



November 6, 2009

Angela C. Arrington
U.S. Department of Education
400 Maryland Avenue, SW., LBJ
Washington, DC 20202-4537

Re: Proposed Information Collection 4127

Dear Ms. Arrington:

We enthusiastically support the Department's proposal to revise the Civil Rights Data Collection (CRDC) for the 2009-10 school year to include critical information on the opportunities that all students are given to learn. Gaps in opportunity are at the heart of the nation's unconscionable achievement gap. They undermine our shared ideals of equality and hinder our efforts to build a strong economy and vibrant democracy.

A rich source of information on students' access to college preparatory courses, high-quality teachers, and equitable funding will be an invaluable tool to those working to realize the Administration's goal of raising achievement, closing gaps, and ensuring that all students graduate from high school prepared for the challenges of college, the workplace, and society.

Our comments are aimed at making sure we tap the full potential of this data collection by:

- 1) Refining the proposed data elements to ensure that they yield clear answers to critical questions about opportunity and equity;
- 2) Bringing this collection in line with long-standing procedures for collecting and reporting data on race/ethnicity; and
- 3) Laying the groundwork for a steady stream of information about the opportunities that all students in all schools are being afforded.

In the remainder of this document, we discuss our recommendations in more detail. In addition, Appendix A, which is attached, contains data collection table mockups that reflect our recommendations.

Classes and Enrollment in College-Preparatory Courses

The research is clear: the single biggest predictor of post-high school success is the quality and intensity of the high school curriculum. But in far too many places, information on students' course-taking patterns is spotty and out-of-date at best, nonexistent at worst.

Collecting data on the availability of college-prep math and science courses and on patterns of access to these courses among different groups of students will shine a bright light on the inequities we know exist between *and* within schools.

To ensure that these data are as meaningful as possible we recommend:

- Establishing a clear definition for “advanced mathematics.” Defining this to mean only those classes for which Algebra II is a prerequisite will eliminate any uncertainty and ensure that classes that serve as exit ramps from the college prep track are not counted.
- Collecting data on availability of and enrollment in each of the science courses – Biology, Physics, and Chemistry – with and without labs, disaggregated by race/ethnicity, English language proficiency, and disability status. We know that courses with the same titles can convey dramatically different content. While imperfect, understanding whether students have access to labs in their science courses is one way to examine whether the course is, in fact, preparing them for the demands of college and careers.

Of course, to truly understand whether students have access to classes that are rigorous in content, not just in name, we need to know how they perform on rigorous assessments of the subject material. Therefore, it is critical that course-taking data from the CRDC be linked to the end-of-course assessment data collected elsewhere in EDFacts.

Students who Passed Algebra I

Analyses of student transcripts linked to future achievement and attainment indicate that failing college-preparatory English or math in 9th grade is a strong predictor of falling off the college-ready track.¹ Moreover, student grades provide powerful information on who is likely to struggle in later years and are highly predictive of whether students will go on to graduate. The Consortium on Chicago School Research has shown that just under three quarters of students with a C average in their freshman year go on to graduate, compared to only a quarter of students with a D average.²

To bring the data collection in line with these research findings, we recommend:

- Collecting the number of students who *earn a C or better* in English in Grade 9 disaggregated by race/ethnicity, English language proficiency, and disability status, in addition to the number of students who *earn a C or better* in Algebra I, disaggregated by student group.

¹ See, for example, Regional Educational Laboratory at WestEd, *Course-taking Patterns and Preparation for Postsecondary Education in California's Public University Systems among Minority Youth*, January 2008.

² Consortium on Chicago School Research, *What Matters for Staying On-Track and Graduating in Chicago Public High Schools*, July 2007.

SAT/ACT Participation

Participation in the SAT/ACT is an important step in the college-going process, but as with college-prep coursework, access data alone tell an incomplete story. Data on student participation must be linked to data on student achievement on these assessments of college readiness.

We recommend:

- Collecting mean scores by subject disaggregated by race/ethnicity, English language proficiency, and disability status, in addition to the number of students who have taken the SAT or ACT.

In-Grade Retention

In-grade retention is a strong warning sign for potential dropouts. But in many schools and systems, going on to the next grade does not mean that the student is prepared. In high schools, we often see students passed from one grade to the next without the necessary credits.

To better illuminate the problem of high school students not accumulating the credits they need to be on-track for graduation, we recommend:

- Collecting the number of students in each grade from 9-11 who have earned enough credits to go on to the next grade (for example, the number of 9th grade students who have earned enough credits to go on to 10th grade) disaggregated by race/ethnicity, English language proficiency, and disability status; and collecting the number of 12th graders who earn enough credits to graduate, disaggregated by student group.

Teachers and Counselors

When it comes to student achievement, teachers matter most. But any way you look at it, low-income students and students of color get less than their fair share of the best teachers. While we work to put the tools in place to generate accurate and fair measures of teacher effectiveness at growing student learning, it is critical that we attend to the current provisions of the Elementary and Secondary Education Act that require action to ensure that that poor and minority children are not taught at higher rates than other children by *inexperienced, unqualified, or out-of-field* teachers.

The current proposal reflects the importance of teacher experience and the reality that teachers in their first and second years in the profession are untested and should not be placed disproportionately in the classrooms of students with the greatest educational needs.

We recommend that these teacher experience indicators be modified slightly as follows:

- Collect the number of FTEs *and the number of individuals* who are classroom teachers of *core academic courses* in their first and, separately, second year of teaching.
- Make clear that “first year” and “second year” mean first and second year in the profession, not the school.

The current proposal does not, however, reflect the importance of having a teacher who knows the subject she is teaching.

We recommend adding the following indicators to generate information on this important characteristic and bring this collection in-line with the current federal statute on teacher equity:

- The percentage of core academic courses taught by teachers who meet certification requirements by grade level (in elementary schools) or subject area (in secondary schools).
- The percentage of core academic courses in secondary schools taught by teachers with a college major in the subject area they're teaching or a closely related field.

School Finance Data

The funding inequities between states and between districts within states are well documented. Less well known, but equally devastating, are the funding inequities that exist between schools in the same district.

These within-district inequities are driven in large part by differences in the lion's share of every school budget: teacher salaries. In many districts, the lowest-paid teachers are concentrated in the highest-poverty schools. But because school district accounting practices do not charge individual school budgets for differences in teacher salaries (schools typically are allocated staff *positions*, not staff *budgets*), more-affluent schools are able to employ a disproportionate share of the highest paid teachers without regard to budgetary implications. Consequently, the district spends more per teacher in more affluent schools than in high-poverty schools.³

The proposed data collection is aimed at exposing these teacher salary gaps between schools. These data will also illuminate the fact that those schools with the least experienced, and thus least expensive teachers are not made whole by being able to spend the money they're "saving" in teacher salaries on other resources. We strongly support this intent and recommend the following revision to make this collection an even stronger tool for illuminating between-school funding inequities:

- Ensure that the data reported are *actual* salaries, not the district average salaries that obscure between-school differences.
- Collect salary by funding source: total (federal, state, and local) and, separately, state and local only (excluding federal). This will provide critical information on whether federal funds are being used as they're intended – to provide additional resources to the low-income students who need them, or whether they're being used to fill in the gaps in inequitable state and local funding bases.
- Collect the data above separately for the following groups: classroom teachers only, paraprofessionals only, and all other instructional staff.

³ The Education Trust, *No Accounting for Fairness*, November 2008.

Additional Comments

We believe that with the changes above, the 2009-10 Civil Rights Data Collection can go a long way toward empowering educators, policymakers, and advocates with the information they need to expose – and then fix – inequities in the opportunities that students are given to learn.

We are very concerned, however, that the power of this collection could be significantly diminished if the data collected do not align with other important sources of education data and are not comparable from district to district and state to state. This is the likely effect of the proposed option for LEAs to report data either according to the 5 racial/ethnic categories currently in use in federal statute and regulation or according to the 7 racial/ethnic categories proposed in October 2007 and set to go into effect in 2010-11.

We strongly urge the Department to eliminate this option and instead require that all LEAs report according to the 5 racial/ethnic categories that are consistent with the 2009-10 federal regulations on race/ethnicity collection and reporting.

Moreover, because of the critical importance of the information being collected, we urge the Department to expand the scope of the collection beyond the proposed sample of LEAs to *all* LEAs, consistent with the precedent set by the 2000 Elementary and Secondary Survey. While we recognize that this expansion will increase burden, we believe that about \$1 for every public school student in the country is a small price to pay for a rich source of information that can help us ensure that all students graduate from high school prepared for what's next.⁴

Finally, it bears saying that information is only valuable if it is accessible to those who need it. To support the Administration's commitment to transparency and public engagement, we encourage the Department to make the data generated by the CDRC publicly available in a timely manner and user-friendly format.

Signed,

Democrats for Education Reform
Education Equality Project
The Education Trust

⁴ Education Trust calculations based on 2008-09 Common Core of Data figures (National Center for Education Statistics, 2009) and current Office of Civil Rights information collection burden estimates.

D	12 th graders that accumulated enough credits to graduate										

3. Teachers and Counselors

A. Classroom Teachers -- Certification

	Category	FTE	Number of Individuals
a	Total FTE of classroom teachers		
b	FTE of classroom teachers meeting all state licensing/certification requirements		

B. Core Academic Courses Taught by Certified/ In-Field Teachers

	Category	Percent of core academic courses
a	Percent of core academic courses taught by teachers who meet certification requirements by grade level (in elementary school) or subject area (in secondary school).	
b	The percentage of core academic courses in secondary schools taught by teachers with a college major in the subject area they are teaching, or a closely related field.	

C. Teachers and Counselors

	Category	FTE	Number of Individuals
a	Classroom teachers in their first year of teaching*		
b	Classroom teachers in their second year of teaching*		
c	School Counselors		

* First and second year of teaching means first and second year (respectively) in the teaching profession.

4. School Finance Data

	Category	Total Amount (State, local and federal funding)	State and local funding amount only
A	Personnel salaries at school level* – total		
B	Personnel salaries at school level* – Classroom teachers only		
C	Personnel salaries at school level* – Paraprofessionals only		
	Personnel salaries at school level* - All other instructional staff		
D	Non-personnel expenditures at school level		

*When reporting personnel salaries and non-personnel expenditures, report actual salaries for each school, not district averages.