

Racial Disparity in Education: Questions WSIPP and Policy-makers Should Consider

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ACLU

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Racial Disparity in Education: Questions WSIPP and Policy-makers Should Consider

CONTENTS

Executive Summary	2
Purpose of This Report	3
The ACLU's Interest in Equal Educational Opportunity	4
WSIPP Should Review Available Data Relating to Student, Teacher, School and Community Characteristics to Identify Possible Barriers to Student Success on the WASL	4
Graduation Rates Demonstrate the Lack of Progress in Reducing Racial Disparity in Washington	4
WASL Data Suggests That Persistent Racial Disparities May Worsen	5
Lack of Progress in Reducing Racial Disparity on the Math WASL Is Particularly Troubling	8
Will Alternative Assessments, Retakes and Available Support Services Reduce Racial Disparity?	10
WSIPP's Study Must Incorporate Complete and Up-to-Date Data on WASL Scores and Graduation Rates	13
WSIPP Must Make Clear its Approach to Measuring System Improvement and its Definition of "Success"	13
Conclusion	14

EXECUTIVE SUMMARY

The 2006 legislature took a step toward real accountability in education by enacting SSB 6618. This law directs the Washington State Institute for Public Policy (WSIPP) to examine who is not passing the WASL tests, and why. Admitting there is a problem and understanding the true nature of it is the starting place for a solution.

The data shows Washington has a problem with racial disparity in education. Graduation rates and WASL test scores make clear the seriousness of the problem. Results on the math WASL show that this area needs particular attention. Only about 50% of all students passed the 10th-grade math WASL in 2006, and the data indicates that the pass rate for minority students remains much lower: between 20% and 30% for Native American, African-American and Latino students.

How does the state's educational system plan to improve in the future? Simply setting standards and hoping for test scores to go up has not worked. A commitment to finding solutions to racial disparity in education and an action plan for implementing those solutions are needed. The ACLU offers a detailed list of questions in this report that should be answered in developing the plan. But the essential features of the action plan must do the following:

- Require all school districts to collect comprehensive statistical data, by race, economic status, and language-learner status, on factors relevant to barriers to student success – not just standardized test scores, but school discipline and truancy as well.
- Require OSPI to issue prompt, accurate, and comprehensive reports on this data.
- Assign the appropriate professionals to analyze the data, investigate the causes of racial disparity, and recommend solutions that have been proven effective.
- Take action to implement proven solutions to racial disparity in education, including providing adequate funding and other support necessary to fulfill the promise of equal educational opportunity for all students.

PURPOSE OF THIS REPORT

In 2006, the legislature directed the Washington State Institute for Public Policy (WSIPP) to conduct a study of WASL data to identify characteristics of students who have not met the standard in one or more subjects, and to identify possible barriers to student success or possible causes of the lack of success. The legislature also directed WSIPP to study the alternative assessments already identified as options for students not meeting standards on one or more sections of the WASL, and other possible alternative assessment options that might be implemented in Washington.

This study could provide important insight into factors contributing to the persistent and significant racial disparities in meeting standards as measured by the WASL. To meet that goal, it is essential that WSIPP consider a range of factors that may be barriers to student success on the WASL, and that it identify gaps in available information that preclude a comprehensive analysis of relevant factors.

Specifically, SSB 6618 directs WSIPP to conduct a

review and statistical analysis of Washington assessment of student learning [WASL] data to increase understanding of the students who did not meet the standard in one or more areas of assessment, identify the characteristics of those students, and identify possible barriers to student success or possible causes of the lack of success.

WSIPP's study design poses the following research questions:

1. What are the characteristics of students who do not meet state standards on the reading, writing and math WASL?
2. What are possible barriers to student success on the WASL?

The law also directs WSIPP to “conduct a study to explore options to augment the current system of assessments to provide additional opportunities for students to demonstrate that they have met the state learning standards.”

Finally, WSIPP is directed to suggest areas for further study to build on the information it is able to compile.

The American Civil Liberties Union of Washington Foundation (ACLU) submits this report because of its concern with

the significant racial disparity in the characteristics of students who have not met state standards on the WASL. We discuss particularly troublesome aspects of the data and ask WSIPP to examine this data closely in light of questions we offer for WSIPP's consideration. We also offer specific suggestions for areas to explore as possible barriers to student success on the WASL.

Because we understand that WSIPP's study may be limited to an analysis of already existing data, we address this report both to WSIPP and to policy-makers. Research has suggested a number of factors that contribute to student success, including factors like school leadership and positive relationships between students, teachers and parents that may be difficult to measure. Other factors potentially relevant to student success could be evaluated, but have not to date been regularly tracked by the State Board of Education (SBE), Office of the Superintendent of Public Instruction (OSPI) or any other statewide body responsible for education. Such factors include: alignment of curriculum with standards and assessments, culturally relevant curriculum, administration of school discipline, student attendance and truancy intervention programs, and parent and community engagement efforts.

Lack of curriculum alignment is possibly one of the major contributing causes of lack of success on the math WASL. But, because the state has yet to collect information about whether each school district's math curriculum is in fact aligned with the standards tested on WASL, WSIPP is unlikely to be able to conduct a comprehensive review of the impact of curriculum alignment on WASL pass rates. Any discussion of possible barriers to student success and causes of lack of success would be remiss if it failed to address this

and other similar issues. Therefore, we do not limit our questions to those that are currently capable of review by WSIPP and instead highlight questions we believe must be addressed by the State in order to ensure equal access to educational opportunity.

ACLU's Interest In Equal Educational Opportunity

Racial justice and education equity have long been priority issues for the ACLU. We have fought nationally and locally against segregated schools and for affirmative action to improve equal educational opportunity. Stephen Wermiel, writing in the Fall 2005 Human Rights magazine of the American Bar Association, explained why racial disparity in education remains a core civil liberties concern:

It has been more than 50 years since the U.S. Supreme Court focused the nation's attention on the importance of education. The Court declared in *Brown v. Board of Education*, 347 U.S. 483 (1954), that education is "the very foundation of good citizenship . . . a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education."

In the half century since *Brown*, the focus has gradually shifted from inequality of opportunity for education to the inadequate quality of education. For many of the 47.9 million students currently enrolled in the nation's public elementary and secondary schools, both goals of eliminating inequality and raising educational quality have proven elusive.

The author concludes by recognizing the current trend in educational data collection, including the proliferation of test score data; however, "The testing, in turn, documents the slow pace of progress in the nation's schools."

These problems exist in Washington's schools. Since our state's schools have been required to report student's WASL pass rates, we have seen stark racial and economic disparities in those meeting standards, in all subjects and at all grade levels. These disparities reflect a gap in opportunity for minority and low income students in our state that is intolerable in our democratic society. It is essential that policy-makers

in our state examine the factors contributing to this inequality of opportunity.

WSIPP Should Review Available Data Relating to Student, Teacher, School and Community Characteristics to Identify Possible Barriers to Student Success on the WASL

The legislature has directed WSIPP to "identify possible barriers to student success or possible causes of the lack of success." WSIPP's ability to shed any light on possible barriers and causes of lack of success will require review of data beyond WASL scores. Therefore, we urge WSIPP to use other data relating to student, teacher, school, and community characteristics to the extent they are available and reliable. Because the legislature has mandated that both OSPI and school districts provide WSIPP with access to all necessary data to conduct the study, WSIPP should be able to access a wide variety of complete and up-to-date information.

There are a number of "educational inputs" that may influence the ability of students to succeed on the WASL, and the lack of which may prove to be barriers to student success. A variety of data relating to educational inputs is regularly collected by OSPI, and should be reviewed by WSIPP as part of this study, including: teacher qualifications and demographics, school size, unexcused absence rates, average class size, per student expenditures, and per student teaching expenditures. In addition to data collected by OSPI, there may be additional data kept by each school that would shed light on possible barriers to student success.

WSIPP is additionally charged with making suggestions for follow-up studies that would build on the information WSIPP is able to compile. Thus, if WSIPP finds that an absence of reliable data precludes its analysis of factors likely to contribute to student success, WSIPP should indicate what data should be collected to permit further analysis.

WSIPP Should Review All Existing WASL Data to Identify whether Racial Disparity Has Decreased, Increased or Remained Steady Since Implementation of WASL

Graduation Rates Demonstrate the Lack of Progress in Reducing Racial Disparity in Washington The OSPI web site only posts graduation rate data for the past few years (and as discussed more below, that data is considerably out of date). Nevertheless, the graduation rate data shows there has

Washington State Students School Year 2003-04	On-Time Graduation Rate	Extended Grad Rate (take more than 4 years to graduate)
All	70.6%	74.8%
Asian	78.3%	82.9%
White	74.0%	77.7%
American Indian	48.1%	53.5%
Hispanic	54.5%	60.6%
Black	55.5%	62.1%
Low Income	63.3%	69.4%
ELL Bilingual	57.8%	67.6%
Special Education	52.7%	63.9%

Source: <http://reportcard.ospi.k12.wa.us>

been a significant racial disparity in the graduation rates for students in Washington. The graduation rate for each group has slightly improved in recent years, but the disparities between groups have remained. And overall high school graduation rates have stayed the same or gone down since 1965.

WASL Data Suggest That These Persistent Racial Disparities May Worsen

WASL scores have shown similarly persistent racial disparities in Washington's schools. Passing the 10th-grade WASL in reading, writing and math is now a graduation requirement for the Class of 2008, and WASL data indicates that the graduation rate for minority students will drop even further.

There are three alarming aspects of WASL data that presage a worsening of the graduation gap.

- First, in 2005, only 20% of minority students passed all three sections of the 10th-grade WASL; if that pass rate remains the same for the 2006 WASL, the graduation rate for minority students may drop to 20%. See chart on page 6.
- Second, in 2005, Native American, Latino and African American students account for approximately 40% of the group of students not meeting standard in any of the three required subjects. See chart on page 6.

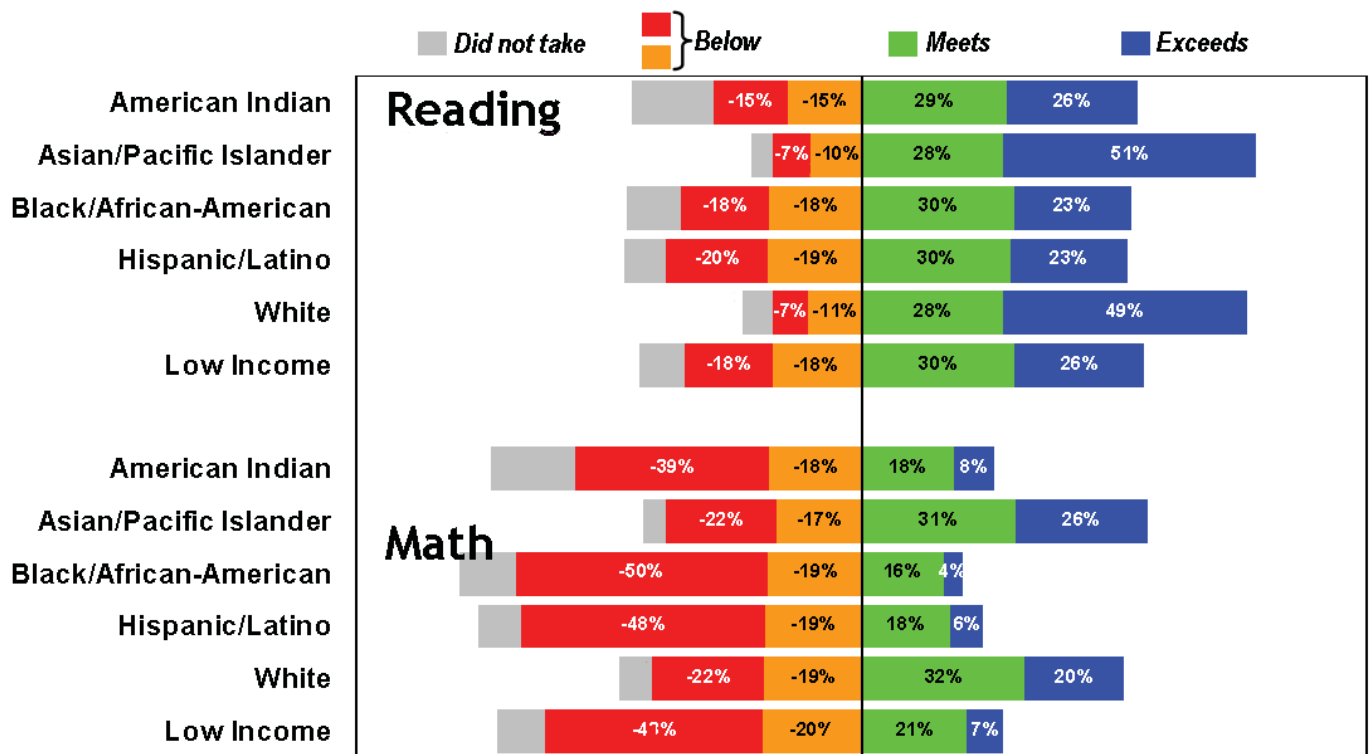
- Third, in 2005, the percentage of minority students farthest from meeting standard (those in the "far miss" category) in reading and math is very high. See chart on page 7.

WSIPP's separate evaluation of remedial learning programs should address the success of programs aimed at students in the "far miss" categories for each WASL subject, and programs for students needing additional learning opportunities in all three subjects. Additionally, WSIPP's evaluation of the practical barriers to implementation of alternative assessments (the subject of a separate study) must take into account the likelihood that a significant number of students will seek to access alternative assessments in order to meet standard on all of the three WASL subjects.

Percentage of Washington State 10th Graders Passing WASL in 2005							
Washington State 10 th Grade Students School Year 2004-05	Total Number in Group	Percent of Total		Percent passing all WASL Tests (3/3) <u>required for graduation in 2008</u>	Percent passing WASL Tests (2/3) <u>not</u> meeting graduation requirement in 2008	Percent passing WASL Tests (1/3) <u>not</u> meeting graduation requirement in 2008	Percent passing WASL Tests (0/3) <u>not</u> meeting graduation requirement in 2008
All	78,447	100%		42.30%	21.70%	14.10%	21.90%
Asian	6,277	8%		51.90%	20.60%	11.20%	16.40%
White	57,634	73.50%		47.00%	21.90%	13.20%	17.90%
Native American	2,058	2.60%		21.70%	21.90%	18.20%	38.20%
Latino	7,602	9.70%		20.10%	20.90%	18.00%	41.00%
Black	3,999	5.10%		18.10%	23.70%	19.40%	38.90%
Low Income	22,349	28.50%		22.90%	21.50%	18.60%	36.90%
ELL Bilingual	2,927	3.70%		6.30%	12.40%	16.40%	64.80%
Special Education	7,511	9.60%		3.20%	8.20%	16.80%	71.80%

Source: <http://reportcard.ospi.k12.wa.us>

2005 10th Grade WASL Results



Percent below Standard

Percent at and above Standard

Source: Washington Learns, "Washington's Education Pathways," 10/10/2005 Presentation to the Steering Committee, Slide 25, <http://www.ofm.wa.gov/k12/wl/pathways051010.pps>

In light of these racial disparities, the questions we ask WSIPP and policy-makers to consider are:

- What is causing the low graduation and WASL pass rates for minority, low income and English language learner (ELL) students?
- Are the barriers to student success on the WASL the same or different for these groups of students?
- Once the relevant barriers are identified, what can be done to remedy them?
- Are the WASL and available alternative assessments "culturally appropriate" forms of assessment (SSB 6618 directs WSIPP to review the "cultural appropriateness" of alternative assessments)?

e. Do students with low pass rates have equal access to the same quality of measurable educational inputs, including qualified teachers, class size, and per pupil funding? If so, are there other characteristics of Washington's schools that have not previously been tracked and measured that influence student success?

f. What will happen to the large numbers of minority students unable to graduate because they have not passed the 10th-grade WASL in all three subjects?

g. What costs may increase for state and local governments as a result of the increase in the number of adults lacking a high school diploma? What incentives will be implemented to retain students for their 11th- and 12th-grade years if they fail the 10th-grade WASL one or more times?

Lack of Progress in Reducing Racial Disparity on the Math WASL is Particularly Troubling

There has been substantial improvement in reading and writing WASL scores in recent years, but not in math scores. After ten years of giving the math WASL (as of 2005), only 20% of African American students, 24% of Latinos and 27% of Native Americans pass at the 10th-grade level. ELL students must take the math test in their first year of atten-

dance in Washington schools even though the math WASL requires a sophisticated level of verbal ability with English. Only 12% of ELL students currently pass the math test at the 10th-grade level. At best, only 48% of 10th-grade students passed the math WASL in 2005, but only 28% of Low-Income students meet the standard. The figure for all students who passed the 10th-grade math WASL in 2006 is slightly higher at 51%, and the racial disparity has not improved significantly.

Math: the Limiting Factor

Percentage of Washington State 10th Graders Passing WASL Tests in Reading, Math, Writing and Science						
Washington State 10 th Grade Students School Year 2004-05		Percent Meeting Standard on <u>Reading</u> WASL Graduation Requirement in 2008	Percent Meeting Standard on <u>Math</u> WASL Graduation Requirement in 2008	Percent Meeting Standard on <u>Writing</u> WASL Graduation Requirement in 2008		Percent Meeting Standard on <u>Science</u> WASL Graduation Requirement in 2010
All		72.90%	47.50%	65.20%		35.80%
Asian		78.80%	56.90%	72.90%		41.60%
White		77.00%	52.40%	69.20%		40.50%
Native American		55.80%	26.90%	45.00%		17.90%
Latino		53.10%	23.90%	43.70%		14.20%
Black		53.70%	20.40%	47.90%		12.10%
Low Income		56.40%	28.10%	46.80%		17.70%
ELL Bilingual		28.70%	11.90%	19.70%		4.20%
Special Education		22.50%	6.20%	14.30%		3.70%

Source: <http://reportcard.ospi.k12.wa.us>

Percentage of Washington State 10th-Graders Passing WASL Tests in Reading, Math, and Writing in 2005 & 2006				
Washington State 10 th -Grade Students	School Year	Percent Meeting Standard on <u>Reading</u> WASL Graduation Requirement in 2008	Percent Meeting Standard on <u>Math</u> WASL Graduation Requirement in 2008	Percent Meeting Standard on <u>Writing</u> WASL Graduation Requirement in 2008
All (preliminary 2006)	2005-06	86%	54%	84%
All (preliminary 2005)	2004-05	77%	51%	71%
All (final 2005)	2004-05	73%	48%	65%

Source: <http://reportcard.ospi.k12.wa.us>

The WSIPP Study Should Consider Curriculum Misalignment as a Barrier to Student Success on the Math WASL

The persistently low pass rates for all students on the math WASL suggests a failure to ensure an aligned curriculum. There are at least three aspects to the problem of lack of curriculum alignment that must be considered in order to identify and understand barriers to student success. First, WASL tests a collection of different knowledge strands in math. Thus, students' opportunities to take classes that include instruction in each of these strands will contribute to their chance of success on the WASL. Second, because the WASL tests cumulative student knowledge, the success of students in the class of 2008 may be related to the availability of an aligned curriculum beginning in 1997 in their first-grade year and consistent alignment through elementary, junior high/middle school and high school. Finally, the state's standards for achievement in math that are tested on the WASL embrace an approach to mathematics learning that emphasizes processes and explanation, yet this approach has not been embraced by all schools. Thus, even students who are successful in a rigorous local math program may be unprepared to succeed on the math WASL. As the Seattle Times recently commented, April 16, 2006, "Math Comes with its Own Problems":

In Washington, many kids endure competing approach-

es and instructional materials. And many textbooks aren't even in sync with the material kids will be expected to know on the WASL.

There is evidence that an aligned curriculum can reduce barriers to student success. In the Bellevue School District, where teachers must use the same curriculum district wide, about 72% of the 10th-graders passed the math portion of the WASL in 2005, up from 58% in 1999. Other Washington schools described in the "Just for the Kids" best practices study (cited below) also mentioned coordinated curriculum as a factor in improving all students' grasp of material tested on the WASL. However, at the state level, only 47.5% of 10th-graders passed the math WASL in 2005. WSIPP should seek information from school districts regarding curriculum alignment in order to determine what impact this has had on student success.

The WSIPP Study Should Consider Whether Deficiencies in Teacher Qualifications are a Barrier to Student Success on the Math WASL

Many studies suggest that well-qualified teachers are one of the primary factors in determining student success. Yet, an August 2002 Education Trust report states that Washington schools with high concentrations of minority students (greater than 50% of the student population identified as non-white) averaged 32% of secondary teachers without at least a

minor in the subject area being taught. WSIPP's study should compare WASL data with other available data to determine whether a lack of qualified teachers might be a barrier to student success or a cause of lack of success on the WASL.

In light of this data about the math results, we ask WSIPP and policy-makers to consider the following questions:

- a. Is a lack of curriculum alignment in math a barrier to student success on the math WASL?
 - b. What percentage of Native American, African American and Latino students who failed to pass the math WASL attend schools in districts that have a math curriculum not in alignment with the state's standards and the WASL?
- If the lack of available information prevents WSIPP from answering this question, WSIPP's study should identify what information is available regarding the alignment of math curriculum by school district and building, and what further information is necessary to effectively evaluate the impact of curriculum mis-alignment on student success.
- c. Why have math WASL passage rates remained low, especially for Native American, African American and Latino students, when both reading and writing WASL scores have improved substantially?
 - d. Has the distribution of targeted grants or special funding contributed to the low math pass rates? Have targeted grants and intervention programs been equally available for reading, writing and mathematics instruction? Have school districts sought targeted funding for improvements in math curriculum? Are student pass rates higher at school districts or buildings that have received targeted grants or funding aimed at improving math scores?
 - e. Should ELL students be given the math test in their primary language? Do data from other states with comparable math assessments demonstrate improved success among ELL students when the math test is written in their primary language?
 - f. What steps are taken if a student either does not have access to, or does not pass a math class needed to acquire the knowledge tested on the WASL?
 - g. Is inadequate training of teachers a barrier to student success on the math WASL? Do minority, low-income and ELL students have equal access to highly qualified math teachers?

Each year, OSPI collects information from each school dis-

trict about the qualifications of teachers, including math teachers. Does this data demonstrate any correlation between the number of qualified math teachers (defined as teachers possessing at least a minor in math) and students' pass rate on the math WASL?

Will Alternative Assessments, Retakes and Available Support Services Reduce Racial Disparity?

WSIPP is charged with identifying challenges to implementation of alternative assessment options. In compliance with this mandate, and in furtherance of the goal of ensuring each student is afforded an equal educational opportunity, we urge WSIPP to identify any barriers to the equitable implementation of the alternative assessments. Studies indicate that the effect of alternative assessments in other states has been minimal (less than 5% used them as a substitute for passing the test). Thus, alternative assessments have had a minimal impact on the passage rates of Native American, African American and Latino students. The Center for Educational Policy Research, August 2005, Study of Alternative Methods to WASL; Feasibility Study (prepared for OSPI) notes

Many states do not report the number of students who actually take advantage of their alternative assessments. However, for the states that were able to provide data, the number tends to be quite small, often less than 1%. Aside from New Jersey, which is changing its alternative assessment policy partly because too many students are taking it (15,000), only Indiana had a fairly significant percentage of students using alternative assessments – about 5%. Other states report minuscule percentages.

WSIPP Should Consider the Impact of Eligibility Requirements, Assessment Scheduling and Other Barriers on Students' Ability to Access Alternative Assessments

To be eligible for alternative assessments, students must first retake sections of the WASL that they failed, and must fail a second time. In addition, some OSPI materials suggest that students must have 95% attendance and have participated in remediation in order to be eligible for alternative assessments. WSIPP should review excused and unexcused absence rates for minority, low-income and ELL students, and the availability of remediation opportunities in considering whether these additional requirements would impact the equitable implementation of alternative assessments.

WSIPP's study should consider whether the timing of WASL retakes and the submission and final evaluation of alternative assessment materials may also pose a barrier to improving WASL pass rates. WASL retakes are available only two times each year. The first retake was offered only about 8 weeks after students learned of their test scores. As of mid-July 2006, less than a third of students who failed the 10th-grade math WASL had signed up for the August retake. Given the short time available for further study, especially for students in the "far miss" category, this retake option may not have been viable. Additionally, because submission and evaluation of alternative assessment materials will not be completed until after the spring administration of the WASL, students electing to attempt to meet standards on the alternative assessment will lose that spring retake opportunity. In its evaluation of barriers to the equitable implementation of alternative assessments, WSIPP should evaluate whether changes in the schedule for administering WASL and evaluating alternative assessments would improve students' ability to meet standards.

There are a significant number of minority and low-income students who have not passed any of the three WASL subjects. It is likely that many of these students will attempt to meet standard on all three subjects through an alternative assessment. We urge WSIPP to identify schools with significant numbers of students who did not pass any of the three WASL subjects. WSIPP should identify the size, funding levels, staffing and location of such schools in light of whether those schools are likely to have sufficient resources to implement alternative assessments for all of their students.

WSIPP's study should also review whether the lack of availability and implementation of remedial learning opportunities may contribute to students' lack of success on the WASL. Remediation and other support services may exist on paper, but these services are not necessarily being used as intended. Since the passage of the No Child Left Behind Act (NCLB) in 2001, remediation in the form of Supplementary Services is supposed to have been in place for groups of students who are not making expected progress on the WASL. But The New York Times reports that the difficulty of accessing this funding means that students who might benefit from this support don't receive it. February 12, 2006, Tutor Program Offered by Law Is Going Unused.

The accessibility of new support programs for students failing the 10th-grade WASL in 2006 (the Promoting Academic

Success program-PAS) is also unclear. For example, the Northshore School District provided free summer classes to prepare students for the August 2006 WASL retakes. Of the hundreds of students who didn't pass one or more sections of the WASL in the 2005-06 school year in that District, less than 20 students signed up for summer WASL prep classes. Feedback from parents who were contacted suggests that families were reluctant to have their children spend their summer studying for the WASL instead of working or vacationing. WSIPP has been directed by the Legislature to evaluate the effectiveness of the PAS program (ESSB 6386, sec. 607(11)) and the questions below should be incorporated into that evaluation. WSIPP should also evaluate whether funding is being equitably distributed between students in "near miss" and "far miss" categories, and whether this distribution has an impact on minority, low income and ELL students.

The questions we ask WSIPP and policy-makers to consider on this issue are:

- a. What evidence is there that retakes, appeals and alternative assessments currently in place or being considered will significantly improve minority student pass rates? How many students will really be able to use the alternatives? For how many will the alternative be a realistic way of graduating instead of passing the WASL? Do any of the alternative assessment options provide opportunities for older students to continue their education and maintain employment at the same time? Has there been any study of whether a variety of assessment options at the outset is effective in reducing racial disparities in graduation rates?
- b. Do school districts need more than two years to pilot the new alternatives and assess the impact on passage rates for minority students?
- c. What are the options for high school students who don't pass the WASL retakes, and don't qualify for alternative assessments?
- d. Are adequate systems in place to enable a meaningful number of students to access the alternatives?
- e. Does the ability to access alternatives vary by district – and are some students disproportionately lacking access to the alternatives?
- f. Are remediation and support programs, including the PAS program, reliably successful in raising WASL scores for Native American, African American and Latino students? If so,

what remediation methods have been proven to be most successful in raising WASL scores?

What would work to reduce barriers to student success on the WASL?

Here are some examples of things people are trying:

In Seattle,

The grant from the National Education Association Foundation will provide \$250,000 the first year to expand the district's "flight schools" program, which aims to get parents more involved and boost academic achievement at struggling schools. The pilot program began last fall with Rainier Beach High School and its seven feeder schools. Teachers and staff members received training on cultural and ethnic traditions; they spent a week meeting with the families of thousands of South Seattle students at their homes.

The goal was to improve communication between the schools and families and encourage parents to take a more active role in their child's education. The program also aims to strengthen the bonds between the schools, better align curriculum and provide teachers the resources and support they need to keep them at the school. Teacher turnover tends to happen more frequently at schools with low test scores or higher percentages of poor or minority students.

The program "had an impact," said spokesman Peter Daniels, pointing out that enrollment at Rainier Beach stabilized this year after years of slowly declining. "Some of that is really (because of) the connections the staff has made with families and the community."

Seattle Post Intelligencer, March 29, 2006, *Grant Aids Program Aimed at Struggling Schools*.

The Nespelem School District's Superintendent credits teachers and students working on the WASL, tutoring programs, and a new after-school emphasis with raising WASL scores enough to take the school off the federal "needs improvement" list.

The Just for the Kids best practice study of Washington schools (<http://www.just4kids.org>) listed several higher performing schools: Friday Harbor High, Inglemoor High in Kenmore, Lewis & Clark High in Spokane, Nathan Hale High in Seattle, and Olympia High. Factors that were noted

as contributing to these schools' success were district-wide consistency in what was taught and tested, making more challenging coursework available to all students, improved data collection and analysis, and encouraging teachers to use various instructional strategies in the classroom to proactively deliver educational content to each student instead of waiting to provide "remedial" services.

Questions for WSIPP and policy-makers to consider:

- a. Among other states with exit exams, what has been proven effective in reducing racial disparity?
- b. Are minority students dropping out of school because of poor performance on the WASL? If so, what can be done about this?
- c. Does diversity in teaching staff contribute to student success on the WASL?

One of the pieces of data collected annually by OSPI from school districts is the racial and ethnic breakdown of school employees (See S-275 Personnel Reporting Instructions for 2005-06, available at: <http://www.k12.wa.us/safs/INS/PER/0506/ph.asp>). Current data reflects very low percentages of minority teachers state-wide in Washington. WSIPP should analyze this available data to determine whether there may be a correlation between the racial and ethnic diversity of teaching staff at the school level and student success or failure on the WASL.

State of Washington Personnel by Major Position and Racial / Ethnic / School Year 2004-05											
		Black		Asian		Native American		Hispanic		White	Total
	Full time		Full time		Full time		Full time		Full time		
Certificated Administrative Staff	149	4%	97	2%	45	1%	114	3%	3497	90%	3902
Classroom Teachers	756	1%	1,285	3%	395	1%	1,230	2%	48,804	93%	52,470

WSIPP's Study Must Incorporate Complete and Up-to-Date Data on WASL Scores and Graduation Rates

WSIPP's study must incorporate a full analysis of data from the most recent WASL administration. Data on pass rates for the WASL taken in the spring of 2006, disaggregated by race, has just been released, in September 2006. Until this data is fully analyzed, WSIPP is missing another important piece of the picture in evaluating the characteristics of students not meeting standard on the WASL.

OSPI data on graduation rates is over a year behind: the most recent data (released September 2006) is for the 2004-05 academic year. Only a few years of data is posted on the OSPI "Report Card" website. Older data is of questionable reliability since "dropout rates" considered only whether a student began and ended 12th grade, rather than addressing the number of students who began 9th grade and graduated on-time in 12th grade. Data on students who drop out before high school is also not readily available. At a minimum, to give a reliable picture of current student achievement, WSIPP's study must incorporate the most recent two years of graduation rates. We urge WSIPP to study as soon as possible the 2004-05 and 2005-06 graduation data by race, income and language-learner status. This is necessary to have a more current picture of the racial disparity in graduation rates in Washington and to accurately evaluate the impact of the WASL on those rates. WSIPP should also report on the availability of data regarding students who drop out prior to high school.

Federal law requires certain kinds of data collection under the No Child Left Behind Act. The rules for this data collection are extremely complex, and there are numerous ways

that the rules allow schools and districts to appear in a more favorable light than the raw data may show. While we urge caution in WSIPP's consideration of the federal data on Adequate Yearly Progress (AYP), the information on schools and districts failing to make adequate progress is a significant source for identifying "possible barriers to student success or possible causes of the lack of success." The Preliminary "School Improvement List" released by OSPI on August 31, 2006, should be used as a starting point for investigating this issue.

It also recently came to our attention that local school district staff have initiated their own investigations into the number of school-age youth residing in their district who are "not being educated" but are not accounted for in any official data. We urge WSIPP to consider this issue and proposals for solving it, including recommending mandated accurate statewide counting of all school-age youth who are failing to receive any educational services.

WSIPP Must Make Clear its Approach to Measuring System Improvement and its Definition of "Success"

Improvement in WASL achievement is commonly measured by improvement in scores at a school or district at a single grade level over time. This approach is insufficient to provide a complete understanding of the nature of the achievement gap. To improve understanding of how individual students have fared with the WASL, WSIPP should analyze the success rate for each cohort of students that has been assessed through the WASL in at least two grade levels. This analysis should include review of any decrease – or increase – in the achievement gap within that cohort.

CONCLUSION

Washington's future depends on all of its children having an equitable opportunity to receive a basic education. The facts on racial disparity in education show that the future may be bleak unless the problem of persistent racial disparity is recognized and addressed. Supreme Court Justice Thurgood Marshall's words (in a dissenting opinion in 1973) still ring true:

I, for one, am unsatisfied with the hope of an ultimate 'political' solution sometime in the indefinite future while, in the meantime, countless children unjustifiably receive inferior educations that may affect their hearts and minds in a way unlikely ever to be undone.

A state commitment to reducing racial disparity in education is long overdue. In addition to this commitment, an essential starting point is taking all steps necessary to answer the questions posed in this report. We urge WSIPP and the state's education policy-makers to begin this effort immediately.

Racial Disparity in Education: Questions WSIPP and Policy-makers Should Consider

A Supplemental Report
February 2007

In September 2006, the ACLU of Washington published a report highlighting persistent racial disparities in graduation rates and WASL test scores. Additional scores have been released from the first WASL retake. Combining those with the scores from the Spring 2006 WASL provides a disturbing picture of what is in store for students in the class of 2008. As the chart below shows, troubling racial disparities remain in the percentages of students who have not yet passed the WASL and are not on track to graduate in 2008.

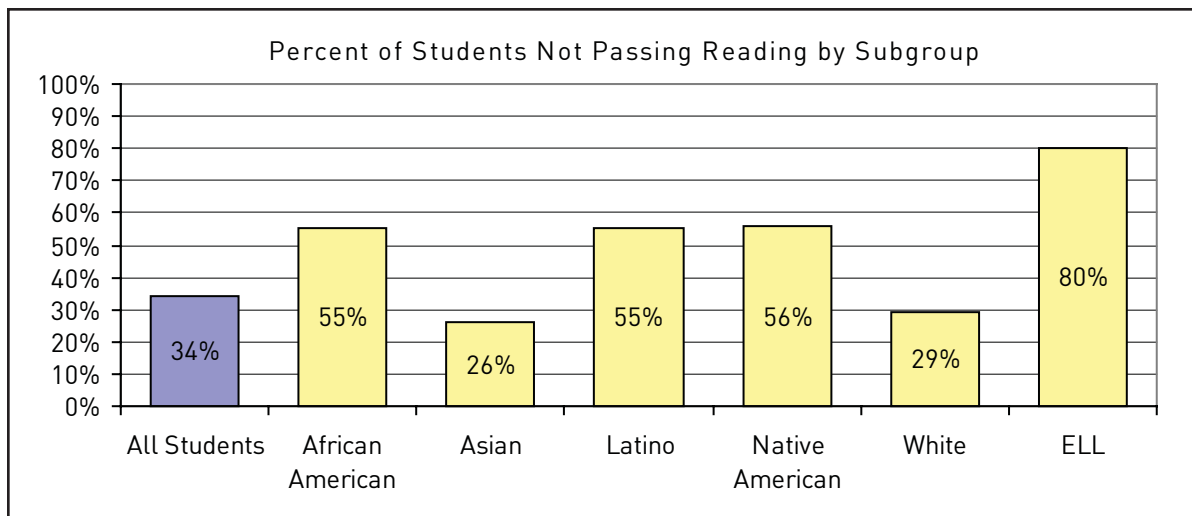
This chart presents the number of students passing as a percent of all students in the class of 2008 as they entered ninth grade in the fall of 2004.

Our original report highlighted the troubling lack of progress in reducing racial disparity on the math WASL. In response to low pass rates among all students on the math WASL, policy-makers and educators have responded with a variety of proposals for both short- and long-term remedies to the “math problem.” As the graph on the back makes clear, math is not the only problem.

The latest data reveal an equally pressing problem with racial disparities on the reading and writing WASL. While a majority of white and Asian students have passed, fewer than half of our state’s African American, Latino and Native American

(Continued on back)

2006 WASL Results by Number of Students Entering 9th Grade in 2004					
Class of 2008	Number of Students Entering 9th Grade in Fall 2004*	Reading	Writing	Math	% of Students Who Passed All 3 Sections of WASL
		% Passing	% Passing	% Passing	
All Students	89,970	66%	65%	44%	42%
African American	5,009	45%	45%	18%	17%
Asian	6,706	74%	75%	55%	54%
Latino	10,336	45%	44%	20%	19%
Native American	2,776	44%	42%	22%	20%
White	64,851	71%	69%	49%	47%
ELL	**5650	20%	19%	8%	5%
* OSPI 2004-2005 Race by Grade Form P-105 State Summary (Multi-Race category of 292 students not included on chart)					
**Figure 3-8: Total and New ELL Enrollment by Grade School Year 2004-2005 [OSPI Bilingual Report 2004-05]					



students have passed the reading WASL. Only 20 percent of the English language learners in our state have passed reading.

As policy-makers determine how to ensure that every child in our state is receiving the constitutionally guaranteed basic education, students struggling with reading and writing cannot be overlooked. Understanding the causes of the disparities in reading and writing scores will be an important first step.

In its recent report on “Textbook Alignment with Washington State Learning Standards,” WSIPP’s findings suggest that lack of curriculum alignment may be a problem in reading and WSIPP recommends further study. As WSIPP begins to study other possible barriers to student success, it should consider whether students are being unnecessarily or unfairly excluded from the classroom due to racially disparate discipline practices. Are schools taking appropriate steps to help eliminate or reduce students’ unexcused absences as required by the Becca Bill? And are schools creating welcoming learning environments for all students?

Policy-makers must also consider:

- What options will be available to the more than one-third of our state’s students, and more than one-half of our state’s minority students who have not passed the reading WASL, and thus are not on track to graduate? What specific supports will be available to our state’s English language learners?
- What steps have been taken to encourage students to complete their 11th- and 12th-grade years if they have failed the WASL one or more times, and what supports will be available to help them reach graduation?
- What costs will state and local governments face as a result of the increase in the number of adults lacking a high school diploma?

We urge policy-makers and educators to take a close look at these numbers as decisions are made about how to ensure equal access to educational opportunity for all students.

The American Civil Liberties Union of Washington Foundation is the legal, research, and educational arm of the American Civil Liberties Union of Washington, a non-profit, non-partisan membership organization devoted to protecting and extending the civil liberties of all people in Washington.