

Texas Latino Education Coalition



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The Texas Latino Education Coalition’s Highlights [and Lowlights] of the 84th Legislature

The 84th Legislature had a historic opportunity to advance educational opportunities for Latino school children and public schools, but fell woefully short. Armed with a strong economy and low taxes, the Texas Legislature had the ingredients ripe for investing in its public schools serving more than five-million school children, including over 60 percent who are low income, over 50 percent Latino, and over 17 percent English Language Learner (ELL). While the Legislature did enact some positive legislation such as providing a more holistic review of student performance for graduation purposes and adding additional monies for pre-K, the legislative leadership largely failed to deliver effective laws that improve student learning opportunities. In the end, the leadership’s prioritization of tax cuts and substantial time expended on other efforts to undermine strong public schools sent a clear message to Latino students: their education does not matter...much. The following is a synopsis of the education work of the 84th Legislature in key areas identified by the Latino community and other partners.

School Finance

For many educators and over 70 local, state and national organizations that comprised the Senate Hispanic Caucus/Mexican American Legislative Caucus’ Latino Education Task Force, there was no more important education issue facing the 84th Legislature than Texas’ inadequate and inequitable school funding system – a priority reinforced by State District Court John Dietz’s 2014 ruling in the Texas school finance case. Going into the 2015 session, some of the Texas political leadership, including the Lieutenant Governor, had announced it had no intention of making any significant investment in Texas public education until the Texas Supreme Court issued its ruling in the case. In the House, the Speaker and Public Education Committee Chair Jimmie Don Aycock indicated that they were open to developing a plan that would begin to address the major issues raised in the court ruling. After filing a shell bill, HB 1759, Chairman Aycock waited until April to unveil the package of reforms that he felt addressed some of the district court’s key criticisms of the school funding system. To finance the proposed changes, Representative Aycock pushed for and acquired a commitment in the House budget plan to include \$2.2 billion in new state funding for education, plus an additional \$800 million contingent on the adoption of HB 1759, as amended, thus providing for up to \$3 billion in

additional state funding. The proposed \$3 billion in increased funding, though insufficient, contrasted sharply with the Senate budget allocation of only \$1.5 billion for the biennium.

While the Senate addressed school funding by simply increasing the basic allotment from \$5,040 to \$5,140, HB 1759 included changes to a number of major components in the existing school finance system. HB 1759 eliminated the Cost of Education Index (CEI), a mechanism that adjusts district funding to take into account economic factors beyond the control of the school district that impact the cost of operations. Though critics of the existing funding plan had noted that the CEI needed to be updated – no major education group had advocated for eliminating the CEI adjustment. HB 1759 also proposed phasing out small and mid-size district adjustments – another long-standing component of state funding formulae. To help offset the losses of the CEI and adjustments, HB 1759 did propose to increase the basic allotment from \$5,040 to \$5,888 in 2015-16. Some were hopeful that the House leadership would devise a more equitable funding plan than the Senate; analyses of HB 1759 quickly revealed that it would actually reduce the level of equity in the Texas funding system. According to the Legislative Budget Board (LBB) impact summaries of HB 1759, the wealthiest 20 percent of districts would receive an extra \$338 per weighted student, compared with \$180 per student in the poorest 20 percent of districts. The flaw in HB 1759 created changes in the system that increased inequities in the name of simplification.

Under opposition from a cross-section of equity advocates, Chairman Aycock pulled HB 1759 when it became apparent that there would be a lengthy floor fight (which would have left little time for adoption of other bills still pending) or the possibility that the plan would be de-railed by a point of order raised by Representative Trey Martinez Fisher. Although many school districts denounced the defeat of HB 1759 because it delivered more funding even as it increased inequity, TLEC and many school finance experts knew that if the bill was adopted, future efforts to increase equalization would prove much more expensive and difficult. At the end of day, the Texas Legislature adopted the Senate school funding recommendations, which simply increased the basic allotment and golden pennies by a minimal amount, increased homestead exemptions, and offered little additional relief.

Unfortunately, House leadership ignored TLEC's call to set for hearing HB 3671, a much more equitable, adequate and comprehensive school finance plan authored by Representatives Mary Gonzalez, Armando Walle and Diego Bernal. That plan called for increasing the basic allotment to more sufficient levels, increasing bilingual and compensatory education weights to .25, and would have resulted in the greatest equity ever seen in the Texas funding system. An investment of approximately \$5-\$6 billion over the biennium (less than the budget cuts and well below the monies in the Rainy Day Fund) led to opposition to the plan among House conservatives.

Funding Weights

A second area where TLEC and other equity advocates hoped to see improvement was in the level of funding provided to school districts to help cover the cost of serving ELL and low income students. During the last school funding trial, the district court specifically ruled that the state formulae that delivered supplemental funding for ELL students and low income pupils were inadequate and unsuitable. The court also made note of the fact that the original, arbitrarily-set low weights adopted in 1984 for these programs had not been adjusted in over 30 years. To

address the issue related to ELL funding, Senator Jose Rodriguez introduced SB 161 that would have increased the bilingual education funding allocation from 10 percent of regular program funding per pupil to 20 percent. Initial optimism for increasing funding to the state's two largest student sub-groups, ELLs and low income students, was tempered when opposition to funding ELL student needs surfaced in the Senate and by the House plan's failure to even include increased weighted funding in its major school funding legislation. Despite ongoing efforts by TLEC, working in collaboration with other groups and key minority legislators, broad-based support for increasing special population funding did not develop, and Senator Rodriguez chose to modify his bill to provide for a study of bilingual education program operating costs. Though that more modest plan was adopted in the Senate, SB 161 was never given a hearing in the House education committee. Some speculate that resistance to even a funding study was based on the idea that if no cost study was conducted, the state could continue to argue, as it has for the past 30 years, that the state's program for ELL students is funded at an adequate level.

Student High-Stakes Testing

One of the few bright spots in the 2015 session was the adoption of SB 149 by Senator Seliger. TLEC has long called for an end to high-stakes testing because of how it has contributed to the narrowing of the curriculum, teaching to the test, and pushing students out of school. SB 149 is a positive step toward that end. It provides for the creation of new local level graduation placement committees that review multiple criteria for students who would not otherwise graduate because they failed to pass one of the state's five end-of-course (EOC) exams required for graduation. Under the new policy, a committee composed of a local campus administrator, a counselor, a teacher and a parent may review multiple indicators of student competency, including grades, teacher evaluations, portfolios of student work, or other measures of academic achievement, in deciding whether students who did not pass an EOC exam are allowed to graduate. This action by the Texas Legislature is another signal that it is open to moving away from its long over-dependence on single test scores for high-stakes decisions on students. However, other measures that would have provided greater local flexibility on promotion requirements tied to state assessments at the 5th and 8th grade levels failed to pass.

School/District Accountability

Through the adoption of HB 2804, the Legislature took one step forward and two steps back in accountability. By modifying the accountability factors to include non-test measures and placing less weight on the state test (though still a ways to go), the Legislature laid the groundwork for a more holistic accountability system.

Unfortunately, the Legislature took a major step back by adding to HB 2804 provisions that extend the A-F grading system from public school districts to campuses beginning in the 2017-18 school year. While clearer, stronger, and more supportive accountability systems are needed by the Latino community to ensure all students are learning and achieving, TLEC opposed an A-F grading system because such ratings tend to stigmatize struggling schools, harm teacher recruitment and retention efforts to those schools, and fail to focus efforts on supporting schools in need. Because ratings are based primarily on state standardized test scores, and low income students and students of color tend to score lower on those exams due to inequitable opportunities, schools receiving grades of a "D" or "F" will likely be minority-majority schools. Relatedly, research indicates that simply rating schools as low performing with letter grades does

not improve student outcomes nor does it inform change strategies like fair funding and governance. On the other hand, consideration of inputs including teaching quality, quality curriculum, overall funding levels and funding special-need students, and access to effective support networks (e.g., student and family/community engagement) all provide useful information and play a role in improving student achievement. Yet, none of the 2015 legislation seriously addresses any of these deficiencies. As a result, we can expect that the minority-majority schools issued sub-par ratings under the new system will not only lose students but will also have even greater difficulty recruiting and retaining high quality teachers and school leaders.

The State also failed to enact proposed legislation that would have helped strengthen the state's accountability system for language programs serving ELL students. SB 1868 included changes to state law that would have helped more accurately identify and support struggling language programs at the school level, including: improved monitoring and oversight, requirements related to the credentials of personnel involved in ELL related on-site monitoring visits, and strengthening of local district improvement plans. Unfortunately, suspected resistance by the Texas Education Agency to expanded monitoring responsibilities slowed the legislative process, and the bill never made it out of committee despite almost no opposition otherwise.

School Turnaround/Reforms

In its misguided attempt to pass legislation to address struggling schools, the Legislature adopted last-minute, controversial changes to HB 1842 that will likely negatively impact Latino-majority communities. TLEC recognizes the need to identify and support struggling, low-performing schools and provisions in HB 1842 requiring low performing schools to take an inward look at their educational practices is a positive aspect of the legislation. However, provisions that allow an external board of managers to take control of school operations from local communities or that force the closure of the schools go too far. Again, many of these low-rated schools will likely be highly concentrated with low income students and students of color. Taking drastic measures such as these and placing control in the hands of unproven outsiders, instead of assisting local communities such as proposed SB 1483 by Senator Garcia which would have empowered local communities, takes Texas in the wrong direction.

Another provision tagged on to HB 1842 was the "Districts of Innovation" law. This measure allows school boards or district advisory committees to avoid adhering to state regulations that support appropriate learning for the most challenging students, including class size limits. Allowing accredited school districts to "experiment" with deregulation measures that do not have the best interest of all students learning will further marginalize and harm minority communities. TLEC calls on school districts to avoid the temptation of saving a few dollars under the premise of deregulation, but where the long-term cost to the student will be greatest. The fact that the Legislature added these two modifications to HB 1842 after each one failed to make it to the House floor on their own merit, reflects back-door strategies used to get bad policy adopted in the state's law-making process.

To the Legislature's credit, it did refuse amendments to HB 1842 that TLEC and others opposed, including an amendment that would have created an "opportunity school district," which would have further stripped control of school operations from local communities; and another that would have allowed *failing* private charter networks to expand their number of campuses.

Vouchers and Related Efforts to use State Funding for Private Schooling

Despite strong support from Senate leadership and parochial schools for creating a state voucher plan through either direct funding or by providing tax breaks to businesses, efforts to divert public funding for private schooling were soundly rejected in the 2015 session. The Lieutenant Governor's proclamation that adoption of a Texas voucher plan in 2015 was inevitable was met with strong opposition from TLEC – as well as teacher, administrator and local school board organizations that agreed that diverting public money to private education via vouchers or tax credits would do little to improve quality in Texas public schools.

SB 4 by Sen. Taylor included policy changes that would allow businesses to get a state tax credit for any amount of funding that those businesses “contributed” to a voucher-granting organization. Hoping to sell the idea by referring to these pseudo-vouchers as “tax credits,” privatization proponents may have been surprised by the growing opposition to vouchers that has increased over time in the Texas Legislature. While equity advocates have long argued that diverting public monies to subsidize private schooling is not a proper solution to improving schools, of late even rural school leaders have come to recognize that vouchers for non-existent private schools in many small Texas communities will do nothing to improve the educational quality for their students. And teacher and administrator groups have recognized that though initial voucher efforts target small sub-sets of schools – the long term agenda is to grow a much more broad-based voucher system – as has been the case of early voucher states like Wisconsin.

Higher Education Access and Affordability

Importantly, the Legislature refused to succumb to fear-mongering tactics and rejected efforts to repeal or restrict the Texas DREAM Act, which allows for qualifying undocumented immigrant students to pay instate tuition. The Legislature further ensured access to higher learning for Latino students by turning down proposals to limit the Top Ten Percent law, which allows most high school students graduating in the top ten percent of their school to attend any state university. Although HB 2472 made permanent the 75 percent cap on UT Austin Top Ten Percent admissions, the Legislature smartly repelled other efforts to reduce the cap to 50 percent at all Texas universities, or to reduce the law to the “top eight percent.”

The Legislature missed an opportunity to meaningfully address college affordability by failing to pass several measures attempting to reign in deregulation of tuition and fees and declining to appropriate funds to an existing loan repayment program intended to provide incentives for individuals from underrepresented communities to pursue a doctorate degree.

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Conclusion

On the whole, the 2015 Texas Legislature's action or, in some cases inaction, in a number of areas made the legislative session something of a mixed bag. The potential state investments that would have improved educational funding and equity in all schools failed to emerge from the 150-day session. Despite a strong court ruling that found the Texas funding system inadequate, inequitable, and unsuitable, the Legislature seems to have chosen to sit and do little –until the courts make them improve the system. The Legislature also implemented accountability

measures that continue to penalize schools, and in turn, school children. And in higher education, legislators missed a great opportunity to make college more affordable by failing to re-regulate tuition and fees. At the other end of the spectrum, we did see a number of new positive policies adopted that include: reduced emphasis on the use of high stakes testing for decisions impacting student graduation and creation of new state-funded Pre-K programs that expand services. Perhaps the greatest accomplishments in 2015 were the defeats of bad proposed policies, such as vouchers, the loosening of parent trigger laws, the establishment of “opportunity school districts,” the expansion of low-performing charter schools, the repeal of in-state tuition for undocumented immigrant students, and attempts to water down the Texas Ten Percent Plan.

Since TLEC does not condone the issuance of grades as ratings, we will say that the 84th Legislature “requires improvement.” And TLEC stands ready to help the State improve its education policy not just for Latino students, but for *all* students.

The Texas Latino Education Coalition (TLEC) is a collaborative of organizations and individuals who advocate for the rights of Latino students at the local, state and national levels. The coalition was organized to focus specifically on critical educational issues in Texas and to improve the state of education for Latino students in public schools.