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Since When are Good Grades and Diversity a Bad Thing? 7 Recommendations and the Texas Top Ten Percent Plan

by David Hinojosa, J.D.

As Texas continues to graduate a more diverse group of students from its public high schools, competition for limited seats at the state's most popular flagship university, the University of Texas at Austin (UT-Austin), grows tighter and tighter each year. Over the years, the state's Top Ten Percent Plan has helped ensure a greater racial and geographic diversity of qualified students admitted to and enrolled at UT-Austin.

Nevertheless, some policymakers see this growing diversity as "problematic" and are calling for further reforms. While the Top Ten Percent Plan is not a stand-alone solution to achieving equal access to the state's universities, the facts show that the plan has been an effective race-neutral measure at increasing racial, geographic and socioeconomic diversity.

Rather than further scaling back on the Top Ten Percent Plan, state policymakers should instead explore how other equitable policies can complement it and support increased enrollment and completion at our public institutions (Hinojosa, 2016).

Background on the Top Ten Percent Plan

In 1995, Texas was faced with a real quandary of higher education access following the Fifth Circuit Court of Appeals' decision in *Hopwood v. Texas*. The court struck down the UT law schools' use of a separate committee to review applications from minority students as unconstitutional (Orentlicher, 1998).

With declining minority student enrollment at UT-Austin and Texas A&M University, the Texas Legislature went to work on a race-neutral admissions plan and passed the Top Ten Percent Plan, House Bill 588, in 1997. Supported by urban Democrats and rural Republicans, this bill required Texas' four-year public universities to admit high school students graduating in the top 10 percent of their class (Holley & Spencer, 1999). Starting with its 2011 class, UT-Austin alone was allowed to limit those students to 75 percent of the freshmen class.

Increased Access for Underrepresented Groups

The Top Ten Percent Plan has opened the doors of the flagship universities to low-income, rural and minority communities – all groups who were typically denied access to the flagships. Facts derived from IDRA's analyses of the Top Ten Percent Plan at UT-Austin for example include the following findings.

- The Top Ten Percent Plan has helped increase the number of feeder high schools into UT-Austin, from 622 in 1996, to 792 in 2000, to 992 in 2016 (Montejano, 2001).
- Rural schools continue to benefit from the Top Ten Percent Plan, with UT-Austin admitting a total of 109 students from 87 rural schools in 2016, up from 85 students and 65 rural schools in 2010. The plan accounted for 83 percent of admitted rural students in 2016.

(cont. on Page 2)

"A vision of inclusion and success demands that all students of all backgrounds and financial circumstances be prepared to enter and graduate from college. And it demands that our colleges and universities adapt to welcome students and provide the supports needed for them to graduate."

– Dr. María "Cuca" Robledo Montecel, IDRA President and CEO

(Since When are Good Grades and Diversity a Bad Thing?, continued from Page 1)

- The Top Ten Percent Plan is the principal admissions driver for African American, Latino and Asian American students into UT-Austin, with 87 percent of admitted Latino students coming from the Top Ten Percent Plan along with 77 percent of African American students, 75 percent of Asian American students but only 69 percent of White students in 2016.
- The Top Ten Percent Plan yields greater diversity based on income and degree attainment, with 28 percent of UT's Top Ten Percent Plan enrolled students coming from families earning less than $60,000 annually compared to only 11 percent for non-Top Ten Percent Plan students. And 16 percent of Top Ten Percent Plan parents had a high school diploma or less compared to 4 percent of non-Top Ten Percent Plan parents in 2016.

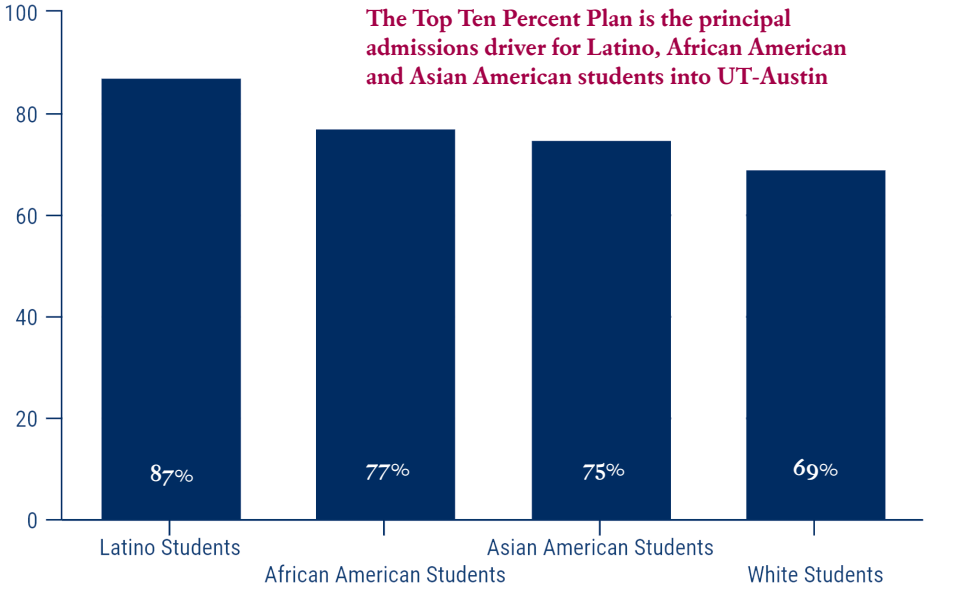
Policy Recommendations for Ensuring Access and Opportunity

So where do we go from here? Research shows the overwhelming educational, social and economic benefits that flow from a more diverse university student body, such as developing critical thinking and problem solving skills, helping to reduce racial isolation, dispelling racial stereotypes and promoting cross-racial understanding, and building leadership that helps prepare students for life after college (*Fisher v. UT Austin* Brief, 2015).

As a group of Fortune 100 companies explained, student racial diversity is a "business and economic imperative" in the growing, diverse global market (*Fisher v. UT Austin*, 2015). So how can the state reap these benefits and expand diversity and opportunity?

IDRA's following recommendations represent a blueprint for helping to ensure all qualified students gain access to our public universities.

Percent of Admitted Students in Each Racial/Ethnic Group Coming from the Top Ten Percent Plan in 2016



2017, Intercultural Development Research Association; Data source: UT SB 175 annual reports

1. Maintain the current blended admissions plan of the holistic admissions plan coupled with the Top Ten Percent Plan capped at 75 percent of admissions for UT-Austin. However, the holistic plan must be revised to ensure qualified African American and Latino students are not overlooked.

2. Re-regulate tuition at the higher-cost public universities but ensure universities have adequate resources to help make up the difference. Texas lags behind competitor states in the percentage of the state's gross domestic product spent on public education, including post-secondary education (Harris & Tienda, 2012). If the state were to invest more appropriately, it would begin to reign in high tuition rates.

3. Provide greater financial aid to students in need. In past sessions, the state has cut already-reduced levels of financial aid based on need. The state must ensure that students not only are admitted but also can afford to enroll and complete college without excessive debt.

4. Texas must take major steps toward investing in at least five additional major universities. With 80,000 new students entering Texas PK-12 public schools each year, the state must come to terms with expanding Tier I universities.

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The Intercultural Development Research Association (IDRA) is a non-profit organization with a 501(c)(3) tax exempt status. The purpose of the organization is to disseminate information concerning equality of educational opportunity.

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5 Strategies for Creating College Readiness for Students of Color and Immigrant Students

by DeShawn Preston, Ph.D. Candidate, & Amanda E. Assalone, Ph.D.

Editor's Note: The IDRA EAC-South provides technical assistance and training to build capacity of local educators to serve their diverse student populations. The IDRA EAC-South is one of four regional equity assistance centers and serves Region II, which covers Washington, D.C., and 11 states: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia. IDRA is working with staff at the Southern Education Foundation and the Mid-Atlantic Equity Consortium to develop local capacity in the region among the 2,341 school districts and 29,632 schools with over 1 million educators and 16 million students. More information is available at http://www.idra.org/eac-south/.

In order to meet the nation's goal for leading the world in college completion by 2020, schools must provide multiple pathways to college in an effort to meet the needs of all students. The entire school community, e.g., administrators, teachers, and students, must commit to maintaining a college going culture for a student population that is becoming increasingly diverse (Martínez, 2015).

Listed below are successful strategies to consider for creating college readiness for students of color and students from immigrant families.

1. Improve school climate and eliminate exclusionary practices that hinder college preparation. First and foremost, school climate should be conducive to learning for all students with special attention placed on the non-academic needs as well as the academic needs of students. This requires educators to understand the multiple factors shaping students' educational experiences and lives and to create a school climate that resists the pitfalls of cultural deficit, prejudice and diversity discourses (Turner, 2015).

Students need to be present in the classroom in order to perform academically, yet students of color tend to have higher dropout rates and are more likely to be removed from school for discipline than are White students. Black students are suspended and expelled at a rate three times greater than White students, and American Indian and Native Alaskan students are less than 1 percent of all students but make up 2 percent of out of school suspensions and 3 percent of expulsions (U.S. Department of Education, 2014; also see Posner, 2015).

School leaders should examine how policies and practices impact students differently and detect inequitable outcomes. For example, exclusionary practices, such as educational tracking contributes to limiting English language learners (ELLs) from accessing upper-level courses and interacting with English-speaking and high achieving peers (Umansky, 2016).

2. Invest in hiring and retaining highly qualified leaders and teachers who are committed to serving ELLs and diverse student populations. Whereas quality instruction and rigorous academic content creates college readiness, ELLs often have unequal access to high quality learning opportunities (Umansky, 2016). All too often, the focus is centered on the students' lack of English proficiency and differences rather than on their strengths and potential. Educators need advanced training and proper support to differentiate ELL students' English skills from their academic knowledge and ability (Umansky, 2016).

With fewer than 12 percent of ELLs in the United States being taught in their primary language (Gandara, 2013), it is most important that schools invest in retaining highly qualified educators committed to eliminating academic barriers and ensuring equitable access to college for this student population.

In 2015, IDRA released new research on education of ELLs in middle school and high school developed through the IDRA José A. Cárdenas School Finance Fellows Program. The report provided a set of recommendations for policymakers, educators, community and business leaders and parents (see http://budurl.com/IDRAellBK15p).

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First and foremost, school climate should be conducive to learning for all students with special attention placed on the non-academic needs as well as the academic needs of students.

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(Five Strategies for Creating College Readines, continued from Page 3)

3. Start early planning and preparing students for post-secondary education using a comprehensive approach that includes the entire community. The decision to attend college begins in middle school and ends when students' graduate from high school and enroll in an institution of higher education (Hossler, et al., 1989). Starting early gives students and parents the opportunity to plan for college preparatory curriculum, as well as extracurricular activities.

Unfortunately, many students of color and low-income students are not exposed to a challenging curriculum, such as Advanced Placement courses (Theokas & Saaris, 2013). Students who are exposed to a challenging curriculum in middle school tend to perform better academically in high school and are more prepared for college than students who take less rigorous courses (Corwin & Tierney, 2007; Bojorquez, 2014). These students also develop a pro-active mindset to remain in good academic standing and secure financial information for attending college (Corwin & Tierney, 2007).

4. Provide post-secondary information and financing options for parents often and as early as middle school. Schools must be instrumental in assisting parents in developing a plan for their child to attend and pay for college. Assistance for parents can begin with discussions surrounding the cost of college, specific types of colleges, their academic programs, and various financial aid opportunities (Hossler, et al., 1999).

For many students, the actual price of college is significantly greater than what the recruitment literature, conventional wisdom and even official statistics convey (Goldrick-Rab & Knedall, 2016). Goldrick-Rab & Kendall discovered, "The current approach to higher education financing too often leaves low-income students facing unexpected and sometimes untenable expenses" (2016).

Information and guidance for college should be provided through announcements, newsletters, pamphlets, university representative presentations, counselors, resources in the school library, and information on teacher's bulletin boards, etc. (Martínez, 2015).

5. Assist students with identifying institutions of higher education that have proven to be successful in educating and supporting low-income students and students of color. Educators must ensure they are sending students to institutions of higher education that offer support and safe spaces for low-income students and students of color to thrive academically and socially. Minority-serving institutions are great examples of such spaces. They have proven to be an important entity within the higher education landscape as institutions that have graduated millions of students of color, including a large proportion of first generation college students and low-income students (Cunningham, et al., 2014).

Minority-serving institutions are recognized for providing a nurturing and supportive environment that upholds an underrepresented minority culture that remains relatively free from discrimination (John & Stage, 2014). By providing a positive environment, they graduate underrepresented minority college students at a rate that surpasses those of predominantly White institutions (Stage, et al., 2012).

DeShawn Preston, Ph.D. Candidate, is a research fellow at the Southern Education Foundation, and Amanda E. Assalone, Ph.D., is a postdoctoral research and policy analyst at the Southern Education Foundation. Comments and questions may be directed to them at info@southerneducation.org.

Founded in 1867 as the George Peabody Education Fund, the Southern Education Foundation's mission is to advance equity and excellence in education for all students in the South, particularly low-income students and students of color. SEF uses collaboration, advocacy and research to improve outcomes from early childhood to adulthood. With a core belief that education is the vehicle by which all students get fair chances to develop their talents and contribute to the common good, SEF strives to fulfill its mission through the following core program areas: promoting early learning opportunities, advancing public education and improving college access and completion.

See references for this article at
http://budurl.com/IDRAF17c

See IDRA's report on ELL secondary education
http://budurl.com/IDRAellBK15p

(Since When are Good Grades and Diversity a Bad Thing?, continued from Page 2)

5. UT-Austin and other public universities must engage in meaningful outreach to underserved communities. As the training ground for future leaders, universities like UT-Austin must collaborate more meaningfully with underserved high schools and students, similar to what has been done with job training, community colleges and public schools.

6. Texas must re-align its PK-12 curriculum and graduation requirements with college expectations. Unlike its predecessor, the state's new default PK-12 curriculum adopted under HB 5 in 2013, the "Foundation plus endorsement" program, does not meet many of the college entrance requirements and, worse, could lead to the channeling of students by race and poverty into less rigorous tracks (IDRA, 2013).

7. Texas must adequately and equitably support its PK-12 public education system to help prepare students for college and a career. Regardless of the Supreme Court of Texas' decision on the legal merits of the most recent school finance case, the facts have not changed and the needs of the state's growing, diverse student population have not been met (*Texas Taxpayer v. Williams*, 2016). Texas must reverse course and support college-readiness in all public schools.

Texas can ill-afford to turn the clock back now as the results would likely be devastating, particularly for minority and rural communities (IDRA, 2009a). As IDRA stated in its testimony before the Texas Legislature when the state previously considered reductions to the Top Ten Percent Plan, "It is ironic that at a time when expanding global competition requires better educated citizens, Texas is discussing ways to limit access of its top students to its top institutions of higher learning" (IDRA, 2009b).

Texas instead should choose to be a leader as an investor in public education, including higher education, which is not only an investment in that child and the schooling, but an investment in the state's social, political and economic future.

David Hinojosa, J.D., is the IDRA National Director of Policy and Director of the IDRA EAC-South. Comments and questions may be directed to him via email at david.hinojosa@idra.org. Portions of this newsletter have been excerpted from his article "Of Course the Texas Top Ten Percent is Constitutional...And It's Pretty Good Policy Too," Texas Hispanic Journal of Law & Policy (Spring 2016).

See references for this article at
http://budurl.com/IDRAF17a

See IDRA's amicus brief for the Fisher v. UT Austin case at
http://budurl.com/IDRAeNFisher15

Relational Youth Violence – Protecting Muslim Youth in School

by Sofia Bahena, Ed.D.

School-age children in the United States are growing up in an environment that is increasingly hostile toward the Muslim community. Analyzing the most recent FBI data available, the Pew Research Center (2016) finds that hate crimes against Muslims in 2015 had risen to similar levels as those committed shortly after 9/11, which was a 67 percent increase in incidents from the previous year. Although 2016 numbers from the FBI will not be available until late this year, it is unlikely that this number will have decreased.

The Southern Poverty Law Center (2016) has been gathering unofficial counts of hateful harassment and intimidation. In the five days after the 2016 election, it documented more than 40 anti-Muslim incidents. Furthermore, of the total 437 total incidents collected, 99 (23 percent) occurred in a K-12 setting; this was the most frequently-cited location for harassment incidents.

Most recently, an executive order forbidding citizens of seven majority-Muslim countries (Iran, Iraq, Somalia, Sudan, Syria, Libya and Yemen) from entering the United States – though since enjoined by the courts on constitutional grounds – has further stigmatized the Muslim community as a "threat to national security" (NPR, 2017).

Challenges Facing American Muslim Students

Ahmed, et al., (2015) detail the ways in which particular subgroups of American Muslim youth face challenges, specifically young Muslim women, African American Muslim youth, and refugee Muslim youth. For example, young Muslim women have to balance the sometimes conflicting messages where they are "encouraged to be outspoken about their rights within mainstream society but not push the status quo within their religious and cultural communities" (p. 9).

African American Muslim youth experience the same detrimental effects of institutional racism (e.g., profiling, poverty, and discrimination) as Black youth more generally. "African American Muslim youth," Ahmed, et al., (2015) explain, "experience stigmatization due to both religious and racial identification on multiple levels. Ignoring or failing to integrate awareness of racial realities can result in overlooking the needs and realities of African American Muslim youth" (p. 12).

Lastly, refugee Muslim youth may feel marginalized, in part, due to segregation and other students' xenophobic beliefs. Muslim youth are at an intersection of several potential identities, including race, immigrant or refugee status, and gender. School leaders should thus consider an intersectional approach to their bullying prevention efforts.

The Centers for Disease Control and Prevention (CDC, 2016) define bullying as "any unwanted aggressive behavior(s) by another youth or group of youth who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated."

However, Brion-Meisels & Garnett (2015) provide an alternative framework and introduce the concept of relational youth violence: "behaviors (physical, relational, sexual, verbal, or psychological) and policies (formal and informal) that are intentionally or unintentionally harmful to a young personal or group of young people, based on real or perceived power imbalances that reflect larger social structures of equity and power."

Strategies for Schools

By synthesizing the definitions of "bullying," "harassment," and "discrimination," the authors argue that educators and practitioners can take into account systemic factors resulting in youth violence. Traditional models of bullying require educators to document who was involved in the harmful incident and whether it was reported or not, mostly in order to identify key disciplinary consequences.

In contrast, within the framework of relational youth violence, educators are asked to question the role that individual-, school- and community-level factors played in the incident. What this

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Given the pervasive anti-Muslim rhetoric surging across the country, an effective way of understanding and addressing bullying against Muslim youth is through a broader, systemic lens.

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(Relational Youth Violence – Protecting Muslim Youth in School, continued from Page 5)

means for practice, especially for schools educating Muslim youth, is that solutions for addressing and preventing bullying could be focused more on schoolwide interventions that are embedded in the curriculum or in local policies and practices, rather than addressing incidents as if they were independent, unrelated events.

Some examples of preventative strategies include incorporating of curriculum that teaches understanding and acceptance and helps build relationships across difference, using restorative justice practices, and having an explicit conversation about power and inequity.

Furthermore, Miriam Durrani, an expert on Islamophobia and Muslim youth, offers useful strategies (Shafer, 2016) for educators and school leaders, such as designing anti-bullying practices that explicitly state that harassment based on race, religion, sexual orientation, gender or immigration status is not acceptable, rather than a broad anti-bullying policy. It is also important to teach students to be critical consumers of media as such bullying is likely tied to broader Islamophobic rhetoric and for educators to reflect on their own implicit biases.

Given the pervasive anti-Muslim rhetoric surging across the country, an effective way of understanding and addressing bullying against Muslim youth is through a broader, systemic lens. As Brion-Meisels & Garnett emphasize, "If we do not carefully consider the multiple impacts of social position factors, we risk interventions that fail to address some of the underlying causes of relational youth violence" (p. 245).

As educators face the challenge of addressing bullying against Muslim students in the country's schools, it is critical they have the resources and strategies necessary to do so. The U.S. Department of Education funds four equity assistance centers (EACs), under Title IV of the 1964 *Civil Rights Act*, across the nation precisely to support schools and school districts in promoting equal educational opportunities along the lines of race, gender, national origin, and religion, including bullying and harassment.

The IDRA EAC-*South* provides technical assistance to communities in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Washington, D.C. For technical assistance, contact eacsouth@idra.org or 210-444-1710.

Annual IDRA La Semana del Niño Parent Institute™

Supporting the Success of Every Student
Apoyando el éxito de cada estudiante

Bilingual Parent Institute • April 27, 2017

This annual institute offers families, school district personnel and community groups from across the country the opportunity to network, obtain resources and information, and receive training and bilingual materials on IDRA's nationally-recognized research based model for parent leadership in education. This year's institute, funded in part by the W.K. Kellogg Foundation, will highlight family engagement as it relates to the new *Every Student Succeeds Act* (ESSA), which replaced the *No Child Left Behind Act*. This institute is interactive and participatory. All presentations are bilingual (English-Spanish).

Highlights coming in 2017

- Bilingual presentations on successful family engagement
- Roundtable educational presentations
- Parent interviews
- Breakout sessions on education topics
- Refreshments and lunch
- Exhibitors, including service providers, college and universities and non-profits

"The fact that everybody was engaged, was participating – this is something I don't see in any other conference. [In other conferences], people just go and listen. Here people come to participate to be engaged – that was impressive!"

– previous participant

Event Registration

The fee is $60 per person (includes presentations, materials, exhibits, refreshments and lunch). For more information, contact Ms. Jocellyn Rivera (e-mail contact@idra.org; phone 210-444-1710).

Details

Date: April 27, 2017
Time: 9:00 am - 2:00 pm
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Or print the registration form (PDF) or the Microsoft Word form.

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Sofía Bahena, Ed.D., is an IDRA senior education associate. Comments and questions may be directed to her via email at sofia.bahena@idra.org.

WEBSITE

See references for this article at
http://budurl.com/IDRAF17b

Immigrant Students' Rights to Attend Public Schools
Alert for Registering Students for School

As schools are registering students for the next school year, this alert is a reminder that public schools, by law, must serve all children. The education of undocumented students is guaranteed by the *Plyler vs. Doe* decision, and certain procedures must be followed when registering immigrant children in school to avoid violation of their civil rights. Recent executive orders issued by the Administration do not alter the right of undocumented students to receive a free public education.

As a result of the U.S. Supreme Court ruling in *Plyler vs. Doe*, public schools may not:

- make inquiries of students or parents intended to expose their undocumented status;
- deny admission to a student during initial enrollment or at any other time on the basis of undocumented status;
- treat a student differently to determine residency;
- engage in any practices to "chill" the right of access to school, such as requiring driver's licenses of parents to register their child;
- require students or parents to disclose or document their immigration status; or
- require Social Security numbers from all students, as this may expose undocumented status.

Yet a number of schools are posting notices like these pictured (right) and on school websites that indicate Social Security cards and birth certificates are required before a family can register their child for school. Such practices are in direct violation of *Plyler vs. Doe*. Schools should not use Social Security numbers for identification or registration purposes. For those schools that do, it should be clear from the beginning that students who do not present a Social Security number will be assigned a number generated by the school. For example, some school districts are including language in their enrollment notices, like:

- The XYZ Independent School District does not prevent students from enrolling if a Social Security card is not presented. The Social Security number is used for identification purposes when reporting student information to the Texas Education Agency. The campus will assign a computer generated number when a card is not presented.
- Providing a Social Security card or number is optional. The XYZ Independent School District will not refuse enrollment of any student opting not to provide a social security card/number. In lieu, a state identification number will be provided for educational purposes only.
- If the student does not have a Social Security number, XYZ ISD will assign a Public Education Information Management System (PEIMS) number. No student may be denied enrollment solely because of failure to meet the documentation requirements. Enrollment is provisional, however, pending receipt of the required documentation and verification of eligibility.

Violates Plyler vs. Doe

Not only should undocumented students not be discouraged from attending, they are required to attend school under the state's compulsory education laws. And parents should be assured that the *Family Educational Rights and Privacy Act* restricts schools from sharing information with the U.S. Immigration and Customs Enforcement agency (ICE).

At IDRA, we are working to assure educational opportunity for every child. Help us make this goal a reality for every child; we simply cannot afford the alternatives. Denying or discouraging children of undocumented workers access to an education is unconstitutional and against the law.

Violates Plyler vs. Doe

More Information

See IDRA's School Opening Alert (in English and Spanish) online (www.idra.org). For help in ensuring that your programs comply with federal law, visit IDRA's website for a printable flier in English and Spanish as well as a copy of the letter from the U.S. Department of Justice and the U.S. Department of Education.

For information or to report incidents of school exclusion or delay, call:

META (Nationwide) 617- 628-2226

MALDEF (Los Angeles) 213-629-2512

MALDEF (San Antonio) 210-224-5476

NY Immigration Hotline (Nationwide) 212-419-3737

MALDEF (Chicago) 312-427-0701

MALDEF (Washington, D.C.) 202-293-2828

RAICES 210-226-7722

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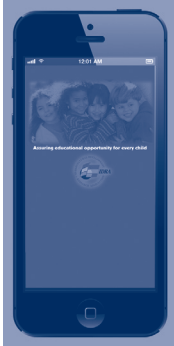

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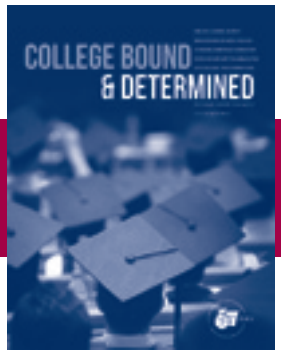
College Bound & Determined

A report profiling what happens when a school district raises expectations for students instead of lowering them



"All students deserve an equitable, excellent and college bound education. By using the IDRA Quality Schools Action Framework, we tell the story of how one school district has brought that ideal closer to reality for all students."

– Dr. María "Cuca" Robledo Montecel, IDRA President & CEO

College Bound & Determined is available from IDRA for $15 and is free online at:
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achieving equal educational opportunity for every child
through strong public schools that prepare all students to access and succeed in college