March 25, 2010

Chairman George Miller
Committee on Education and Labor
2181 Rayburn House Office Building
Washington, DC 20510

Ranking Member John Kline
Committee on Education and Labor
2101 Rayburn House Office Building
Washington, DC 20510

Dear Chairman Miller and Ranking Member Kline:

On behalf of the more than 100,000 bipartisan members and donors of the American Association of University Women, I write to you today to provide our recommendations for reauthorization of the Elementary and Secondary Education Act. AAUW is grateful to have the opportunity to work with you to ensure that girls and boys of every age are afforded world-class public educational opportunities. We agree wholeheartedly with Secretary Duncan’s assertion that “education is the civil rights issue of our generation.”

AAUW believes that quality public education is the foundation of a democratic society. In 2002, AAUW joined in the bipartisan enthusiasm when the No Child Left Behind (NCLB) law—which reauthorized the Elementary and Secondary Education Act of 1965—was first passed, hoping the law would provide a remedy for ailing schools and low student performance. There are some good ideas in NCLB, such as increased teacher and school accountability, higher standards of achievement for student progress, supplemental service funds for low-income students, and public school choice for students who attend underperforming schools. In addition, AAUW worked hard for the inclusion of programs to serve girls’ special needs and was successful in ensuring that NCLB included provisions to reauthorize the Women’s Educational Equity Act; strengthen dropout prevention measures; protect girls from sexual harassment in schools; and increase girls’ access to and interest in technology.

It has become clear, however, that there is a large difference between the ideals espoused in the law and the implementation and realization of program goals. While NCLB set lofty aspirations for public education, its poorly targeted punitive measures and the law’s unfunded mandates have left many states and school districts in dire straits; in fact, NCLB has been underfunded to the tune of over $85 billion since its inception—a figure local school boards cannot possibly supplant. AAUW believes it is possible—and necessary—to maintain a commitment to high standards and greater accountability in our nation’s public schools, but the federal government must develop measures that do not impose sanctions in a way that undermines success. As Congress begins to contemplate ESEA reauthorization, AAUW offers the following recommendations for strengthening the law’s goals, improving its implementation, and making clear progress in closing the achievement gap:

Help High Schools Comply with Title IX and Improve Children’s Health: AAUW supports including the High School Athletics Accountability Act (H.R. 2882) in ESEA reauthorization. This legislation would require that high schools report basic data on the number of female and male students participating in their athletic programs and the expenditures made for their sports teams. It is important to note that schools already collect the data required under this legislation. However, currently this data is not publicly available. This bill would make this baseline Title IX information available to the public. 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, they receive only 41 percent
of all athletic participation opportunities, amounting to 1.3 million fewer participation opportunities than male high school athletes.\(^3\) Statistics have shown that girls thrive when they participate in sports and are less likely to get pregnant, drop out of school, do drugs, smoke, or develop mental illness.\(^4\)

In addition, increasing children’s physical activity can help combat childhood obesity, which is at an all-time high. Over the past three decades, childhood obesity rates in the U.S. have tripled, and today, one in three American children are overweight or obese.\(^5\) The issue is receiving even more attention after the recent creation of the Presidential Task Force on Childhood Obesity and Let’s Move program. The High School Athletics Accountability Act could aid in decreasing childhood obesity by helping to ensure that schools are providing all their students with equal opportunities to benefit from school sports programs. In addition to including H.R. 2882, ESEA reauthorization should ensure adequate physical education classes and equity in facilities and equipment access. 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.”\(^6\) Simply put, properly enforcing Title IX and increasing children’s physical activity can lower obesity risks even into adulthood.

**Strengthen STEM Education:** AAUW supports promoting and strengthening science, technology, engineering and mathematics (STEM) education, especially for girls and other underrepresented populations in the fields. In order to close the gender gap in the STEM fields, AAUW supports efforts that train teachers to encourage girls and other underrepresented groups to pursue STEM careers, and recommends a grant program from which schools can cover a number of expenses including mentoring, after-school programs, summer programs and internships, field trips, etc. In addition, schools should be held accountable for students’ achievement in science. This will provide schools with necessary information on how well students are progressing and the improvements that still need to be made. By measuring student performance and disaggregating data by gender, race, and socioeconomic status, we can obtain valuable information about student aptitude in science and better identify opportunities to improve girls’ exposure to and achievement in science.

**Improve School Climate:** The implementation of policies that improve school climate will increase student achievement. ESEA must recognize the connection between emotional and physical health and support whole child programs and policies that emphasize social and emotional learning. AAUW 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. Almost a decade ago, AAUW’s own research revealed that 83 percent of girls and 79 percent of boys reported having experienced sexual harassment, and over one in four students stated that harassment happens “often.”\(^7\) More recent research shows that bullying affects nearly one in three American school children in grades six through ten.\(^8\) 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.\(^9\) AAUW supports the Safe Schools Improvement Act (H.R. 2262) which would help deter and address bullying and harassment and includes the Department of Education’s Office for Civil Rights’ definition of harassment and identifies the prohibited bases for such conduct, including actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion. ESEA reauthorization should make clear that sexual harassment is included under the definition of harassment.

In addition to supporting provisions to prevent and address bullying and harassment, AAUW 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. AAUW 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. 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. Provisions from the above pieces of legislation could fit in the same section of ESEA reauthorization as the Successful, Safe, and Healthy Students, which AAUW is supportive of.

**Reauthorize and Strengthen the Women’s Educational Equity Act:** This law was first enacted in 1974 to promote educational equity for women and girls, through the provision of funds to help education agencies and institutions meet the requirements of Title IX of the Education Amendments of 1972. AAUW strongly supports the principles of WEEA and full funding of this act, as well as the appropriate application of these funds to meet the goals of the program. 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 that $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. Title IX remains a vital tool in providing equal educational opportunities and WEEA, when used properly, can provide critical technical assistance to schools as they work to comply with Title IX not just in athletics but in all educational programs that receive federal funds.

**Expand Training in Gender-Fair Methods of Teaching:** 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. AAUW recommends that 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.

**Disaggregate Data by Gender and Cross-Tabulate Data:** AAUW recommends that data be cross-tabulated. Under the current accountability system, schools do not have to report graduation rates by gender, schools are not held accountable for student performance by gender, 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: for Latina female students it is 41%; for African American female students it is 43%. 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.

To ensure meaningful accountability and school improvement going forward: (1) Gender must be added to the group of categories (race/ethnicity, economically disadvantaged status, disability status, and status as an English Language Learner) for which the disaggregation of graduation rate data is required; (2) Graduation rate and academic assessment data reported by districts should be broken down by gender within race/ethnicity (i.e. cross-tabulated); (3) The improved accountability and school improvement systems must hold districts accountable for the performance of all subgroups of students, broken down by gender 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. AAUW 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. 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. Provisions from the above pieces of legislation could fit in the same section of ESEA reauthorization as the Successful, Safe, and Healthy Students, which AAUW is supportive of.

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gender within race/ethnicity (i.e. cross-tabulated). Having the most accessible, accurate and detailed information will encourage action specifically tailored to improve outcomes for those falling behind. School districts, educators, and policy makers cannot create the right solutions if they do not have the right data to truly know what segments of the population need help.

**Use Multiple Measures and Growth Models:** AAUW believes in holding schools accountable for demonstrating that they are meeting educational goals. However, it is both problematic and discriminatory to rely on tests as the sole indicator of student progress. AAUW is supportive of provisions encouraging the use of multiple measures of student achievement such as achievement and growth in English, math, and science, and if states chose, student achievement and growth in other subjects, such as history. At the high school level, schools should also be evaluated on graduation rates, college enrollment rates, and rates of college enrollment without remediation. All of these data should be disaggregated by race, gender, ethnicity, disability status, English Learner status, and family income. In addition, schools should be assessed on students’ growth over time. If a student improves from being two years behind grade level in reading to being only one year behind, this should be considered a success, not a failure. While these measures will provide more flexibility, accountability must not be lost in the process.

**Holding Schools Accountable:** Schools should be held accountable for demonstrating that they are meeting educational goals, but only in such a way that it doesn’t create a bigger problem than it seeks to solve. NCLB designates schools that fail to meet AYP as “low-performing” and provides sanctions against such schools. AAUW believes the federal government should offer incentives and assistance to struggling schools, rather than punishment, which only serves to further harm students.

**Closing the Achievement Gap Once and for All:** The past fifty years have seen continued improvements in proficiency levels among both girls and boys across a wide range of subjects. However, the existence of an achievement gap continues to stand in the way of true educational progress for all. While AAUW’s 2008 report, *Where the Girls Are*, showed girls’ educational gains have not come at the expense of boys, the report also further illuminated large gaps in test scores among children of different races and ethnicities and among children from different family income levels. For instance, a majority of African-American and Hispanic 12th graders score below a basic level of proficiency in math, while a 23- and 24-point gap exists between students of lower-income and higher-income families in reading and math, respectively, at grades 4, 8, and 12. AAUW believes that a quality education is a civil right, and strongly supports efforts to close this persistent and detrimental achievement gap.

**Make ESEA Funding Mandatory at the Authorized Levels:** Research by the Center on Education Policy found that approximately 80 percent of school districts said they have costs associated with the law not covered by federal funding. AAUW applauds President Obama’s FY2011 budget which proposes the largest increase in funding for ESEA ever.

**Continue to Offer Public School Choice and Flexibility:** AAUW believes it is in students’ best interests to be offered public school choice and flexibility, and schools should continue to encourage innovative programs and classroom techniques. Such flexibility and innovation, however, must be consistent with civil rights law, including Title IX, and public funds should only be used for public education, not private school vouchers.

**Improve Teacher Training and Retention:** AAUW believes there should be a highly effective teacher in every classroom. ESEA reauthorization should include an expansion of programs that improve teacher training and retention.

**Expand Afterschool Programs through 21st Century Learning Centers:** After-school programs should be expanded to enrich the school experience and improve educational outcomes. One program vehicle might be the
21st Century Community Learning Centers; this could also be used to expand STEM programs—currently allowed as an option but given no real incentive.

**Increase Access to and Funding for Early Childhood Education:** Providing a foundation of strong early childhood education will help improve and sustain achievement in later years. AAUW supports funding increases for Head Start and Early Head Start to ensure all children are prepared for school, as well as access to high-quality and affordable child care to ease the burden on working families and expand educational opportunities.13

For more than 125 years, AAUW has fought for educational equity and achievement in our nation’s public schools. Reauthorization of ESEA represents a tremendous opportunity to make significant strides in this direction, and we are committed to putting our full resources behind this effort. AAUW looks forward to working with you on this significant legislation.

Sincerely,

Lisa M. Maatz
Director of Public Policy and Government Relations

Cc: Members of the House Committee on Education and Labor
Department of Education Office of Legislative Affairs
White House Office of Legislative Affairs

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6 Ibid.


