social and emotional learning. NCWGE supports policies and programs that promote youths' social and emotional health and address relational aggression, bullying, and harassment to ensure their overall health, safety, and well-being. Simply put, students cannot learn if they don't feel safe.

The inclusion of stronger policies to deter and address bullying and harassment will help to ensure a safe learning environment for all students. A National School Boards Association study found that one-half of those surveyed reported that they see other students being bullied at least once a month.¹¹ More disturbing is that almost one-half of the students surveyed stated that they doubted teachers could stop the behavior.¹² In addition, recent research found that bullying affects nearly one in three American school children in grades six through ten.¹³ The Girl Scout Research Institute reports that girls, in particular, are most concerned about their emotional safety. One-third of girls surveyed consider speaking or participating in class as a threat to their emotional safety.¹⁴ Legislation aimed at reducing this problem should include the Department of Education's Office for Civil Rights' definition of harassment and should identify the prohibited bases for such conduct, including actual

or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion. In addition, sexual harassment should be included under the definition of harassment.

In addition to supporting provisions to prevent and address bullying and harassment, NCWGE also supports the Student Non-discrimination Act (H.R. 4530) which would prohibit discrimination in public schools based on actual or perceived sexual orientation or gender identity. The legislation would also provide meaningful and effective remedies, such as loss of federal funding and legal cause of action for victims. All students deserve a safe learning environment.

NCWGE also supports the Positive Behavior for Safe and Effective Schools Act (H.R. 2597), which would fund efforts that create positive learning environments to help keep children in school. Ineffective and harmful school discipline practices severely impact schools' ability to educate our children. Many girls, particularly girls of color, are affected by disproportionate punishments for minor infractions at school. Students cannot learn, and teachers cannot teach, unless they feel safe. Schools' current approach to discipline has the effect of pushing students out of school and teachers out of the profession. The legislation would enable schools to use Title I funds to implement evidence-based approaches, such as Positive Behavior Supports, which have been proven to reduce school discipline referrals, support improved academic outcomes, and improve perceptions of school safety. The legislation will reduce unnecessary reliance upon suspensions, expulsions, and referrals to law enforcement by providing schools the support needed to improve school climate.

ESEA also should provide for the collection of better information on alternative schools, about which there is very minimal data. Some alternative programs are models for providing individualized instruction, varied curricula and student support services, but many disciplinary alternative schools are dead-end programs leading to dropout. Alternative schools for pregnant and parenting students are sometimes similarly problematic, offering programs that are unequal to those available at the student's home school in violation of Title IX. To encourage increased transparency and rigor, ESEA should require alternative schools to report the same accountability data other schools provide, as well as additional enrollment information, such as average length of enrollment, peak enrollment, number of absences per year, and number of students who graduate, drop out, or re-enroll in their home school upon leaving the alternative school.

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

Gender-fair teaching and counseling 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, postsecondary transition and career aspirations 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 and counselors should cover topics such as how to use research-based effective instructional practices to engage all students in learning, eliminate gender and racial bias in assessment and guidance, 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 and counselors 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 students of both genders. In addition to reauthorizing WEEA, it is important that funding for it be greatly expanded and that some of the funding be set aside for technical assistance. In more recent years, almost all of WEEA’s tiny budget of less than \$3 million annually has been allocated to local projects, and the work on identifying and disseminating replicable, effective gender equity model programs has been curtailed. Simultaneously, 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 many gender inequities in education persist.

8. Verify that Supplemental Educational Services (SES) Providers are Subject to Civil Rights Laws

According to NCLB, school districts with Title I schools that fall short of state standards for three years or more must offer SES to their students from low-income families who attend these schools. During the last administration, the Department of Education asserted that SES providers are not recipients of federal funds and thus are not directly subject to federal civil rights laws. This position is contrary both to those laws and to congressional intent as demonstrated by section 9543 of NCLB, which states: “Nothing in this Act shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act.” Congress intended non-discrimination requirements to apply to *any* entity that receives funds through ESEA, which SES providers clearly do, whether or not they would qualify as “recipients” of federal financial assistance for purposes of Title VI and other civil rights statutes. It is critical, whatever role SES providers may play in a reformed system, that they serve the full range of students, including English language learners and students with disabilities, and do not illegally discriminate.

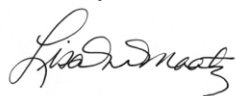
9. Direct the Department of Education to Fill the Special Assistant for Gender Equity Position

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.”¹⁵ 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 Vocational 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, and we thank you for your attention to these important issues. We look forward to working with members of your committees 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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House Committee on Education and Labor
Department of Education Office of Legislative Affairs
White House Office of Legislative Affairs

¹ 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. Retrieved March 9, 2010, from <http://www.nwlc.org/pdf/DropoutReport.pdf>.

² U.S. Census Bureau, Current Population Survey. (2005). School Enrollment, Table 1. Retrieved April 7, 2009, from <http://www.census.gov/population/socdemo/school/cps2005/tab01-01.xls>.

³ National Federation of State High School Associations (NFHS). (2009). 2008-2009 High School Athletics Participation Survey. Retrieved March 9, 2010, from (<http://www.nfhs.org/content.aspx?id=3282&linkidentifier=id&itemid=3282>).

⁴ Women's Sports Foundation. (December 12, 2007). *Women's Sports & Physical Activity Facts & Statistics*. Retrieved January 16, 2008, from http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/191.pdf.

⁵ The New York Times (February 16, 2010). *As Girls Become Women, Sports Pay Dividends*. Retrieved March 1, 2010, from <http://www.nytimes.com/2010/02/16/health/16well.html>.

⁶ Conversations between Women's Sports Foundation staff and compliance officers at the Georgia and Kentucky State High School Athletic Associations and high school athletic directors in Missouri. May 2007.

⁷ Ibid.

⁸ Peter D. Hart Research Associates, *Gates Foundation Dropouts Survey*, (Sep./Oct. 2005).

⁹ Ibid.

¹⁰ Bridgeland et al., *The Silent Epidemic: Perspectives of High School Dropouts* 6 (Civic Enterprises, 2006).

¹¹ Thomas Hutton, *No Right of Passage: Coming to Grips with Harassment and Bullying*, Leadership Insider (National School Boards Association), August 2006, at 1.

¹² Ibid.

¹³ National Safe Schools Partnership. (June 2007). *Bridging the Gap in Federal Law: Promoting Safe School and Improved Student Achievement by Preventing Bullying and Harassment in our Schools*. Retrieved March 9, 2010, from http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf.

¹⁴ Judy Schoenberg, Toija Riggins, and Kimberlee Salmond, *Feeling Safe: What Girls Say*, A Report from the Girl Scout Research Institute (New York, NY: Girl Scouts of the USA, 2003).

¹⁵ 1994 Department of Education Organizational Act, USC Title 20, Chapter 48, Subchapter II, 3412: Principal Officers.