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Focus: Fair Funding

## Fair Funding is Essential to Having Excellent Schools for All Students

by María "Cuca" Robledo Montecel, Ph.D.

Almost four decades ago, IDRA was founded to defend all children and their right to an excellent and equitable education. At that time, the state of Texas had one of the most inequitable and unfair systems of public school finance in the country. Our policy reform efforts coupled with strategic litigation over a long period of time led to a major systemic overhaul. After years of struggle by many communities, the state finally reduced funding disparities from thousands of dollars per student to less than \$700 - still an important disparity but a step in the right direction. Many schools were beginning to reap the benefits of the state's attempt to equalize education funding for all of its children. Student achievement improved, taxpayers were more equally sharing the cost of paying for public schools, and businesses were seeing the results of better-prepared graduates.

But those gains have been taken away. Texas is one of the wealthiest states in the country, but it leads the nation in income inequality, and this begins with, and is exacerbated by, inequities in the state's public education system. Our state operates a public education system marked by inequitable funding, which impacts access to qualified teachers, school leaders, staff, curricula, materials and facilities. Student outcomes reflect these conditions.

For example, in November 2011, IDRA released our latest annual high school attrition study

showing that Texas public schools are failing to graduate one out of every four students. At the current pace, we could lose as many as 2.8 million more students over the next 25 years. (Johnson, 2011)

This past spring, the Texas legislature made matters dramatically worse when it chose to cut education funding in a manner that was neither strategic nor equitable. Texas education has \$6.4 billion less than what would have been provided under previous law. Texas was already ranked 43<sup>rd</sup> in the country in per-student funding; now we'll probably fall to the bottom five. Policy decisions were out of step with Texas families, youth and educators, the overwhelming majority of whom (75 percent) felt that education should not be cut.

Texas cannot fail our students and families. We cannot afford an excellent system for some and a minimally adequate system for the rest. Fair funding is essential to assuring that all children have access to quality education. We cannot have excellence without equity.

IDRA has been working with communities across the state to make sure that schools are equipped to guarantee that all children graduate ready for college and career. Through our Fair Funding Now! initiative, we held a series of roundtables

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"It is unfortunate — scandalous in fact — that it takes litigation to convince our state leaders to invest in education, to invest in children — all children — to invest in the future of Texas."

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

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last fall in collaboration with the League of United Latin American Citizens (LULAC), National Association for the Advancement of Colored People (NAACP), the Mexican American School Board Members Association (MASBA) and Texas Center for Educational Policy (TCEP). (See story on Page 3.)

Equity advocates are going online to see the level of school funding cuts across districts for every county in Texas and are sharing their stories of how funding cuts are affecting their schools. Others are convening strategy meetings and engaging families. We know that our next actions must be connected - having us work together as community, school, family, higher education and business leaders. And our actions must be strategic - having the greatest impact on strengthening public education in Texas for all students.

We at IDRA applaud the Mexican American Legal Defense and Educational Fund for filing its lawsuit against the state of Texas over school funding on behalf of four property-poor school districts and three parents. The MALDEF case demonstrates that the Texas system of funding public education is both inequitable for all students and inadequate for low-income students and English learner students. (See two-page factsheet and MALDEF news release on IDRA's website at www.idra.org.)

It is unfortunate - scandalous in fact - that it takes litigation to convince our state leaders to invest in education, to invest in children - all children – to invest in the future of Texas. But we've been down this road before. We will not stop until Texas truly has a strong public school system that provides an excellent education for

### Fair Funding Now! Tools

#### Get fliers and graphics to help you take action!

The Fair Funding Now! website has handouts about key points, ideas for action, infographics on the funding gap and Texas' low ranking, a sample

http://budurl.com/IDRAfairfund

### Visit IDRA's OurSchool data

See funding information and compare school doing academically. (Simple, free registration is required.) schools in your area.

In English: http://www.idra.org/portal In Spanish: http://www.idra.org/portalsp See a Google map of funding cuts by Texas county & school

http://budurl.com/IDRAfairfund

all children.

#### Resources

 $Johnson, R.\ Texas\ Public\ School\ Attrition\ Study, 2010-11-High$ School Attrition Continues Downward Trend - Universal High School Graduation is Still a Quarter of a Century Away (San Antonio, Texas: Intercultural Development Research Association November 2011).

MALDEF. MALDEF Lawsuit: Texas' School Funding System Unlawfully Shortchanges Many Districts and Students, Including Low Income and English Language Learner Children (San Antonio, Texas: MALDEF, December

MALDEF. Info Sheet on Texas School Finance for Educators and Advocates (San Antonio, Texas: MALDEF, November

This article is adapted from Dr. Robledo Montecel's statement released on December 14, 2012.

María "Cuca" Robledo Montecel, Ph.D., is IDRA's president and CEO. Comments and questions may be directed to her via e-mail at comment@idra.org.

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## Fair Funding Now! Building Grassroots Leadership for Funding Equity

by Laurie Posner, M.P.A.

In Harris County, Texas, where one in three high school students does not graduate, the Texas legislature cut over \$550 million from public schools for the biennium. In Bexar County, where 35 percent of students are lost to attrition, the state cut almost \$240 million. And in counties along the edge of the south Texas border, where the annual attrition rate is 41 percent (Johnson, 2011), the legislature cut more than \$170 million.

In all, lawmakers eliminated \$6.4 billion from the state's public education system for the 2012 to 2013 biennium, cutting \$4 billion from public school funding; \$1.2 billion for increased student enrollment; and \$1.2 billion for special programs, including pre-kindergarten programs, dropout prevention and teacher training.

These cuts weren't made in a vacuum. Texas already ranks 37<sup>th</sup> in per pupil spending in the nation (43<sup>rd</sup> by some rankings). The state spends \$1,359 less per student than the national average – a \$34,000 difference for a class of 25 students. In some Texas communities, there is as much as a \$7,000 gap in per student spending from one public school district to another. Texas pays its school teachers less on average than 30 other states (Johnson, et al., 2011). And while the state had achieved greater school finance equity in years past, it has since reduced its share of funding, shifting costs to local communities.

If it is widely known that quality pre-kindergarten programs, smaller class sizes, and better, more engaging curricula help keep students in school, why would lawmakers opt to cut them?

Veteran news analyst Ross Ramsey suggests the reason is that dropout prevention only pays off in the long term and budgeting in Texas is on "a two-year clock" (2011).

When students leave school, Ramsey writes: "The immediate result is that the dropouts save money, [and] budgeting is a short-term exercise... The dropout problem has a longer fuse. The reward for fixing it is somewhere in the future, way past

the next election."

The observation echoes testimony by IDRA President, Dr. María "Cuca" Robledo Montecel, to the U.S. House of Representatives Committee on Education and Labor: "We need to be honest about the fact that, right now, we plan on one third of students leaving school before they graduate. This assumption is built into classroom assignments, teacher hiring practices, curriculum purchases and facilities planning" (2007).

Dr. Robledo Montecel points out that where states are banking on school failure, local communities must have a mechanism to advocate on their children's behalf. IDRA's Fair Funding Now! initiative is designed give people the tools and resources to do just that.

#### Fair Funding Now!

The purpose of Fair Funding Now! is to mobilize statewide, grassroots leadership toward a public education system that is funded fairly and serves all Texas students. The initiative has two major strands. The first is to ensure that the state upholds its constitutional obligation to children. As the Supreme Court of Texas affirmed in 2005, "If the Legislature substantially defaulted on its responsibility such that Texas school children were denied access to that education needed to participate fully in the social, economic and educational opportunities available in Texas, the suitable provision clause would be violated" (Neeley vs. West-Orange Cove, 2005).

IDRA has been working in partnership with MALDEF and the Equity Center as they, along with other coalitions, bring together one of the largest challenges to Texas' school finance policies in the state's history. Already, a majority of students in rural, inner-city and suburban schools are represented in one or another of the lawsuits now filed against the state (see story on Page 5). (cont. on Page 4)



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The second major strand of Fair Funding Now! is to present the case for equitable, appropriate school funding and to develop local, regional and statewide strategies for securing equity for all children. Taking up this work in the fall of 2011, IDRA collaborated with the League of United Latin American Citizens (LULAC), National Association for the Advancement of Colored People (NAACP), the Mexican American School Board Members Association (MASBA) and Texas Center for Educational Policy (TCEP) at the University of Texas at Austin to convene a series of school funding roundtables in five regions of the state. Since September, more than 300 school, family, community and business leaders have participated in local roundtables in San Antonio, Dallas-Fort Worth, the Lower Rio Grande Valley, Houston, Austin and El Paso. The Fort Worth session was held in conjunction with the Texas NAACP state convention, and the Houston roundtable was also held in conjunction with the Texas LULAC quarterly leaders meeting.

To support the leadership of a growing network, we are providing bilingual (Spanish/English) analytical tools, data and resources – from policy briefings to interactive data maps on how funding cuts are impacting local schools (see box on Page 2). Through our schoolfunding.crowdmap.com, people are posting stories of how funding cuts have specifically impacted their schools. In South Texas, parents using the school funding crowdmap have reported how funding cuts left their children without school bus service, forced teachers to buy basic supplies for a science lab, and reduced class time for their kindergartners.

Equipped with these tools and a compelling case for equity, school and community leaders around the state are now convening their own gatherings, calling attention to the impacts of funding cuts and underlying structural inequity, drafting resolutions that call on the state to change course, and engaging new partners in the press for school finance equity.

The Fair Funding Now! model is also serving as a resource for other states. This is important, as funding cuts to preK-12 and higher education have occurred in more than 40 states since 2008. And almost all states have seen legal action or lawsuits challenging funding disparities. Most recently, at NAACP's invitation, IDRA shared Fair Funding Now! resources with local and national advocates for and leaders in education, participating in

NAACP's Daisy Bates Education Summit in Memphis.

In every gathering, participants have shared a concern for children whose schools face serious cuts; expressed frustration with school funding policy; and proposed plans to spread the word, share their story, pass a resolution or mobilize others. And participants have provided key feedback and criticism that is helping us to continuously build on and improve the effort.

Money, managed well, makes a difference. Schools with the right resources can hire and hold onto teachers who are well prepared, and they can invest in and support teachers' ongoing development. They can set up science and other learning labs, bring technology into play effectively and engage students with curricula that develops kill and inspire creativity. And they can focus their attention, not on bad trade-offs like whether to cut pre-kindergarten programs, lay off counselors, teachers and school nurses, or stretch classroom sizes, but on doing excellent work for children.

#### Resources

Center for Public Policy Priorities. The State of Texas Children website (Austin, Texas: Center for Public Policy Priorities, 2011). http://www.cppp.org/sotc/county\_profile. php?fipse=48201

Embry, J. "Perry: Don't blame state for teacher layoffs," Austin American-Statesman (March 10, 2011).

Fair Funding Now! website (San Antonio, Texas: Intercultural Development Research Association, 2011, 2012). http://www.idra.org/images/stories/Fair\_Funding\_Now\_9292011.

Johnson, N., & P. Oliff, E. Williams. An Update on State Budget Cuts – At Least 46 States Have Imposed Cuts That Hurt Vulnerable Residents and the Economy (Austin, Texas: Center for Public Policy Priorities, February 9, 2011).

Johnson, R. Texas Public School Attrition Study, 2010-11 — High School Attrition Continues Downward Trend — Universal High School Graduation is Still a Quarter of a Century Away (San Antonio, Texas: Intercultural Development Research Association, November 2011).

Neeley vs. West-Orange Cove court opinion, argued July 6, 2005.

Ramsey, R. "School Dropouts Save Texas Money But Only in Short Term," *Texas Tribune* October, 28 2011).

Robledo Montecel, R. Graduation for All Students – Dropout Prevention and Student Engagement Strategies and the Reauthorization of the No Child Left Behind Act, testimony before the Committee on Education and Labor, U.S. House of Representatives (April 23, 2007).

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  Center
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## Groups Challenge Texas System for Funding Public Schools... Again

by Albert Cortez, Ph.D.

In response to the Texas Legislature's failure to provide appropriate funding for public education, four different groups have filed suit challenging the constitutionality of the state's school funding system.

The Equity Center-supported Taxpayer and Student Fairness Coalition has the largest number of school district plaintiffs – 380 school districts so far. The named plaintiffs include the coalition (which is a non-profit group), the school districts of Hutto, Nacogdoches, Plugerville, San Antonio, Taylor and Van, as well as individual taxpayers from selected school districts and parents of students enrolled in one of the plaintiff districts.

A group of about 40 above-average wealth school districts, sometimes referred to as Chapter 41 districts, is represented by the law firm of Boone and Haynes. Their named plaintiffs include Calhoun County, Abernathy, Arkansas Pass, Frisco, Lewisville and Richardson school districts.

A group of low-wealth school districts and parents is represented by the Mexican American Legal Defense and Educational Fund (MALDEF). The plaintiffs include a number of school districts as well as parents and taxpayers around the state, with the possibility of additional plaintiffs being added in the future. The named plaintiffs include Edgewood, McAllen, San Benito and La Feria school districts and taxpayers and parents from other selected school districts.

A group of large urban school districts represented by the Thompson & Horton firm lists 63 distinct school district plaintiffs among them Abilene, Amarillo, Austin, College Station, Cypress Fairbanks, Dallas, Fort Worth, Houston, Midland, Northeast (in San Antonio), Northside (in San Antonio), Pasadena, Round Rock, Waco and West Orange-Cove (the lead district in the 2005 school finance litigation).

It was predicted that the Texas Legislature's drastic cuts would lead to a new court challenge from the

state's public school districts, but few imagined that the reaction would involve such a diverse and large number of communities from throughout the state. The combined enrollment of the 60 or so large school districts that have joined the litigation numbers well over 1 million students. Adding in the students enrolled in the other three plaintiffs' schools brings the total to close half of the state's school districts are involved in the various suits. The fact that the plaintiffs include such large numbers of school districts and students reflects an overall disgust with the state legislature's poor handling of the school funding crisis in the 2011 session.

#### Law Suit Areas of Focus

While four different groups are attacking the legality of the existing public school funding scheme, there is a good deal of similarity in the claims being raised against the state, with some limited divergence among one or two. A summary developed by the Equity Center (2011) and updated by IDRA shows the distinctive areas of focus contained in each of the various claims filed to date.

#### Equity & Efficiency

The Equity Center and MALDEF claims are similar in that each is challenging the extent of funding inequity created by the current system. Each presents examples of the great disparities in funding available to low wealth school districts compared to high wealth school districts. They also both note that these disparities exist despite the fact that low wealth school districts exert high tax efforts but still yield significantly less in funding per student than their wealthy school district counterparts. The suit filed by the group of mostly large school districts (Thompson & Horton) makes similar points about the extent of funding inequity created by the state's funding mechanisms.

#### Local Discretion

All groups raise the fact that more than 200 school districts have used all available local maintenance and operations (M&O) taxing authority to meet ( $cont.\ on\ Page\ 6$ )

The fact that the plaintiffs include such large numbers of school districts and students reflects an overall disgust with the state legislature's poor handling of the school funding crisis in the 2011 session.

### IDRA South Central Collaborative for Equity

For more information about the IDRA South Central Collaborative for Equity or to request technical assistance, contact us at 210-444-1710 or contact@idra.org.

Additional resources are available online at http://www.idra.org/South\_Central\_Collaborative\_ for Equity/

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state mandates. Since these school districts have maxed out their tax effort to the state-allowed \$1.17 maximum, they are left with no "local discretion" as required under the *West Orange-Cove* court decision in 2005.

MALDEF further asks the court to allow the state to maintain a tax cap for purposes of achieving equity. The group of wealthy districts (Haynes and Boone) note that the lack of adequate funds coupled with tax limits hinders the ability of school districts to provide meaningful local discretion. They go on to claim that school districts that must contribute part of the funding raised by local supplemental tax efforts (tax rates above the \$1.00 level required to fund the Foundation Program) have a more difficult time prevailing in local tax ratification elections than those that are not subject to recapture.

#### Target Revenue

The groups also seem to agree that the state's overreliance on Target Revenue — which is the loophole mechanism used to determine funding for threequarters of all school districts — makes the system irrational in that there is no connection between a district's tax effort and its return, as mandated under the court's earlier rulings.

All groups criticize the excessive dependence on Target Revenue and note that it locks school districts into per student funding tied to 2006 levels, despite changing student populations and increasing state requirements that include more challenging state curricular requirements and the important goal of having all Texas students be college ready upon graduation.

#### Adequacy and Suitability

An area where the groups differ slightly is that, while the Equity Center complaint focuses on the lack of adequate funding for all students, the MALDEF complaint targets the state's underfunding of programs serving low-income students and English language learners — two groups that have suffered persistent under-funding since the system converted to a weighted funding approach in 1984.

The Thompson & Horton group makes similar claims, noting that many of the funding mechanisms date back several decades and are not based on actual costs involved in delivering mandated education programs to all students. In its petition, the Thompson & Horton filing includes as part of its requested relief that the state be required to conduct studies on the actual cost of education

with input from the plaintiffs to help guide future state funding and equalization efforts.

All plaintiffs allude to the extent of funding inadequacy in the state system, noting that while the state has increased standards, it has not provided school districts with commensurate increases in funding to enable them to provide programs that help students meet with higher standards.

Plaintiffs also remind the court that it had warned the state about the levels found to be "adequate" at the time of the 2006 ruling and that recent budget cuts, coupled with increasing standards, brought state funding levels below that former bar.

#### Federal Equal Protection

The Equity Center's challenge is the only plaintiff that alludes to possible violations of the Equal Protection Clause of the U.S. Constitution.

#### What's Next

As expected, the Texas Attorney General's response consisted of a brief denial of all plaintiff's claims and demanded "proof by a preponderance of evidence."

It is expected that the district court that will hear the case in Austin may not begin hearings until the fall of 2012, in part because of the amount of time that will be needed to conduct the related studies and gather the evidence that will be needed by both sides in the case. Were that to happen, the district ruling may not come until sometime late in the year, with an appeal to the Supreme Court almost guaranteed. If the Texas Supreme Court hears oral arguments in the case in early 2013 in the midst of the next Texas legislative session and if it rules (as expected) that the system must be altered, then a special session sometime in mid to late 2013 is a strong possibility.

Last summer, IDRA presented testimony before the U.S. Department of Education's Equity and Excellence Commission, stating: "This state and this region have a long and tarnished history of failing to provide equal educational opportunities for all children" (June 8, 2011). Many times over the last almost four decades, IDRA has provided expert testimony and analyses for court cases regarding school funding, particularly in Texas. As we enter another round of litigation, IDRA will continue to provide support and data analysis. In addition, through our Fair Funding Now! initiative, we will share news with community leaders across the state (see the story on Page 3). See the box on Page 2 for ways to receive news and updates of activities

community groups are taking.

Education is a state responsibility according to Article VII of the Texas Constitution. That responsibility includes ensuring access to equitable funding for all students attending Texas public schools. We cannot have excellence in Texas without equity.

#### Resources

Calhoun County Independent School District, et al., vs. Scott. Original Petition, lawsuit filing (Haynes & Boone, December 9, 2011).

Cortez, A. "Fair Funding of Texas Schools is Even More Critical in Tough Economic Times," IDRA Newsletter (San Antonio, Texas: Intercultural Development Research Association, May 2010).

Edgewood Independent School District, et al., vs. Scott. Original Petition, lawsuit filing (MALDEF, December 13, 2011).

Equity Center. The ECXpress (Austin, Texas: Equity Center, November 1, 2011) Vol. 3, No. 7.

Fort Bend Independent School District, et al., vs. Scott. Original Petition, lawsuit filing (Thompson & Horton, December 22, 2011).

IDRA. Opportunity Matters: The Call to Increase Excellence and Equity, testimony presented to the U.S. Department of Education, Equity and Excellence Commission (San Antonio, Texas: Intercultural Development Research Association, June 8, 2011).

Texas Taxpayer & Student Fairness Coalition vs. Scott. Original Petition, lawsuit filing (Equity Center, October 11, 2011).

Albert Cortez, Ph.D., is director of policy at IDRA. Comments and questions may be directed to him via e-mail at comment@idra.org.

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### Courageous Connections...

## Engaging Parents through Powerful Coalition Building An Interview with Joe Medrano of the START Center in South Texas

by Aurelio M. Montemayor, M.Ed.

Editor's Note: In this "Courageous Connections" feature, IDRA senior education associate, Aurelio M. Montemayor, Ed.D., interviews Jose Medrano, of the START Center, South Texas Adult Resource and Training Center of San Benito, Texas, and chair of the education committee of the Equal Voice Network. Below is an excerpt of their conversation, edited for space. The full interview is available through the IDRA Classnotes Podcast (via ¡Tunes or http://www.idra.org/Podcasts/).

Mr. Medrano on Coalition Building: The education committee of the Equal Voice Network works with parents, guided by IDRA. What we are trying to do is to empower and train our parents so that they have a voice in the education of their children. The organizations represented on this committee are ARISE, Proyecto Juan Diego, the START Center, SCAN out of Rio Grande City, LUPE and others. This network, supported by the Marguerite Casey Foundation, makes up Equal Voice in the Lower Rio Grande Valley.

We are now a voice where for many years the education system had been dictating to parents and families to do things. In this committee, we are trying to educate parents and create leaders from PTAs that are forming from this committee. Our families are taking leadership in their school districts all across the Valley. They are attending board meetings, empowering themselves and advocating for change. As the first educators in the family and supported by teachers, the families need to have an equal voice in decisions that are made at a local level, at a state level and at a federal level. The Equal Voice Network in the Rio Grande Valley is part of a national campaign – something we would like to see duplicated all across the country.

We have many challenges. The working parents our agencies work with lack the knowledge of how the school system works. They don't know about legislation and policy issues related to education that could have a negative impact on the students.

Mr. Medrano on Examining Local Dropout Data: Part of our role with this committee was to

learn about the real issues. We didn't realize what the true dropout rate is in our communities across the Valley. We became educated about the state's "leavercodes" and the different slots where numbers could go into. This was surprising to us. For the parents involved it was an eye opener for them. The schools are playing with numbers. It's like a shell game. We, as parents and as community, are not getting all of the true information. We realized that all across South Texas there is a problem with dropout rates and that it was time to move on this.

Mr. Medrano on the Use of a Promotoras Group: At the START Center we have started a small promotoras (outreach workers) group, similar to those of ARISE, Proyecto Juan Diego and all the Equal Voice agencies involved in education. We take education information and teach our promotoras who work out of our centers. They are the voice for their agency. But at the same time, it is the same voice with the same information that is going out to the colonias (unincorporated poor communities) and our cities. It's disseminating this information from Point A to Point B. We might not all be on the same page, but we are getting to a point where we have an equal voice here in south Texas.

Mr. Medrano on Coalition as an Important Concept: The more individuals are involved, the more information can be brought in from these agencies as well. For example, with education and dropout rates: If we all are on the same page, we all know this needs attention. Our START Center focuses on GED and ESL, but we would rather have students complete their education in a public school system. But that doesn't always happen. With this coalition, each group brings a different resource and different perspective. And when you bring in all these individuals together advocating for the same issues, there is more opportunity to create change.

There are some similarities in our coalition to a school district, but the differences are greater. In our coalition, there is an opportunity with a normal working parent or community resource agency not dictated to by the politics of the local school



system or the state. This allows business people, community leaders and just regular parents to be involved in advocating for change in their children's education.

Mr. Medrano on the Benefits of Finding Common Interest: Each of the organizations has a different focus, the group in Brownsville does health outreach. LUPE is a farmworker-based organization. The START Center teaches ESL and has citizenship classes. Each organization has a slightly different focus. But they have all put education on the front burner. We are learning to do much more advocacy. We are structured to provide services, curriculum and classes. We have learned from other agencies that brought in the *promotoras* model.

Mr. Medrano on the Difference Between how Schools do Parent Involvement and the Promotora Model: A lot of what the parent involvement folk do at the school level is sales of cookies and cakes — a kind of the breakfast taco mentality. We want to take our folk out of that mentality. There is nothing wrong with doing things to support the school. But it is better that the parents be educated and have an equal voice with teachers and have a conversation with the school district administration.

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### In Memoriam

Mrs. Martha Hernández, friend and colleague, died on November 22, 2011, at her home.

Her parents, siblings, sons, and many grandchildren will miss her. All of us at IDRA extend our condolences.

Martha began her work at IDRA on January 29, 1988. She distinguished herself for exceptional professionalism, service and care of others. In everything, she was diligent. With everyone, she was thoughtful.

The Martha A. Hernández Memorial Scholarship will honor her dedication to young people.

Hasta luego, Martha. Te hecharemos mucho de menos. Descansa en paz.

