



June 18, 2013

Dear Representative:

On behalf of the more than 160,000 bipartisan members and supporters of the American Association of University Women, **I write to express AAUW's opposition to the Student Success Act (H.R.5) and support for Ranking Member Miller's substitute amendment.**

AAUW believes that the ESEA should be reauthorized by Congress to ensure adequate consideration and application of critical educational safeguards for our children. However, AAUW opposes Chairman Kline's bill because we believe that "quality public education is the foundation of a democratic society"<sup>1</sup> and ensuring strong academic principles and closing the achievement gap for all children is not accomplished in this bill. Instead, AAUW supports Ranking Member Miller's substitute which takes positive steps to hold states accountable for closing achievement gaps, provides flexibility for innovative educational models, fosters safe climates for learning, and promotes greater equity in public education for all children.

Under the guise of "flexibility", H.R. 5 would allow states and school districts to move funds meant for disadvantaged students into other programs. This bill would provide states and school districts virtually limitless power to divert funding from programs that serve disadvantaged students, dismantle critical supports for low-income and high-needs students, and essentially turn ESEA into a block grant program. This bill would have dire consequences for the educational opportunities and access of students across America by taking from those who need it most.

Furthermore, H.R. 5 eliminates maintenance-of-effort requirements and freezes ESEA authorization level for FY2014, and for each of the succeeding years, at the aggregate FY2013 post-sequester funding level of \$22.85 billion. AAUW believes that our children should not suffer over a billion in unnecessary cuts to educational programs at a time of increasing global competition.

It is possible – and necessary – to maintain a commitment to high standards and greater accountability in our nation's public schools through ESEA reauthorization. However, that commitment cannot be in principle only – it must be accompanied by federal commitment and financial assistance to make it a reality. Because of this, AAUW has grave concerns about the implications of H.R. 5 and its policies.

In contrast, Ranking Member Miller's substitute amendment includes revised accountability standards linked to meaningful goals for student performance and graduation rates while permitting tailored improvement to the unique needs of individual schools. This effort is a positive step to preserving the necessary federal accountability that the civil rights community has long fought to ensure. The substitute amendment also includes strong nondiscrimination

intent language that makes sure all schools receiving public funds comply with all civil rights statutes, including Title IX.

Additionally, the Miller substitute amendment ensures reporting achievement data among different groups of students disaggregated and cross-tabulated by gender. AAUW applauds this significant improvement. However, the Miller substitute stops short of AAUW's wish that federal accountability measures for performance standards and graduation rates based on gender. We will work with the committee and hope that this issue is addressed.

AAUW also 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. AAUW will vigorously fight any attempt to insert vouchers into ESEA.

For over 130 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 ESEA reauthorization and urges you to oppose H.R. 5 unless certain key changes are made.** Cosponsorship and votes associated with these bills may be included in the AAUW Action Fund *Congressional Voting Record* for the 113th Congress. If you have any questions or need additional information, feel free to contact me at 202/785-7720, or Erin Prangle, associate director of government relations, at 202/785-7730.

Sincerely,



Lisa M. Maatz  
Vice President, Public Policy

---

<sup>1</sup> AAUW. (June 2011). *2011-2013 AAUW Public Policy Program*. Retrieved June 18, 2013, from [www.aauw.org/resource/principles-and-priorities/](http://www.aauw.org/resource/principles-and-priorities/)



June 10, 2013

Dear Senators,

On behalf of the more than 160,000 bipartisan members and supporters of the American Association of University Women (AAUW), **I urge you to support potential changes that would strengthen the Elementary and Secondary Education (ESEA) reauthorization legislation.** Last year was the 40th anniversary of Title IX, and our nation has more work to do to close achievement gaps, create safe climates for learning, and realize the promise of gender equity in education. AAUW believes that the ESEA should be reauthorized by Congress to ensure adequate consideration and application of critical educational safeguards for our children. ESEA reauthorization is the perfect time to show your support for education policies which provide equitable opportunities for all students.

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 is possible – and necessary – to maintain a commitment to high standards and greater accountability in our nation's public schools through ESEA reauthorization. However, that commitment cannot be in principle only – it must be accompanied by federal commitment and financial assistance to make it a reality. As the Senate HELP Committee once again works towards ESEA reauthorization, AAUW will pursue the following improvements in addition to more general efforts, including increased funding, to strengthen the law's goals, facilitate effective implementation, and improve educational outcomes:

1. **Updating Accountability Standards.** AAUW urges the committee to revise the accountability structure of ESEA to permit tailored improvement to the unique needs of individual schools while preserving the necessary federal accountability that the civil rights community has long fought to ensure. Additionally, reauthorization should include performance evaluations and targets to reduce and eliminate inequities among student subgroups disaggregated and cross-tabulated by gender.

2. **Strengthening 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. Moreover, ESEA should require schools to measure student performance by subgroups disaggregated and cross-tabulated by gender, so we can obtain valuable information about student aptitude in science and better identify opportunities to improve girls' exposure to and achievement in science.
3. **Requiring High Schools Sports Data Collection by including the High School Data Transparency Act of 2013 (S.217) in ESEA reauthorization.** High schools should be required to publicly report basic data on the number of female and male students in their athletic 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, they receive only 41 percent of all athletic participation opportunities, amounting to 1.3 million fewer participation opportunities than male high school athletes.<sup>1</sup> 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.<sup>2</sup>
4. **Save the Women's Educational Equity Act (WEEA).** Important to Title IX's success in opening doors for women in academic and athletic achievement was the Women's Educational Equity Act. Introduced by the late Congresswoman Patsy Mink, this legislation authorized funds for the development of model educational projects to reduce gender inequality in education. WEEA was designed to give educators tools to eliminate barriers – such as sex stereotypes in classroom materials and curricula – that keep all students from full participation and success in all areas of education. Unfortunately, WEEA has been targeted for elimination by the House of Representatives and the Obama administration. Today, as colleges and universities face a growing number of Title IX complaints, it is apparent that WEEA is needed more than ever to provide incentives and assistance to educational institutions to help them fully implement Title IX.<sup>3</sup> For example, recent high profile Office of Civil Rights settlements regarding failure to comply with Title IX in cases of bullying and sexual harassment show that Title IX coordinators are poorly trained to deal with Title IX issues outside of athletics compliance.<sup>4</sup> AAUW urges the Senate HELP Committee to WEEA is strengthened as a viable program that can provide visible and effective ways to support gender equity in education.
5. **Creating Environments Free of Bullying and Harassment by including Safe Schools Improvement Act (S. 403) and Student Nondiscrimination Act in ESEA Reauthorization.** AAUW's research report *Crossing the Line: Sexual Harassment at School*<sup>5</sup> found that sexual harassment has become a part of everyday life in middle and high schools: 48 percent of students surveyed had experienced some form of sexual harassment in the 2010-11 school year. Of those, 87 percent said the harassment had a negative emotional and/or physical effect on them. The report found that girls are more negatively affected than boys by sexual harassment. Emotional effects that stem from harassment have been found to cause decreased productivity and increased absenteeism in girls, a fact that can greatly hinder

girls' education. ESEA reauthorization should include legislative proposals that prevents bullying and harassment, including sexual harassment, and clearly spells out categories of students that are protected; require policies prohibiting bullying and harassment and complaint procedures to effectively respond to instances of harassment in a manner that is timely and results in educationally appropriate resolutions for students who are victims of bullying or harassment; and publicly disseminate information regarding bullying and harassment incidents in their required drug and violence prevention reports. Furthermore, ESEA should authorize funds for providing professional development regarding strategies to prevent bullying and harassment and how to effectively intervene when such incidents occur; and implement student education programs designed to teach students about the issues around, and consequences of, bullying and harassment.

6. **Closing the Achievement Gap Once and for All.** We 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.
7. **Continuing 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.
8. **Improving Teacher Training and Retention.** AAUW believes there should be a highly qualified teacher in every classroom. ESEA reauthorization should include an expansion of programs that improve teacher training and retention.
9. **Support Programs Proven to Raise Student Achievement, Not Unproven Single-Sex Classrooms That Rely on Outdated Stereotypes.** AAUW does not oppose the idea of public single-sex education per se, so long as it is appropriate, necessary, and done in a manner consistent with constitutional requirements and existing antidiscrimination laws. Unfortunately, the current federal regulations governing single-sex education allow for such programs without appropriate oversight or accountability, or even proof that such programs improve educational outcomes—something AAUW simply cannot support when precious tax dollars are at stake. These 2006 regulations impose no accountability or reporting requirements and should be rescinded.
10. **Increasing 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.

For more than 130 years, AAUW members have 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 in the year ahead.

Again, I urge you to **support potential changes that would strengthen the ESEA reauthorization**. Cosponsorship and votes associated with this issue may be scored in the *AAUW Action Fund Congressional Voting Record* for the 113th Congress. Please do not hesitate to contact me at 202/785-7720, or Erin Prangley, associate director of government relations, at 202/785-7730, if you have any questions.

Sincerely,



Lisa M. Maatz  
Vice President, Public Policy

---

<sup>1</sup> National Coalition for Women and Girls in Education, *Title IX: Working to Ensure Gender Equity in Education*. June 2012. Retrieved May 30, 2013 from [www.ncwge.org](http://www.ncwge.org).

<sup>2</sup> *Ibid.*

<sup>3</sup> U.S. Department of Education, Office for Civil Rights, Title IX Enforcement Highlights, Washington, D.C., 2012. Retrieved June 7, 2013 from [www2.ed.gov/documents/press-releases/title-ix-enforcement.pdf](http://www2.ed.gov/documents/press-releases/title-ix-enforcement.pdf)

<sup>4</sup> See Consent Decree, Jane Doe, et al and United States of America v. Anoika Hennipin School District No. 11 et al (No. 11-cv-01999-JNE-SER, D. Minn., March 1, 2012). Retrieved June 10, 2013, from [www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901-d.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/investigations/05115901-d.pdf); Departments of Justice and Education. (May 9, 2013). *Settlement to Address and Prevent Sexual Assault and Harassment of Students at the University of Montana in Missoula*. Retrieved June 10, 2013, from [www.ed.gov/news/press-releases/departments-justice-and-education-reach-settlement-address-and-prevent-sexual-as](http://www.ed.gov/news/press-releases/departments-justice-and-education-reach-settlement-address-and-prevent-sexual-as); Department of Education. (July 1, 2011). *Civil Rights Office Announces Settlement Agreement on Discrimination Investigation at Notre Dame*. Retrieved June 7, 2013 from [www.ed.gov/news/press-releases/civil-rights-office-announces-settlement-agreement-discrimination-investigation](http://www.ed.gov/news/press-releases/civil-rights-office-announces-settlement-agreement-discrimination-investigation).

<sup>5</sup> AAUW. (2011). *Crossing the Line: Sexual Harassment at School*. Retrieved June 10, 2013, from [www.aauw.org/research/crossing-the-line/](http://www.aauw.org/research/crossing-the-line/)



April 28, 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

Dear Chairman Harkin and Ranking Member Enzi:

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."<sup>1</sup>

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.<sup>2</sup> 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 Sports Information Collection Act (S. 471) 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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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 Sports Information Collection 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 S. 471, 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."<sup>6</sup> 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."<sup>7</sup> More recent research shows that bullying affects nearly one in three American school children in grades six through ten.<sup>8</sup> 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.<sup>9</sup> 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 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. 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.<sup>10</sup>

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 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.<sup>11</sup> 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.<sup>12</sup> 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

21<sup>st</sup> 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.<sup>13</sup>

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 Senate Committee on Health, Education, Labor and Pensions  
Department of Education Office of Legislative Affairs  
White House Office of Legislative Affairs

---

<sup>1</sup> U.S. Department of Education (September 24, 2009). *Reauthorization of ESEA: Why We Can't Wait*. Retrieved November 12, 2009, from <http://www.ed.gov/news/speeches/2009/09/09242009.html>.

<sup>2</sup> National Education Association. (February 4, 2008). *Funding Gap: No Child Left Behind*. Retrieved April 27, 2009, from <http://www.nea.org/assets/docs/fundinggap.pdf>.

<sup>3</sup> National Federation of State High School Associations. (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> and National Center for Educational Statistics. 2006-2007. Retrieved March 9, 2010 from <http://nces.ed.gov/>.

<sup>4</sup> 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](http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/191.pdf).

<sup>5</sup> 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>.

<sup>6</sup> Ibid.

<sup>7</sup> AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 4 2001.

<sup>8</sup> Members of the 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 on April 7, 2009, from [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/000/912-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf).

<sup>9</sup> Judy Schoenberg, Toija Riggins, and Kimberlee Salmund, *Feeling Safe: What Girls Say*, A Report from the Girl Scout Research Institute (New York, NY: Girl Scouts of the USA, 2003).

<sup>10</sup> 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>.

<sup>11</sup> AAUW Educational Foundation. (May 2008). *Where the Girls Are: The Facts About Gender Equity in Education, 18-19*.

<sup>12</sup> Center on Education Policy. (2006). *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*, 4. Retrieved December 30, 2008, from [http://www.cep-dc.org/\\_data/global/nidocs/CEP-NCLB-Report-4.pdf](http://www.cep-dc.org/_data/global/nidocs/CEP-NCLB-Report-4.pdf).

<sup>13</sup> The Office of the President-Elect (2008). *Education: The Obama-Biden Plan*. Retrieved December 23, 2008, from [http://change.gov/agenda/education\\_agenda/](http://change.gov/agenda/education_agenda/).



December 10, 2009

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 nearly 100,000 bipartisan members 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."<sup>1</sup>

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.<sup>2</sup> 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 and the administration begin 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:

**Strengthening 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. Moreover, ESEA should include science as a required area of assessment used to calculate Adequate Yearly Progress goals.

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.

**Requiring High Schools Sports Data Collection:** AAUW believes that high schools should be required to report basic data on the number of female and male students in their athletic 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,<sup>3</sup> they receive only 41 percent of all athletic participation opportunities, amounting to 1.3 million fewer participation opportunities than male high school athletes.<sup>4</sup> 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.<sup>5</sup>

**Supporting Reauthorization and Implementation of 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. 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.

**Creating Environments Free of Bullying and Harassment:** The implementation of stronger policies to deter 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."<sup>6</sup> More recent research shows that bullying affects nearly one in three American school children in grades six through ten.<sup>7</sup> AAUW advocates passing legislation to better address bullying and harassment; these measures should include the Department of Education Office for Civil Rights' definition of harassment and identify the classes that are protected (including actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion).

**Decreasing the Use of High-stakes Testing and Using Multiple Measures:** 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—including flexible and innovative growth models and tracking the same group of students over time to determine whether schools meet annual benchmarks and allowing schools to use a number of factors for determining Adequate Yearly Progress (AYP). AAUW joined more than 120 national education, civil rights and religious organizations in signing a statement stating that other key measures that demonstrate student achievement and progress should be explored and utilized.<sup>8</sup> While these measures will provide more flexibility, accountability must not be lost in the process.

**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.<sup>9</sup> AAUW believes that a quality education is a civil right, and strongly supports efforts to close this persistent and detrimental achievement gap.

**Making NCLB 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.<sup>10</sup>

**Ensuring Adequate Physical Education Classes, and Ensuring Equity in Facilities and Equipment Access and Usage:** Over the past 25 years, the percentage of overweight girls has more than doubled; currently, 16 percent of girls ages 6 to 19 are overweight, up from 6 percent in 1974.<sup>11</sup> Further, minority and low income girls have the highest rates of childhood obesity.<sup>12</sup>

**Continuing 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.

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

**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.

**Cross-Tabulating Data:** AAUW recommends that data be cross-tabulated for state assessment systems, state reporting requirements, AYP goals, and graduation rate requirements. 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.

**Expanding 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 21<sup>st</sup> Century Community Learning Centers; this could also be used to expand STEM programs—currently allowed as an option but given no real incentive.

**Increasing 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.<sup>13</sup>

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 in the year ahead.

Sincerely,



Lisa M. Maatz  
Director of Public Policy and Government Relations

Cc: Members of Senate HELP Committee

---

<sup>1</sup> U.S. Department of Education (September 24, 2009). *Reauthorization of ESEA: Why We Can't Wait*. Retrieved November 12, 2009, from <http://www.ed.gov/news/speeches/2009/09/09242009.html>.

<sup>2</sup> National Education Association. (February 4, 2008). *Funding Gap: No Child Left Behind*. Retrieved April 27, 2009, from <http://www.nea.org/assets/docs/fundinggap.pdf>.

<sup>3</sup> 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>.

<sup>4</sup> National Federation of State High School Associations (NFHS). (September 18, 2006). *Participation in High School Sports Increases Again; Confirms NFHS Commitment to Stronger Leadership*. Retrieved April 7, 2009, from [http://www.nfhs.org/web/2006/09/participation\\_in\\_high\\_school\\_sports\\_increases\\_again\\_confirms\\_n\\_f.aspx](http://www.nfhs.org/web/2006/09/participation_in_high_school_sports_increases_again_confirms_n_f.aspx).

<sup>5</sup> 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](http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/191.pdf).

<sup>6</sup> AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 4 2001.

<sup>7</sup> Members of the 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 on April 7, 2009, from [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/000/912-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf).

<sup>8</sup> National Education Association. (April 2008). *Joint Organizational Statement on 'No Child Left Behind' Act*. Retrieved March 3, 2009, from <http://www.nea.org/home/1400.htm>.

<sup>9</sup> AAUW Educational Foundation. (May 2008). *Where the Girls Are: The Facts About Gender Equity in Education, 18-19*.

<sup>10</sup> Center on Education Policy. (2006). *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*, 4. Retrieved December 30, 2008, from <http://www.cep-dc.org/data/global/nidocs/CEP-NCLB-Report-4.pdf>.

<sup>11</sup> Girl Scouts of the USA. *Girls & Overweight: Key Facts*. Retrieved December 30, 2008, from [http://www.girlscouts.org/research/publications/original/g\\_s\\_key\\_facts\\_p1c.pdf](http://www.girlscouts.org/research/publications/original/g_s_key_facts_p1c.pdf).

<sup>12</sup> Ibid.

---

<sup>13</sup> The Office of the President-Elect (2008). *Education: The Obama-Biden Plan*. Retrieved December 23, 2008, from [http://change.gov/agenda/education\\_agenda/](http://change.gov/agenda/education_agenda/).



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."<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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."<sup>6</sup> 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."<sup>7</sup> More recent research shows that bullying affects nearly one in three American school children in grades six through ten.<sup>8</sup> 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.<sup>9</sup> 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 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. 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.<sup>10</sup>

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 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.<sup>11</sup> 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.<sup>12</sup> 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 21<sup>st</sup> 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.<sup>13</sup>

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

---

<sup>1</sup> U.S. Department of Education (September 24, 2009). *Reauthorization of ESEA: Why We Can't Wait*. Retrieved November 12, 2009, from <http://www.ed.gov/news/speeches/2009/09/09242009.html>.

<sup>2</sup> National Education Association. (February 4, 2008). *Funding Gap: No Child Left Behind*. Retrieved April 27, 2009, from <http://www.nea.org/assets/docs/fundinggap.pdf>.

<sup>3</sup> National Federation of State High School Associations. (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> and National Center for Educational Statistics. 2006-2007. Retrieved March 9, 2010 from <http://nces.ed.gov/>.

<sup>4</sup> 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](http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/191.pdf).

<sup>5</sup> 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>.

<sup>6</sup> Ibid.

<sup>7</sup> AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 4 2001.

<sup>8</sup> Members of the 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 on April 7, 2009, from [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/000/912-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf).

<sup>9</sup> 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).

<sup>10</sup> 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>.

<sup>11</sup> AAUW Educational Foundation. (May 2008). *Where the Girls Are: The Facts About Gender Equity in Education, 18-19*.

<sup>12</sup> Center on Education Policy. (2006). *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*, 4. Retrieved December 30, 2008, from <http://www.cep-dc.org/data/global/nidocs/CEP-NCLB-Report-4.pdf>.

<sup>13</sup> The Office of the President-Elect (2008). *Education: The Obama-Biden Plan*. Retrieved December 23, 2008, from [http://change.gov/agenda/education\\_agenda/](http://change.gov/agenda/education_agenda/).



December 10, 2009

Chairman Tom Harkin  
Committee on Health, Education, Labor and Pensions  
615 Dirksen Senate Office Building  
Washington, DC 20510

Ranking Member Michael Enzi  
Committee on Health, Education, Labor and Pensions  
428 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Harkin and Ranking Member Enzi:

On behalf of the nearly 100,000 bipartisan members 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."<sup>1</sup>

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.<sup>2</sup> 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 and the administration begin 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:

**Strengthening 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. Moreover, ESEA should include science as a required area of assessment used to calculate Adequate Yearly Progress goals.

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.

**Requiring High Schools Sports Data Collection:** AAUW believes that high schools should be required to report basic data on the number of female and male students in their athletic 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,<sup>3</sup> they receive only 41 percent of all athletic participation opportunities, amounting to 1.3 million fewer participation opportunities than male high school athletes.<sup>4</sup> 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.<sup>5</sup>

**Supporting Reauthorization and Implementation of 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. 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.

**Creating Environments Free of Bullying and Harassment:** The implementation of stronger policies to deter 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."<sup>6</sup> More recent research shows that bullying affects nearly one in three American school children in grades six through ten.<sup>7</sup> AAUW advocates passing legislation to better address bullying and harassment; these measures should include the Department of Education Office for Civil Rights' definition of harassment and identify the classes that are protected (including actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity, and religion).

**Decreasing the Use of High-stakes Testing and Using Multiple Measures:** 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—including flexible and innovative growth models and tracking the same group of students over time to determine whether schools meet annual benchmarks and allowing schools to use a number of factors for determining Adequate Yearly Progress (AYP). AAUW joined more than 120 national education, civil rights and religious organizations in signing a statement stating that other key measures that demonstrate student achievement and progress should be explored and utilized.<sup>8</sup> While these measures will provide more flexibility, accountability must not be lost in the process.

**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.<sup>9</sup> AAUW believes that a quality education is a civil right, and strongly supports efforts to close this persistent and detrimental achievement gap.

**Making NCLB 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.<sup>10</sup>

**Ensuring Adequate Physical Education Classes, and Ensuring Equity in Facilities and Equipment Access and Usage:** Over the past 25 years, the percentage of overweight girls has more than doubled; currently, 16 percent of girls ages 6 to 19 are overweight, up from 6 percent in 1974.<sup>11</sup> Further, minority and low income girls have the highest rates of childhood obesity.<sup>12</sup>

**Continuing 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.

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

**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.

**Cross-Tabulating Data:** AAUW recommends that data be cross-tabulated for state assessment systems, state reporting requirements, AYP goals, and graduation rate requirements. 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.

**Expanding 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 21<sup>st</sup> Century Community Learning Centers; this could also be used to expand STEM programs—currently allowed as an option but given no real incentive.

**Increasing 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.<sup>13</sup>

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 in the year ahead.

Sincerely,



Lisa M. Maatz  
Director of Public Policy and Government Relations

Cc: Members of Senate HELP Committee

---

<sup>1</sup> U.S. Department of Education (September 24, 2009). *Reauthorization of ESEA: Why We Can't Wait*. Retrieved November 12, 2009, from <http://www.ed.gov/news/speeches/2009/09/09242009.html>.

<sup>2</sup> National Education Association. (February 4, 2008). *Funding Gap: No Child Left Behind*. Retrieved April 27, 2009, from <http://www.nea.org/assets/docs/fundinggap.pdf>.

<sup>3</sup> 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>.

<sup>4</sup> National Federation of State High School Associations (NFHS). (September 18, 2006). *Participation in High School Sports Increases Again; Confirms NFHS Commitment to Stronger Leadership*. Retrieved April 7, 2009, from [http://www.nfhs.org/web/2006/09/participation\\_in\\_high\\_school\\_sports\\_increases\\_again\\_confirms\\_n\\_f.aspx](http://www.nfhs.org/web/2006/09/participation_in_high_school_sports_increases_again_confirms_n_f.aspx).

<sup>5</sup> 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](http://www.womenssportsfoundation.org/binary-data/WSF_ARTICLE/pdf_file/191.pdf).

<sup>6</sup> AAUW Educational Foundation. *Hostile Hallways: Bullying, Teasing, and Sexual Harassment in School*, p. 4 2001.

<sup>7</sup> Members of the 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 on April 7, 2009, from [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/000/912-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/000/912-1.pdf).

<sup>8</sup> National Education Association. (April 2008). *Joint Organizational Statement on 'No Child Left Behind' Act*. Retrieved March 3, 2009, from <http://www.nea.org/home/1400.htm>.

<sup>9</sup> AAUW Educational Foundation. (May 2008). *Where the Girls Are: The Facts About Gender Equity in Education, 18-19*.

<sup>10</sup> Center on Education Policy. (2006). *From the Capital to the Classroom: Year 4 of the No Child Left Behind Act*, 4. Retrieved December 30, 2008, from <http://www.cep-dc.org/data/global/nidocs/CEP-NCLB-Report-4.pdf>.

<sup>11</sup> Girl Scouts of the USA. *Girls & Overweight: Key Facts*. Retrieved December 30, 2008, from [http://www.girlscouts.org/research/publications/original/g\\_s\\_key\\_facts\\_p1c.pdf](http://www.girlscouts.org/research/publications/original/g_s_key_facts_p1c.pdf).

<sup>12</sup> Ibid.

---

<sup>13</sup> The Office of the President-Elect (2008). *Education: The Obama-Biden Plan*. Retrieved December 23, 2008, from [http://change.gov/agenda/education\\_agenda/](http://change.gov/agenda/education_agenda/).