



February 3, 2021

Dr. Miguel Cardona
 United States Secretary of Education Nominee

Dear Dr. Cardona,

On behalf of the undersigned civil rights, social justice, disability rights, and education advocacy organizations, we would like to congratulate you on your nomination as U.S. Secretary of Education. We were glad to hear you say during your confirmation hearing today that you share our commitment to ensuring that our system adequately serves students of color, Native students, English learners, immigrant students, students with disabilities, students from low-income families, and other historically underserved students. Assuming your confirmation, we look forward to working with you as you use data on student learning to address persistent opportunity gaps in our education system.

We recognize the immense challenges that you and the U.S. Department of Education face in tackling the COVID-19 crisis. We also recognize that states face difficulties in administering assessments this spring, including managing a mix of in-person and remote instruction and technical challenges. The Department has an opportunity to support states by providing technical assistance, funding flexibility, and guidance, and states have had several months to prepare for statewide administration. As state leaders, policymakers, and families continue to navigate this uniquely challenging time and take steps to accelerate learning, it is imperative that they have accurate information on how students are performing, so that scarce resources can be directed to the students, schools and districts that need them most. To that end, if you are confirmed as the U.S. Secretary of Education, **we urge you to refrain from issuing waivers to states that would allow them to bypass student assessment requirements for the 2020-21 school year and instead ask that you call on all states to administer summative statewide assessments.** We continue to support the Department's November 2020 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)*, which 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.

As you know, assessments are vital to strengthening our nation's education system and securing America's economic future. The last year of distance learning has not only exacerbated pre-existing inequities in our education system, but also highlighted how systemic racism, the disenfranchisement of people of color and low-income communities, and unequal access to opportunity in our health care, economic, and criminal justice systems have had a disproportionate impact on students' educational access and outcomes. These factors have cost students, by some estimates, an average of seven months of learning, with a disparate impact of nine months for Latino students and 10 months for Black students. The projected impact of interrupted learning for students from low-income backgrounds is more than a year.¹ Perhaps even more concerning, as many as 3 million students are still missing from school.²

To understand the effects of the COVID-19 crisis and ensure that this pandemic does not undermine the futures of students across the country, we must collect accurate, objective, and comparable data that speaks to the quality of education in this moment, including data from statewide assessments. Without this, state leaders will not be equipped with information about the disparate impact of unfinished learning; nor will they be able to equitably allocate resources, personnel, and services that accelerate learning. They will be unable to identify schools for comprehensive or targeted support, as required under federal civil rights law; they will be unable to require these schools to develop plans to address resource inequities; and they will be unable to target, in a meaningful way that recognizes COVID's disparate impact, the billions of federal dollars that go to identified schools. For parents, families, and the communities we serve, assessment data aligned to state-adopted standards shows how well schools are serving all students, while holding students to high expectations and preparing them for postsecondary education and the workforce. In addition, schools, districts, and states should have designed a high-quality educational approach for remote and hybridized settings in the 2020 – 2021 school year based on lessons learned in spring 2020. Absent data, communities will be hard pressed to properly assess the appropriateness of COVID-19 related strategies and investments.

Before federal law demanded that students be included in statewide summative assessments, districts and schools would regularly try to sweep learning disparities under the rug. Last year, due in part to how quickly districts and schools had to transition to remote learning, the Department allowed all 50 states to opt out of statewide assessments in the spring. If the Department grants assessment waivers to states for a second year in a row, state leaders and policymakers will lose two years of data on student performance during a time of interrupted learning that has disproportionately impacted underserved students of color, Native students, English learners, immigrant students, students with disabilities, and students from low-income families. Families will have gone from 2019 to 2022 without knowing how well their students are doing in school at a time when we have every reason to believe that there are massive interruptions in instruction and unprecedented gaps in opportunity to learn, and too little is being done to address them.

In addition to administering assessments, states and districts should also provide families and decision-makers with multiple measures of data, disaggregated and reported by each major racial, ethnic, and immigrant / newcomer group, as well as by ethnic subgroup within the Asian American and Pacific Islander (AAPI) community, disaggregating Native students as a group, and disaggregating by disability status (IEP vs 504) to identify opportunity gaps and paint a fuller picture of student learning in the COVID-19 era. In addition, given what we know about housing instability amid COVID-19, we believe it is important to capture data on students without homes and houses, as well as from households disproportionately impacted, or made more vulnerable, by COVID-19. We look to the work you began in Connecticut as an example of the kinds of data states should be collecting and

1. <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>

2. <https://bellwethereducation.org/publication/missing-margins-estimating-scale-covid-19-attendance-crisis>

publicly reporting during this school year (e.g., on learning models, student connectivity, and attendance). We hope the Department will require other states around the nation to report this data as well, along with a broad array of data on other issues, including student achievement, growth, course completion, graduation rates, school climate indicators (including exclusionary discipline practices, use of police in schools, and student referrals to law enforcement), opportunity-to-learn measures, the teaching workforce, and per-pupil expenditures.

Since the Elementary and Secondary Education Act (ESEA) was originally passed, the federal government has played a critical role in promoting educational opportunity and protecting the rights and interests of students of color and students from low-income backgrounds. Particularly now, during this time of national crisis, we have a duty to serve our most vulnerable children by doing all we can to assess the impact of the pandemic on their learning and allocate resources and supports to those students, schools and communities who most need them.

We recognize that statewide assessments are only one measure of student learning, and assessments alone will not address systemic discrimination and inequity in our education system. But right now – when students who have historically been underserved are bearing the brunt of the impact from the pandemic – waiving assessments will only make it harder to identify and address one of the most inequitable school years in history. The data from summative assessments will shine a light on deep inequities and allow us to pave a way forward.

Sincerely,

National Urban League
National Action Network
UnidosUS
League of United Latin American Citizens (LULAC)
Southeast Asia Resource Action Center (SEARAC)
National Center for Learning Disabilities
Council of Parent Attorneys and Advocates (COPAA)
National Center for Special Education in Charter Schools
The Education Trust
Education Reform Now
Alliance for Excellent Education
Data Quality Campaign
Teach Plus
Educators for Excellence
Association of Latino Administrators and Superintendents (ALAS)
National Alliance for Public Charter Schools
National PTA
KIPP
Collaborative for Student Success