



April 13, 2012

Nicole M. Chestang  
Executive Director  
GED Testing Service  
One DuPont Circle, NW  
Washington, DC 20036

Dear Ms. Chestang:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of over 200 national organizations charged with promoting and protecting the rights of all persons in the United States, we are writing to request a meeting with you and appropriate colleagues to discuss the status of your company's potentially ground-breaking initiative to develop new General Education Diploma (GED) test. The March 2011 announcement of a new public-private partnership between the American Council on Education (ACE) and Pearson offers the potential of significant improvements in GED testing. However, it also has raised questions about potential risks for those most in need of the GED certification, and who can least afford the increased costs associated with more expensive preparation and tests—in particular, those from economically disadvantaged communities and former prisoners reentering society.

It is our understanding that these new exams will be “aligned with Common Core State Standards that will assure colleges, universities and prospective employers that adults who have passed the GED tests are prepared to compete and succeed in a global economy.” We are encouraged by the effort to align the test with 21<sup>st</sup> century standards, given the knowledge and skills needed to succeed in today's economy. However, we are concerned that this initiative could lead to increased costs for both test preparation and the GED test itself. These increased costs will undoubtedly affect access for many potential test takers. For example, a reported anticipated 60 percent increase in cost for the test, along with an online-only option, may become formidable barriers, unless actions are taken to mitigate their adverse impact.

The Leadership Conference has a broad interest in education policy that is derived from our commitment to achieving the goal of quality public education for all. Further, the communities that we represent compel us to be involved in all aspects of educational policy and programs that serve to make educational opportunity more readily available, including the GED test.<sup>i</sup>

### Educational Inequality Remains a Reality in American Life

For many communities, particularly those with significant minority populations, attaining even a semblance of quality education has been difficult. One measure of success in achieving equal educational opportunity -- high school graduation rates -- speaks for itself when it comes to portraying a national snapshot of educational inequality. While the public high school Averaged Freshman Graduation Rate (AFGR), 2008-2009, for all students is 75.5, for American Indian/Alaska Natives it is 64.8; for Asian/Pacific Islander, it is 91.8; for Hispanics it is 65.9; for African Americans, it is 63.5; and for Whites, it is 82.0.<sup>ii</sup>

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Recent data show large percentages of those taking the GED test are from disadvantaged populations<sup>iii</sup> who often experience the worst public school learning conditions. The Leadership Conference fears that by introducing potential barriers to preparation and to the GED, many may be excluded from pursuing a viable avenue to becoming career-ready. Moreover, when data connecting employment to educational attainment is included in the analysis, the prospect of achieving the national goal of economic equal opportunity becomes quite slim.<sup>iv</sup>

### Education as a Tool of Community Re-Entry

The issue of educational opportunity for former and soon-to-be-released inmates of the nation's federal and state prisons is an issue of great concern for The Leadership Conference. Criminal justice reform in the U.S. is a civil and human rights issue sorely in need of attention. Our recent work in this area has contributed to the reduction of racial disparities in federal drug sentencing, thanks to the enactment of the bipartisan Fair Sentencing Act in 2010. Spurred by the U.S. Supreme Court's decision in the case of *Schwarzenegger v. Plata* (2011), which found the California state prison system to be in violation of the constitution's Eighth Amendment guarantee against cruel and unusual punishment,<sup>v</sup> we are now expanding our work to address the issue of education as a tool in community re-entry of individuals who have served their debt to society.

*Plata*, which requires that some 30,000 individuals over a three year period beginning in 2011 to be released from California prisons, is a landmark decision in our nation's civil rights jurisprudence. Outside of California, *Plata* has received little attention, but its powerful statement about the nature of the prison system in one of the nation's most populous and progressive states is profound, and its impact nationwide in the years to come will be significant. Moreover, several other states have reached "critical capacity" in their prisons, and will also soon face the need to reduce their populations to a significant degree.<sup>vi</sup> Community re-entry issues are likely to become one of the more challenging problems faced by state political leaders.

As you may know, former felons, upon their release from prison and depending upon the states in which they reside, suffer numerous and severe restrictions affecting their freedoms and their fundamental rights to fully participate in society. These limitations include: the right to vote, the places where they can live, the types of employment for which they are eligible; and the types of federal benefits for which they are eligible. Together, these restrictions add immeasurably to the problem of successful re-integration into the community.

Finally, the problem of poverty and poor educational attainment contribute to incredibly high rates of recidivism. The population to be released has generally low levels of educational attainment. Those former felons without high school diplomas or their GED have virtually no chance for successful re-integration back into their communities.

### Conclusion

The policy issues described above reinforce our concern about the future of the General Equivalency Diploma (GED). Since 1942, the GED has played a pivotal role in affording adults of all backgrounds the opportunity to earn the equivalent of a high school diploma. For more than 17 million Americans -- many of whom are people of color and from low-income communities -- the GED program has opened doors to jobs, postsecondary education and a better future. Our concern is that recent developments regarding the GED will place it out of reach to those individuals who need it most.



In light of the above, we would welcome the opportunity to discuss with you the future of your GED test initiative. We are also interested in exploring the possibility of an experimental pilot initiative – perhaps in a few targeted high-poverty communities -- to provide free or low-cost test preparation and to waive or reduce testing costs to low-income people. Such an initiative would provide tangible assistance to thousands of adults, many of whom were failed by public schools, and provide a boost toward their being able to realize the American dream.

We would be pleased to further discuss these issues at a mutually convenient time. Please contact either Kate Wikelius at [Wikelius@civilrights.org](mailto:Wikelius@civilrights.org) (202) 263-2881 or Max Marchitello at (202) 263-2860, [Marchitello@civilrights.org](mailto:Marchitello@civilrights.org) to schedule a time to discuss these issues.

Thank you for your consideration of this request.

Sincerely,

Wade Henderson  
President & CEO

Nancy Zirkin  
Executive Vice President

Cc. Molly Corbett Broad, President, American Council on Education

Cc. Marjorie Scardino, Chief Executive, Pearson

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<sup>i</sup>The GED test is used by all 50 U.S. states, the District of Columbia, U.S. insular areas, Canadian provinces and territories, the U.S. military, and federal correctional institutions for the purpose of awarding a high school graduation equivalency credential. Nearly 800,000 GED tests are taken each year, and in 2009, more than 470,000 individuals were awarded their high school credentials.

<sup>ii</sup> Averaged Graduation Rate, Common Core data, National Center for Education Statistics, U.S. Department of Education, Washington, D.C

<sup>iii</sup> For more information regarding the racial/ethnic distribution of GED test participation and passage, refer to the attached addendum 2.

<sup>iv</sup> For more information regarding employment and educational attainment, refer to the attached addendum 3.

<sup>v</sup> *Schwarzenegger v. Plata*, 563 U. S. \_\_\_\_ (2011). The Leadership Conference filed an Amicus Curiae brief along with the ACLU, Human Rights Watch, Penal Reform International/ The Americans in Support of Affirmance.

<sup>vi</sup> Based on the U.S. Census Bureau, American Community Survey in 2009, and 39 percent of 18-24 year-old incarcerated males had less than a high school diploma; 58.0 percent for African Americans; 61.0 percent for Hispanics; 37.4 percent for Whites. In 2009 the total inmate population in state and federal prisons and jails averaged 2.1 million.



## Addendum 1

### Background on The Leadership Conference on Civil and Human Rights

The Leadership Conference was founded in 1950 as a diverse coalition of national organizations to become the policy and advocacy arm of the modern civil rights movement. In the aftermath of the U.S. Supreme Court decision in *Brown v. Board of Education*, The Leadership Conference has been involved in the passage or enactment of every national civil rights initiative since 1957.

Today, The Leadership Conference, which is a 501 (c4), and our sister organization, The Leadership Conference Education Fund, which is a 501 (c3), work collaboratively in pursuit of a more equitable, more just society in which equal opportunity is a reality in fact and not just a distant goal. We consider K-12 educational reform to be among our most important priorities, and we work in coalition and in a variety of ways to preserve educational opportunity where federal and state law and public policy intersect.

Access to quality public education is a fundamental human right recognized by the Universal Declaration of Human Rights.<sup>1</sup> We believe that access to quality public education should be a federal right under the U.S. Constitution; and thus we disagree with the Supreme Court's holding in *San Antonio v. Rodriguez*.<sup>2</sup> We work to ensure the full enforcement of Title VI of the 1964 Civil Rights Act, which prohibits discrimination on the basis of race, color or national origin.

At the federal level, The Leadership Conference is active in a number of areas that either directly or indirectly affect the quality of education available to some of the nation's most vulnerable populations. For example, we actively support the reauthorization of Head Start and other initiatives affecting early childhood education. We also support real reform in the reauthorization of the Elementary and Secondary Education Act, which would give all communities access to a high quality public education. At the state level, we work through the Campaign for High School Equity to improve high school graduation rates, promote the benefits of student diversity, and promote intra-state financial equity in school districts as elements meaningful education reform.

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<sup>1</sup> Universal Declaration of Human Rights, Article 26, 1948. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children. <http://www.un.org/en/documents/udhr/index.shtml>

<sup>2</sup> *San Antonio v. Rodriguez*, 411 U.S. 1, 93 S. Ct. 1278, 36 L. Ed. 2d 16, 1973 U.S. 91.

## Addendum 2

### Percentage of GED Test Candidates, by Race/Ethnicity: 2010

	Hispanic	American Indian/ Alaska Native	Asian	African-American	Pacific Islander / Hawaiian	White
Takers	20.2	2.5	1.9	25.0	0.9	49.4

	Hispanic	American Indian/ Alaska Native	Asian	African-American	Pacific Islander / Hawaiian	White
Passers	18.2	2.2	1.1	19.5	0.9	57.3

	Hispanic	American Indian/ Alaska Native	Asian	African-American	Pacific Islander / Hawaiian	White
Pass rate	67.7	72.8	69.4	57.2	75.6	82.8

Source: "2010 GED Testing Program Statistical Report," American Council on Education, 2010.

### Addendum 3

#### Unemployment Rate by Race/Ethnicity

<i>Year</i>	<i>Total</i>	<i>White</i>	<i>Black</i>	<i>Hispanic</i>	<i>Asian/Pacific Islander</i>	<i>American Indian/Alaska Native</i>
<i>Dec. 2011</i>	<i>8.5</i>	<i>7.5</i>	<i>15.8</i>	<i>11.0</i>	---	---

United States Bureau of Labor Statistics Table A-2 and A-3 Employment status of the civilian population by race, sex, and age (<http://www.bls.gov/news.release/empsit.t02.htm>).

#### Unemployment Rates vs. Age

<i>Year</i>	<i>Race/Ethnicity</i>	<i>Men 20 years and over</i>	<i>Women 20 years and over</i>	<i>Both sexes 16-19</i>
<i>Dec. 2011</i>	<i>Black</i>	<i>15.7</i>	<i>13.9</i>	<i>42.1</i>
<i>Dec. 2011</i>	<i>White</i>	<i>7.1</i>	<i>6.8</i>	<i>20.3</i>
<i>Dec. 2011</i>	<i>Hispanic</i>	<i>10.5</i>	<i>10.3</i>	<i>26.3</i>

United States Bureau of Labor Statistics Table A-2 and A-3 Employment status of the civilian population by race, sex, and age (<http://www.bls.gov/news.release/empsit.t02.htm>).

#### Unemployment Rate by Educational Attainment

<i>Year</i>	<i>Total</i>	<i>Less than HS Diploma</i>	<i>HS grad, no college</i>	<i>Some college or Associate Degree</i>	<i>Bachelor's Degree or higher</i>
<i>Dec. 2011</i>	<i>8.5</i>	<i>13.8</i>	<i>8.7</i>	<i>7.7</i>	<i>4.1</i>

United States Bureau of Labor Statistics Table A-4 Employment status of the civilian population 25 years and over by educational attainment (<http://www.bls.gov/news.release/empsit.t04.htm>)

#### Unemployment Rate: Educational Attainment vs. Race/Ethnicity

	<i>Less than HS</i>	<i>HS or Equivalent</i>	<i>Bachelor's degree or above</i>
<i>White</i>	<i>16</i>	<i>12</i>	<i>3</i>
<i>Black</i>	<i>23</i>	<i>18</i>	<i>7</i>
<i>Hispanic</i>	<i>11</i>	<i>11</i>	<i>5</i>

United States Bureau of Labor Statistics Table A-4 Employment status of the civilian population 25 years and over by educational attainment (<http://www.bls.gov/news.release/empsit.t04.htm>)

## Economic Impact of Dropping Out

- In 2009, **16.4** percent of 18-through-24-year-olds lacked a high school diploma or GED (American Community Survey, Census Bureau).
- Dropout rates in 2009 (U.S. Department of Education, National Center for Education Statistics. (2011). *The Condition of Education* 2011 (NCES 2011-033), Indicator 20. <http://nces.ed.gov/fastfacts/display.asp?id=16>)
  - Nation: 8.1
  - Whites: 5.2
  - African Americans: 9.3
  - Hispanics: 17.6
- Adults 25+ who dropped out of high school or had not acquired a GED earned **up to 41 percent less** than those who completed high school or had GEDs.
- In 2009, college graduates earned (U.S. Census Bureau, American Community Survey, Educational Attainment, 1-year estimate)
  - \$57,714 (male); \$39,263 (female)
- In 2009, high school dropouts earned (U.S. Census Bureau, American Community Survey, Educational Attainment, 1-year estimate)
  - \$21,629 (male); \$13,943 (female)