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**Testimony of IDRA on Senate Bill 1868 – Presented by David Hinojosa, J.D., IDRA National Policy Director before the Texas Senate Education Committee, April 21, 2015**

Thank you for allowing the Intercultural Development Research Association (IDRA) the opportunity to provide testimony in this very important hearing. IDRA is here to testify on SB 1868.

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 and monitoring. IDRA staff has provided expert testimony since the 1970s on Texas' language programs and helped legislators design Senate Bill 477 in 1981, which was eventually adopted into law.

The seminal legislation passed in 1981 is often seen as a model for other states, and Texas should be proud of that achievement. The advent of accountability systems and testing of students' acquisition of the English language should have propelled Texas and its ELL students into much success. However, there is a large disconnect between the policies supporting the framework of the programs and the policies holding schools accountable for the learning of all students. Universally high expectations for all Texas students do not align with weak, porous accountability systems. This is especially important today when the state continues to ratchet up the graduation and curriculum standards for all students, including ELL students.

Tying accountability policies more closely with policies governing the framework of language programs will help address, in the words of a federal appeals court, the "alarming" ELL student performance in this state, particularly at the secondary level. With more than one out of every six students identified as an ELL student in Texas public schools, and approximately 90 percent of Texas public school districts serving ELL students, it is incumbent upon this Legislature to ensure that the students are becoming proficient in the English language. SB 1868 takes a major step in that direction.

**Shortcomings of the Current Language Monitoring Program**

Under the current language monitoring program, the Performance-Based Monitoring Analysis System (PBMAS) of the Texas Education Agency (TEA) monitors language programs at the

school district level only. For many districts with different language programs at different levels of schooling, this can result in the masking of the underperformance of one program at one school.

The PBMAS also focuses on the grade 7-12 dropout rate, which tends to obscure a more accurate dropout rate. While considering the grade 7-8 dropout rate for schools remains important, analyzing a district dropout rate for grades 7-12 collectively tends to conceal higher dropout rates in the higher grade levels.

The PBMAS also fails to measure the gaps in student performance between ELL and non-ELL students. The performance measures under the PBMAS are set to low state standards for dropout rates, graduation rates, and performance on the STAAR and Texas English Language Proficiency Assessment System (TELPAS). However, the gaps between ELL and non-ELL students are not analyzed, and therefore, not addressed by school districts.

The PBMAS also provides little guidance and support to school districts flagged for intervention. Consequently, many school districts, that commonly lack expertise and guidance in the area of effective ELL program implementation, devise “intervention” plans without addressing key supports that would help improve their programs. These supports could include ELL student identification and placement, student assessment procedures, staffing credentials and professional development, among others.

The current accountability system through the Performance Indices is largely a reporting for ELL students and does not address the deficiencies noted above. After approximately 11 years of implementation, PBMAS has done little to turn around ineffective language programs across the state and improve ELL student performance.

### **SB 1868 Provides Clearer, Stronger and More Effective Monitoring of Language Programs**

SB 1868 includes provisions that will not only avoid the masking of ineffective programs but will also ensure that schools and districts get on a path to improving the opportunities to ensure Texas ELL students become proficient in English.

1. **SB 1868 avoids masking of underperformance at the school level.** By adding schools with 30 or more students enrolled in a language program to the analyses performed under PBMAS, SB 1868 will ensure that successful language programs in one school will not mask the struggling language programs in other schools in the same district. Analyzing ELL student performance at the district level has allowed the success in some schools to mask the underperformance in other schools within the same district. SB 1868 will help flag ineffective programs at the school level and ensure that ELL students in a struggling school receive the assistance they need. Analyzing at the school level also will bring the language monitoring program in line with the state accountability system that evaluates student performance at the school and district levels.

2. **SB 1868 focuses on closing the achievement gaps between ELL and non-ELL students.** The proposed legislation brings a sharper focus into measuring and closing the achievement gaps between ELL and non-ELL students. As noted above, the current system flags school district language programs for failing to achieve an arbitrarily low performance standard, regardless of the achievement gaps. For example, the 2014 State Academic Performance Report showed the following performance between “ELL” and “State” students on the STAAR tests (the “State” indicator includes ELL students and, therefore, does not represent the truer, larger gap between ELL and non-ELL students).

<b>2014 Achievement Gaps: State/ELL Student Performance on STAAR Tests</b>			
2014 STAAR Test	State	ELL	Gap
Grade 3 Math	71%	67%	<b>4%</b>
Grade 5 Reading	86%	72%	<b>14%</b>
Grade 8 Science	72%	37%	<b>35%</b>
Algebra I EOC	80%	56%	<b>24%</b>
English I Reading	67%	30%	<b>37%</b>
Biology	89%	66%	<b>23%</b>

As the exhibit shows above, the gaps grow as the grade levels go up. But little attention is given to closing the gaps. By measuring the performance of ELL students against that of non-ELL students in retention rates, dropout rates, graduation rates, and state standardized tests, SB 1868 will bring ELL students closer to equal educational opportunities in the classroom.

3. **SB 1868 ensures that TEA monitors have the level of expertise needed to assist school districts in meeting the needs of ELL students.** SB 1868 also requires that “each lead monitor evaluating the effectiveness of programs” must be certified for teaching English as a second language (ESL). A federal court previously found that the lack of certified bilingual and ESL monitors at TEA resulted in the “blind leading the blind.” This provision sensibly ensures that an appropriately certified TEA staff member is present to oversee the improvement of the ineffective school programs.
4. **SB 1868 provides school districts a framework for effectively analyzing district programs flagged for intervention.** Those districts deemed “ineffective” under the Commissioner of Education’s rules will now be required to internally evaluate a critical set of factors related to their language program. These factors include the district or school’s procedures for identification and placement of ELL students; student assessment procedures; the review of the design and implementation of the language program; professional development, curricular materials; monitoring procedures; parent denials of the language programs; and reclassification procedures. The underlying information and data should be readily available in each institution cited as ineffective and the evaluation of such should be a matter of due course for any district not appropriately serving its students. In

turn, it can better understand how to design its programs and how it can better serve its ELL students.

5. **SB 1868 grants the Commissioner of Education authority to define “ineffective” language programs.** SB 1868 does not proscribe in statute the terms that designate a school or district as “ineffective.” While the temptation to lower the bar to avoid identifying too many schools or districts as ineffective will be open under such a process, IDRA is confident that given the current failings in similar accountability measures under PBMAS and the state accountability system, the state will avoid repeating that error.

IDRA thanks this committee for the opportunity to testify and stands ready as a resource for this committee. Ensuring equal educational opportunities for all Texas school children through effective, supportive accountability is not only a laudable goal, but an achievable one.

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.