



National Urban League



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STRONGER COMMUNITIES. STRONGER AMERICA.



November 20, 2020

Ruth E. Ryder  
Deputy Assistant Secretary  
U.S. Department of Education, OESE  
400 Maryland Ave. SW  
Washington D.C. 20202-6244

Dear Deputy Assistant Secretary Ryder,

The undersigned civil rights, social justice, disability rights and education advocacy organizations across the country appreciate the U.S. Department of Education’s (USED) guidance regarding assessments and accountability, *Frequently Asked Questions Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA)*.

The COVID-19 pandemic, and the failure of the federal government to adequately respond to it, is further widening persistent inequities in our education system, which has underserved students of color, Native students, English learners, immigrant students, students with disabilities, and students from low-income families for far too long. Estimates project massive learning loss for students of color and students from low-income families,<sup>1</sup> as well as for students with disabilities<sup>2</sup> and English learners,<sup>3</sup> resulting from school building closures due to the pandemic. It is imperative that we have accurate information about how our students are performing so that resources can be directed to schools and students in need. USED’s guidance appropriately calls upon states to implement federal equity guardrails established under the ESEA while allowing time-limited flexibility, where necessary, for states to adapt accountability systems due to COVID-19.

<sup>1</sup> “COVID-19 and Student Learning in the United States: The Hurt Could Last a Lifetime | McKinsey.” <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-student-learning-in-the-united-states-the-hurt-could-last-a-lifetime>.

<sup>2</sup> Pandey, Rashaan Ayesha, Erica. “How Online Learning Will Affect Students with Special Needs.” Axios. <https://www.axios.com/coronavirus-education-special-needs-online-20176c9e-5905-4eb7-ab44-b0ea8a2c6e89.html>.

<sup>3</sup> Policy Analysis for California Education. “COVID-19’s Impact on English Learner Students.” <https://edpolicyinca.org/newsroom/covid-19s-impact-english-learner-students>.

For the parents, families, and communities we serve, the data from annual statewide assessments are an important source of information that tell them how well the education system is serving their children. The use of standardized tests has helped reveal longstanding achievement gaps and racial disparities in academic opportunity and provided the evidence used by civil rights groups to advocate for change. Systems of accountability in education serve as a critical tool to ensuring the most vulnerable students and schools receive the support and resources they need to succeed.

This administration gave states the opportunity to opt-out of the requirement to administer summative assessments last spring, and all 50 states did. If USED grants these waivers to states again, we would lose two years of data on our students' performance at a time when we know barriers to opportunity are growing due to COVID-19, the economic recession, and ongoing systemic racism and discrimination. By law, this data, alongside other measure of opportunity and access, must be used to target resources and interventions to create more equitable learning environments. Our families and communities cannot afford to go two years without knowing how well our students are doing in school, especially when we have every reason to believe that massive interrupted instruction is taking place, and too little is being done to address it.

Particularly now, during this time of national crisis, states and school districts have a duty to serve our most vulnerable children by doing all they can to assess the impact of the pandemic and to provide additional resources and supports to the students that need them the most. We cannot improve what we do not measure, and if we do not measure the opportunity gaps being exacerbated during COVID-19, we risk losing a generation of young people.

Similarly, we believe that states and districts should be held accountable for educating their students this year. Unlike in the spring of 2020, districts and state departments of education now have had time to train, forecast, and prepare for the current school year, and it is important to understand how schools are continuing to educate their children, as well as the impact on learning for students across any number of indicators and student categories.

We are particularly concerned about the percentage of students who did not participate in remote learning last spring or summer—and those who continue to, or have become, disengaged from learning this school year. Whether because of a lack of technology, inequitable access to high-speed internet, or some other reason, the nation deserves to know what has happened to these students and what remedies districts and states are bringing to bear in reconnecting these students to educational content, practice, and settings. The school accountability, support, and improvement systems in states' ESSA plans must be used to capture key metrics designed to hold districts and states to account for addressing the educational needs of these students. USED's guidance document provides ways for states to maintain these systems with some time-limited flexibility for modest adjustments that may be needed due to the pandemic.

In addition to maintaining assessment and accountability systems, states should also disaggregate and report out data by each major racial, ethnic, and immigrant / newcomer group, including by ethnic subgroups within the Asian American and Pacific Islander (AAPI) and Native communities – consistent with the requirements of federal law, or going above them to advance equity. Each community has a right to access vital information on: how student attendance is being tracked and measured; whether students are reading and doing math on grade-level; social, emotional, and whole child measures and indicators; student course-completion and high school graduation rates; changes in school climate indicators (including use of exclusionary discipline practices, the use of police in schools, and student referrals to law enforcement); opportunity measures (including access to pre-K and technology); and per-pupil expenditures and other investments to improve resource equity.

Assessments alone will not address discriminatory systems and must be paired with leadership and real action to address the systemic inequities they bring to light. We call upon states, districts, and schools to use USED’s guidance as they implement their assessment and accountability systems during this unprecedented time, provide our communities with information on how the nation’s children are performing in the midst of the pandemic, and use this data to direct additional resources to students and schools in need of support.

Sincerely,

National Urban League  
League of United Latin American Citizens (LULAC)  
National Action Network (NAN)  
National Indian Education Association (NIEA)  
Southeast Asia Resource Action Center (SEARAC)  
UnidosUS  
Council of Parent Attorneys and Advocates (COPAA)  
National Center for Learning Disabilities  
National Center for Special Education in Charter Schools  
The Education Trust  
Education Reform Now  
Alliance for Excellent Education