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Texas Underfunding of Education for English Language Learners Must End

Testimony of IDRA on Senate Bill 161 – Presented by David Hinojosa, J.D., IDRA National Policy Director before the Texas Senate Education Committee, April 28, 2015

Thank you for allowing the Intercultural Development Research Association (IDRA) the opportunity to provide testimony of its research and analysis on English language learner (ELL) students and bilingual funding in Texas. IDRA is here to testify on SB 161.

Founded in 1973, IDRA is an independent, non-profit organization that is dedicated to assuring educational opportunity for every child. Throughout its history, IDRA has been a vocal advocate for the right of every student to equality of educational opportunity and has conducted extensive research and analysis on English language learner (ELL) programs, funding, and monitoring. IDRA staff has provided expert testimony since the 1980s on Texas' school finance cases.

SB 161 is one of the few school finance bills targeted at helping to rectify one of the glaring deficiencies in our public schools: the inadequate support of ELL students. Since 1984, the weight for bilingual/English as a second language (ESL) programs has been set at 0.1 (or 10 percent of the adjusted basic allotment). Even then, the weight was arbitrarily reduced from the weight of 0.4 recommended by a school finance working group and is lower than the gifted and talented weight of 0.12. Through the years of increased accountability, testing, curriculum requirements and expectations, the weight has not budged.

Texas' haphazard treatment of funding the education of ELL students, coupled with a weakened accountability system, in light of increasing demands on schools and students, has led to generations of lost opportunities for those students and, in turn, for Texas.

ELL students are served by a growing number of school districts across Texas

Texas' failure to address the educational needs of ELL students must be remedied as ELL students are becoming an increasing number and percentage of our total public school students, amounting to approximately 18 percent and nearly 900,000 total students in our public schools. Districts like Richardson, Austin, Alief and Amarillo, in addition to most urban and Rio Grande Valley districts, now enroll substantial numbers of ELL students.

Today, approximately 93 percent of Texas public school districts serve at least one ELL student. Roughly 115 school districts serve more than 1,000 students, and another 54 serve between 500 and 999 students. Texas' failure to invest appropriately in its ELL programs on the front-end has likely cost the state far more dollars in the long run.

A Texas district court judge concluded in the Texas school finance trial last year.

“If these rapidly growing populations are to meet the state’s heightened academic expectations, Texas must adequately address the obstacles these student populations face – including lower parent resources and involvement, challenging home environments, high mobility rates, fewer “out of school” educational opportunities, and additional language barrier-related challenges for ELL students. The unrefuted record demonstrates that these students can overcome these obstacles to learning and achieving in the classroom *if* presented with the kinds of quality programs and interventions discussed below.”

The research shows that increasing the weight to 0.25 would help improve educational opportunities

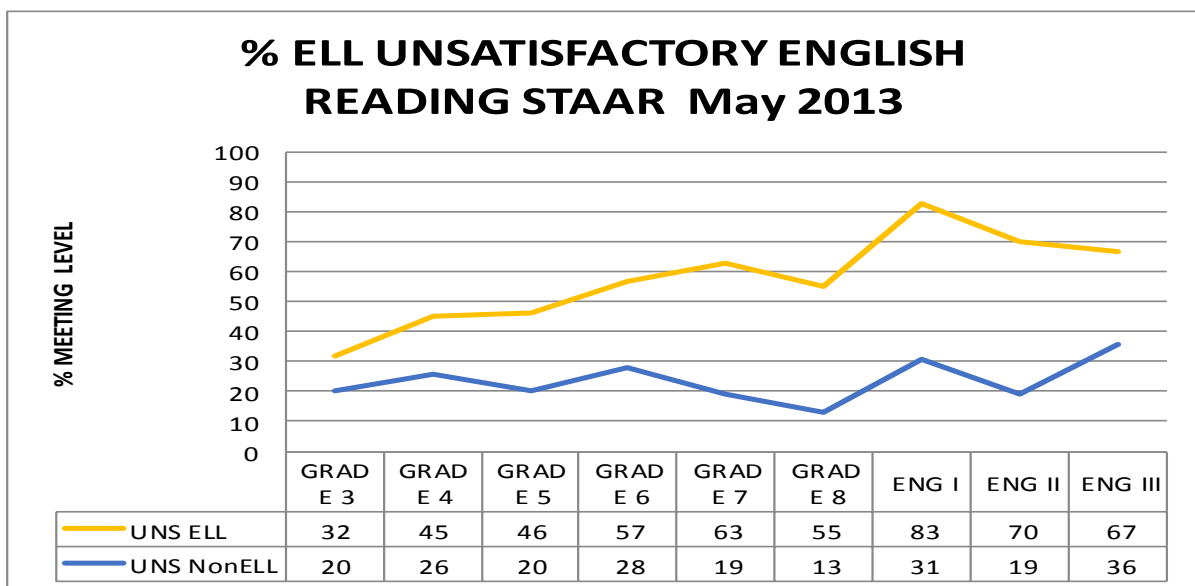
Increasing the weight to 0.25 as proposed would help schools provide a number of bilingual/ESL program supports for ELL students, helping to improve their language skills and achievement in the classroom. An example of some supports cited by the research include the following.

- Stipends to recruit and retain certified bilingual/ESL teachers
- Program evaluation and accountability
- Materials and technology
- Extended day/accelerated programs
- Summer school
- Smaller class sizes
- Bilingual paraprofessionals
- Parent engagement programs
- High quality professional development
- Mentoring bilingual/ESL teachers

Each of these supplemental supports is part of a larger, more comprehensive quality language programs. When the state provides school districts insufficient resources, the districts must choose which supports it can afford to offer, rather than provide the resources needed by the students.

Texas schools are struggling mightily to serve ELL students

As the research of Dr. Jimenez-Castellanos underscored, Texas is largely doing a poor job of educating its ELL students and the problem lies largely with insufficient resources. Only one out of 12 ELL students is prepared for college according to TEA data. On the 2015 STAAR, two out of every five ELL students performed *unsatisfactorily* on the Grade 5 reading test, and three out of every five ELL students performed *unsatisfactorily* on the Grade 8 reading test. The results do not seem to have improved much from 2013.



Source: TEA 2013 Spring STAAR Reading Summary Reports, Dr. Roberto Zamora Expert Report, *Edgewood vs. Williams*

Recent research demonstrates that increasing the weight to 0.25 would likely lead to improved student performance

On February 2, 2013, IDRA hosted a symposium where its inaugural IDRA José A. Cárdenas School Finance Fellows Program Fellow, Dr. Oscar Jimenez-Castellanos, presented his research findings on securing educational equity and excellence for ELL students in Texas secondary schools. The research was conducted, in part, to identify certain best practices in secondary schools. But the scarcity of success led to Dr. Jimenez-Castellanos' following observation: **"Before conducting the study, I had a perception that Texas was at the leading edge of educating English language learners. I was expecting to find real solutions to national issues related to secondary English language learners. But I learned that Texas is not the utopia I had envisioned."**

Important points from the research, the event and IDRA's work in this area included as follows:

- The bilingual weight should be increased to 0.5 at a minimum.
- This study found no secondary schools in Texas that are consistently exceeding academic benchmarks with ELLs. The schools with highest ELL achievement expend significantly more general funds than other schools.
- Texas is significantly underfunding ELL education (with supplemental funding of only 10 percent despite research indicating much higher weights are needed).
- Though increasing ELL weighted funding is important, the funding weight alone is not sufficient without also increasing funding for the base program for all students.
- Reporting on the status of ELL education in Texas schools has not been providing a clear picture since much of the data lumps elementary and secondary grade level data.
- The majority of ELL students are U.S. born.
- While Texas only mandates schools to provide ELL programs if they have at least 20 ELL students in a grade level, federal policy requires schools to serve every ELL student –

as was reiterated recently by the U.S. Department of Education and U.S. Department of Justice.

The nearly four-month trial highlighted the arbitrariness of Texas' school finance system for ELL students and the unique educational challenges facing them

As the Senate Education Committee is aware, the Texas Legislature has a constitutional duty to provide an adequate and suitable school finance system that enables schools to provide *all* of their students with a meaningful opportunity to acquire the essential knowledge and skills and other objectives demanded by the state. In contrast to the *Edgewood V* school finance lawsuit in 2004 (also known as the “West Orange-Cove CISD” lawsuit) when the parties asserted general adequacy claims that all students were underfunded – a judgment that was reversed by the Texas Supreme Court – the more recent lawsuit included a narrower claim by three of the plaintiff groups that the State had failed to provide an adequate and suitable education for economically disadvantaged and ELL students.

After a nearly four-month trial, a state district court judge found the state's school finance system inadequate and unsuitable for ELL students. Even without a court ruling, the results show that ELL students groups are not accessing the resources they need to succeed in the classroom, largely due to the inadequate system.

The district court's ruling included over 200 findings detailing the struggles of ELL students. A few are excerpted below.

- While the majority of ELL students (90 percent) speak Spanish as their native language, over 120 other languages are spoken in Texas public schools. (Ex. 1104, Izquierdo Report, at 5.) The increasing numbers of ELL students, coupled with the expanding number of native languages spoken by the students, brings even greater challenges for school districts. [Findings of Fact 346]
- Even though the numbers of economically disadvantaged and ELL students were growing significantly at the same time the State increased academic standards, the State did not offer corresponding resources for those children to succeed. [Findings of Fact 456]
- Significant and growing numbers of ELL students are “long-term ELLs” or are still classified as ELL after six or more years in U.S. schools. In 2012, 126,375 ELL students in grades 3 through 12 had been in U.S. schools for six or more years. By the following year, that number had increased to 137,918. These long-term ELL students constituted nearly one out of every three (31 percent) ELLs in grades 3 through 12. (*Idi.*) [Findings of Fact 353]
- According to 2012 TELPAS data, progress in learning English lags for these long-term ELLs: 36 percent in grades 3 through 12 failed to progress even one level in their English proficiency, with over 40 percent in grades 10 through 12 showing no progress. In 2013, that percentage rose to 41 percent making no progress. [Findings of Fact 354]

As the district court explained in its executive summary of the case, “Rather than attempt to solve the problem, the State has buried its head in the sand, making no effort to determine the cost of providing all students with a meaningful opportunity to acquire the essential knowledge and skills reflected in the state curriculum and to graduate at a college- and career-ready level.” This statement rings especially true for ELL students.

Texas has a long way to go in order to appropriately serve its ELL students. While increasing the weight to 0.25 will not alone resolve many of Texas' outstanding issues, the additional resources would be a step in the right direction in providing equal educational opportunities for ELL students.

IDRA thanks this committee for the opportunity to testify and stands ready as a resource.

IDRA is an independent, private non-profit organization, led by María Robledo Montecel, Ph.D., dedicated to assuring educational opportunity for every child. At IDRA, we develop innovative research- and experience-based solutions and policies to assure that (1) all students have access to and succeed in high quality schools, (2) families and communities have a voice in transforming the educational institutions that serve their children, and (3) educators have access to integrated professional development that helps to solve problems, create solutions, and use best practices to educate all students to high standards.