



Focus: Fair Funding

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Fair Funding of Texas Schools is Even More Critical in Tough Economic Times

by Albert Cortez, Ph.D.

School funding equity is a challenging objective in the best of times, but it is particularly difficult when the nation is facing financial challenges. In 1995, IDRA founder and director emeritus Dr. José A. Cárdenas, wrote: “I agree with Judge McCown that [when compared with past disparities in funding] we have come a long way. There are still inequities in the system, and the Texas Legislature has not addressed adequately the need for equalized facilities funding. Yet low wealth school districts have improved considerably over the past 46 years, since my horrendous experience as a teacher, supervisor, principal and superintendent in these low wealth districts. The system is not perfect, but it certainly is much better” (1997).

When those words were written, Texas was at the peak of its funding equity litigation marathon. A 2005 Texas Supreme Court ruling in the *West Orange-Cove vs. Neeley* case took the state several steps backwards by opening the door to unequalized enrichment. This increased the levels of equity that had been so hard to achieve over the prior three decades.

The same court ruling also gave its legal stamp of approval to ridiculously low levels of funding, saying they met state “adequate” education standards, and the court gave the weak state leadership permission to allow Texas school district funding to stagnate from 2006 until the present (Kauffman, 2008). The exceptions to the current funding freeze are a

few super wealthy school districts in the state that serve a few hundred thousand students and that have used their unequalized enrichment options to take care of their own.

Recent Growth of Inequitable School Funding

Recent analyses of the school district allocations by the Equity Center in Austin (January 2009) reveal that the continued use of *target revenues* (which set funding at 2005 levels) and of *hold harmless* funding (that is not wealth adjusted) has seriously eroded the equity features that had been built into the system since 1993. As a result, there is little relationship between a school district’s tax effort and its revenue per pupil. Similar school districts with similar tax efforts now receive very different amounts per pupil, which is a direct violation of the “similar return for similar tax effort” requirement outlined in the first *Edgewood* school funding decision (Equity Center, 2010c).

Recent studies find that many school districts get more money *outside of*, rather than as result of, the equalized funding plan with most new monies allocated without regard to property wealth over the last few years (Equity Center, 2010b). It is little wonder that the Texas school funding scheme was given a D- in a recent national ranking of school (cont. on Page 2)

“We cannot afford an excellent system for some and a minimally adequate system for the rest. We must have excellent education for all school children! The future of our country depends on it.”

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

(Fair Funding of Texas Schools, continued from Page 1)

funding equity (EPE Research Center, 2010).

State Resources Become More Limited

The recent national economic meltdown has made improving funding equity and excellence even more difficult, though Texas did not suffer as deep an impact as many other major states. In fact, the federal government's recent economic stimulus funding was used by the Texas legislature to pump over \$2 billion into Texas public schools. But this infusion only helped Texas cover growth in enrollment and funding commitments that had already been promised in prior legislative sessions.

Unfortunately, the state of Texas also used that federal funding windfall to *divert its own monies into the rainy day fund* rather than invest it into badly-needed additional funding for the public school system (TSTA, 2009).

Even with these moves, a projected budget shortfall for the upcoming biennium, which ranges from \$12 billion to \$15 billion, reflects continuing dismal fiscal prospects.

Equity and Quality Pay Off

Recent research has shown that investing in improved education equity and quality yields return ratios of at least 3 to 1. Writing on the costs and benefits of improving educational equity, Henry M. Levin notes, "The results of improving educational justice provide substantial returns for taxpayers that exceed the costs" (2009).

Lacking adequate support however leads educators to sometimes make decisions that are against the best interest of teachers, students and unfortunately whole communities that feel the effects of so many short-sighted state education funding policies.

Lack of equitable and sufficient funding has a direct

impact on how teachers and principals serve their students. Even if educators expand efforts to raise supplemental monies, doing so takes time away from administrative and support functions and thus impacts a school's operations (Avilés, 2010).

Schools Forced to Make Major Cuts

Over the last year, we have seen a growing number of Texas school districts declare financial exigency status, which by state law allows them to make budget cuts (including personnel) in order to balance school district budgets. In district after district, we are seeing cuts in staff or programs serving sub-groups of students. While many of these impact low-income and minority students, the budget cuts also are often targeted at smaller programs that serve certain groups, such as gifted and talented classes, fine arts programs, music, school athletics and extra-curricular activities (LaCoste-Caputo, 2010).

Even prior to the economic downturn, Texas and the nation were losing ground in numerous educational outcomes ranging from high school graduation rates to percentages of the population with college degrees. Continuing this failure to invest in education funding equity and improving quality will have long-term consequences far greater than the short-term savings that will result from such benign neglect of persistent, systemic recurring inequity in our public schools.

Frustration with the state's recalcitrant attitudes about the need for increased funding for equity and excellence has led some schools to explore a new round of education funding equity and adequacy lawsuits against the state (Equity Center, 2010a). Similar legal challenges have been mounted in Colorado, Connecticut and Illinois. And a continuation of high unemployment and a slow

economic recovery will probably trigger a new set of court challenges around the country, including some within the state of Texas.

Despite persistent complaints about being subjected to school funding litigation, Texas and other states have demonstrated that weak leadership only takes decisive steps when it is forced to. In explaining why he issued his ruling forcing the state of Texas to improve its education and other systems, Judge William Wayne Justice used to explain that, based on his experience, "Sometimes in order to force a recalcitrant mule to move forward, you had to hit it between the eyes with a two by four" (Kauffman, 2008). Should developments continue along the same path over the ensuing months, we can expect to see school districts initiate a run on local lumber yards.

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Implications of Inequitable Funding on the Quality of Education at the Campus Level

By Nilka Avilés, Ed.D.

The quality of education in the public school system has been under scrutiny throughout the nation for decades. Despite efforts to ensure equitable educational opportunity, the fact remains that minority students achieve at the lowest academic levels, are more prone to drop out of school, and comprise the lowest percentage of students enrolled in college (George, 2002).

According to Kohler and Lazarín (2007), Hispanics have become the fastest growing population in the United States, significantly surpassing the growth of any other ethnic group. A major concern to be addressed is how unfair funding among campuses in a school district, particularly campuses with low-income, minority, and English language learners, contributes to inequity in services and opportunities that lead to underachievement, low student expectations and poor graduation rates among these student groups.

Missing Funds for High Quality Teachers

A major factor attributed to the disparity in academic performance between ethnic groups is the existence of unfair and inequitable funding. Inequalities can range from resources to classroom accommodations, buildings and the quality of teachers who serve minority populations. Peske and Haycock (2006) and Avilés-Reyes (2007) argue that students are not underachievers because of a lack of skills necessary to attain success, but rather they have been short-changed by the hiring of less qualified teachers in low socioeconomic areas with high minority populations.

Teaching quality impacts student performance, but teachers cannot champion the cause alone. Salaries are important when hiring highly qualified teachers who promote student academic achievement. Some school districts hire less qualified teachers due to incompetent management hiring processes that impact the success rate of students (Darling-Hammond, 1999). Cárdenas (1997) and Cortez (2007) state that it is difficult to recruit teachers in low wealth school districts because of inadequate facilities and unappealing working conditions

compared to neighboring school districts that have more wealth.

Therefore, to attract highly qualified teachers, state-of-the-art facilities and resources must be provided to create learning environments that increase achievement. Levin (2009) and Rodríguez (2009) state that equal education funding is a moral responsibility protecting students from facing major social injustices because of financial disparities. Research by Cortez (2009) points out that wealthy school districts in Texas once believed that money had no real impact on student achievement. But, when funds from wealthy school districts were redistributed, school district personnel and community leaders did an about-face and complained that lack of funding impacted the level of education for their students.

The Coalition to Invest in Texas Schools (2004) reported that during 2002-03, 49 percent of school funds came from local funding, 41 percent from state funds, and 10 percent from federal funds. Property tax values in high income communities naturally result in more funds for the school district. Consequently, low property value school districts result in less money per student.

Koch (1999) states that federal mandates now require more rigorous standards be set at the state level. This further exacerbates the issue of unequal funding because of disparities in local revenues and unfunded mandates.

Is Inequity in Education Funding a Violation of Civil Rights?

Barndt and McNally (2001), Cárdenas (1997) and Cortez (2007) posed that disparities among richer and poorer school districts should be an issue of civil rights and racial justice. Further, because states like Wisconsin and Texas have failed to consider the issue in state funding equalization, educational inequalities persist.

In 1973, *San Antonio Independent School District vs. Rodríguez* established that poverty was not a classification of discrimination and thus is (cont. on Page 4)

Students are not underachievers because of a lack of skills necessary to attain success, but rather they have been short-changed by the hiring of less qualified teachers in low socioeconomic areas with high minority populations.

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not protected under the 14th Amendment. This decision suggests that poverty can be a result of unequal education as long as it does not involve race (Jones, 2003).

Conversely, in Chicago's Cook County, the reverse may be found in the near future. The County Circuit Court has allowed litigation of a discrimination case involving the state's inequitable funding system through its 2003 *Civil Rights Act* (Myers, 2009).

Attaining the highest quality in education for every child is a major goal of a just society. Unequal funding in an unequal social justice system automatically places our nation at risk. Cárdenas reveals through his educational studies at the University of Texas at Austin, "Poverty consolidated by poverty produces nothing but poverty" (1997). Furthermore, equal opportunity for education is a right to all on equal terms.

The *Closing the Gap 2015* report considers the changes in the population of Texas to ensure that the academic achievement gap among ethnic groups decreases while enrollment, retention and graduation from high school and higher education institutions increases (THECB, 2004).

The state can build its prosperity only by educating its people to be able to compete successfully in our global economy. Failure to do so can only produce a dismal economy and an unfavorable quality of life.

A quality public education is among the most cherished civil rights that a society can offer its citizens. Effective schools depend on good governance to ensure that all students are exposed to a quality education to which they are entitled. This issue must be at the forefront of any legislative and political agenda, along with providing untapped resources to schools needed to educate all students. Moreover, meeting the individual needs of all students regardless of their birthplace, where they live, or the socioeconomic status they inherit is a right and not a privilege (Cortez, 2006; Robledo-Montecel, 2009).

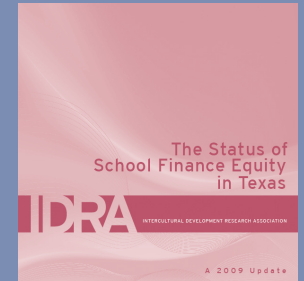
Social justice is fundamental to the economy to ensure our nation is competitive in a world market. This can only be reached through equalized funding and heartfelt valuing of diverse cultures that result in action by those in leadership roles. Only then, will our nation break away from the stigma of being at risk by not utilizing our resources efficiently, effectively and equitably in the educational arena.

The Status of School Finance Equity in Texas – A 2009 Update

by Albert Cortez, Ph.D.

Disparities in per student funding have doubled in Texas, leaving millions of children in schools with severely limited resources for qualified teachers, up-to-date curriculum and basic supplies. This policy update on the status of education funding equity shows that Texas was headed in the right direction until the last two legislative sessions when revisions made to the school funding plan eroded equity among Texas schools. *The Status of School Finance Equity in Texas – A 2009 Update* summarizes where things are and identifies changes that are needed.

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ELL Ruling Reversed, but Texas Need Not Wait to Take Action

By Laurie Posner, M.P.A.

In what would become one of the last major rulings in his distinguished career, Judge William Wayne Justice found in *U.S. vs. Texas, 2008* that secondary education programs for English language learners in Texas violate the federal *Equal Educational Opportunities Act* of 1974.

The EEOA requires that “no state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by... the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.”

The state had been ordered in 1981 to address EEOA violations to overcome language barriers facing English language learners (ELL) (the court used the term “limited-English-proficient [LEP]” students) and remove the vestiges of past discrimination against Mexican American students. But over a quarter century later, the U.S. district court found persistent and “palpable injustice.”

This was evident, the court found, in a state performance monitoring system (PBMAS) that under-identifies students with limited English proficiency, sets arbitrary achievement standards as a basis for intervention, and masks specific campus-level and student-level outcomes. The court also found that the Texas Education Agency has no mechanism for directly comparing the performance of LEP students to non-LEP students.

In relying on data that is “seriously flawed,” Judge Justice found, the state failed to uphold its “affirmative duty.”

Serious flaws and gaps raised particular concern for the court given the tremendous growth of ELL student populations across the state. With more than 800,000 English language learners enrolled, the Texas public school system is second only to California in the number of English learners it serves. Even allowing for under-identification, ELL students are present in almost every school in Texas.

The district court’s ruling also rested on an analysis of how ELL students are faring across the state. These data unequivocally show that secondary English language learners drop out of school at twice the rate of “all-student” categories, see a 40 percent or higher performance gap on the Texas Assessment of Academic Skills (TAKS) “all-tests” category compared to their peers, and have had an increase in performance gaps over time by individual subject.

Ruling Reversed by Higher Court

Significantly, such findings were not in dispute, when a U.S. Fifth Circuit Court of Appeals reversed Judge Justice’s order this spring. The appellate court, in fact, affirmed findings of a 35 percent to 45 percent achievement gap between ELL students and other students, performance outcomes it considered “alarming.”

Nevertheless, the appeals court reversed the lower court’s ruling, citing insufficient evidence of statewide *de jure* segregation, that is, segregation by law. At the same time, on remand, the court left the door open for the plaintiffs (G.I. Forum and LULAC) to present further evidence. Such evidence, the court suggested, should include the reconsideration of whether PBMAS, in combination with other data, can be used to effectively monitor the success of LEP programs, whether monitoring weaknesses keep the state from taking appropriate action to overcome language barriers (thereby denying the rights of Mexican American LEP students), and whether, by adding individual school districts as defendants to the case, specific harm and remedies can be determined.

Still, the Fifth Circuit Court reversal raises critical civil rights questions, as does Texas’ overall response to chronic achievement gaps and poor outcomes for ELL students.

If “helping schools meet the educational needs of all students” is Texas’ goal (as it is described in TEA’s mission statement), how can this be meaningfully
(*cont. on Page 6*)

Why is a system marred by “palpable injustice” and producing “alarming” outcomes, defended rather than corrected to ensure that all children have access to a high quality education?

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achieved without ways to unbundle outcomes by campus and to meaningfully disaggregate outcomes at various grade levels?

More broadly, why is a system marred by “palpable injustice” and producing “alarming” outcomes, *defended* rather than *corrected* to ensure that all children have access to a high quality education?

Influence of an Arizona Case

The Fifth Circuit Court ruling comes on the heels of another setback for the civil rights of ELL students. In *Horne vs. Flores*, a group of ELL students and their parents filed a class action suit alleging that Arizona violates the EEOA in providing inadequate ELL instruction in Nogales Unified School District. Here also, the Supreme Court last fall reversed and remanded the case back to the district court to reconsider a set of factual and legal issues despite affirming that the “goal of the EEOA – overcoming language barriers – is a vitally important one.” As Justice Breyer pointed out in his dissent in *Horne vs. Flores*, in a nation where 47 million people speak a language other than English at home, the importance of this goal cannot be overstated.

Broader Implications

U.S. and LULAC-GI Forum vs. The State of Texas also takes on particular significance as the Obama administration proposes a requirement in its blueprint for the reauthorization of the *Elementary and Secondary Education Act* (known as NCLB) that states evaluate and examine the effectiveness of ELL programs.

Specifically, the ESEA blueprint calls on states to “implement a system to evaluate the effectiveness of language instruction educational programs and to provide information on the achievement of subgroups of English learners, to drive better decisions by school districts for program improvement, and to support districts in selecting effective programs.”

On the surface, Texas’ PBMAS program may seem responsive to such requirements, but if actual student outcomes are any guide, the state will need far more intensive action to fulfill not just the letter, but the spirit of probable new act.

Litigation, fortunately, is but one path to change. There is nothing to stop the citizens of Texas, Arizona or any other state, from calling upon public officials to be pro-active and not wait for corrective action. In Texas, much ground could be gained by taking action now to disaggregate data, deal with the under-identification of ELL students, and

reform the state’s secondary-level ELL program. In doing what is right and what is best for English language learners, the state would not only fulfill its educational mission, but also provide much-needed models for an increasingly diverse nation.

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Coca-Cola Valued Youth Program Winning Essay



Middle School First Place

Wendy Ramirez

Eighth grade, Dr. Javier Saenz Middle School, La Joya ISD

Editor's Note: IDRA sponsored a national essay competition among participants in the Coca-Cola Valued Youth Program, a nationally-recognized cross-age tutoring program of IDRA. Coca-Cola Valued Youth Program tutors wrote about how the program had helped them do better in school and how they had helped their tutees to do better. Six students received prizes. Below is the essay of the first place winner at the middle school level.

Mi experiencia de estar en el Coca-Cola Valued Youth Program es algo que me llena de satisfacción. Es el poder servir y ayudar a los niños. En el poco tiempo que tengo en el programa de Coca-Cola Valued Youth Program me he dado cuenta de la responsabilidad que se me ha brindado y no voy a defraudar a los estudiantes. En ningún momento me he sentido superior por ser una estudiante que está involucrada en VYP, al contrario yo creo que todos podemos servir en alguna área.

Las experiencias que he vivido con mis estudiantes son numerosas. En ocasiones, me voy con los rostros de mis estudiantes en mi pensamiento. Al llegar a mi casa planeo en qué les voy a ayudar el día siguiente. El estar en VYP he aprendido ser más responsable y me he dado cuenta que mi forma de pensar sobre la educación y la necesidad de seguir en la escuela se ha transformado de un "talvez" a un "sí." Me motiva el saber que mis niños quieren seguir mi ejemplo porque en repetidas ocasiones me han dicho, "Wendy, yo quiero ser como tu cuando crezca."

Les voy a compartir algo chistoso. Me hice un cambio en mi cabello colocándome unos rayitos. Y unas de mis niñas me dijeron que se querían poner el cabello como yo. Después de esos comentarios me di cuenta que mi ejemplo y mi comportamiento y hasta mi manera de vestir va a influir en su desarrollo. Hoy, más que nunca, me he propuesto esforzarme ser un buen ejemplo gracias a Coca-Cola Valued Youth Program.

Desde que entré me he puesto a pensar en el futuro y que mi ayuda les podrá servir a mis estudiantes. En ese pensamiento también me incluye a mí y los cambios que ha habido en mí. Antes yo

pensaba que el seguir en la escuela era una pérdida de tiempo y que mis hermanos no necesitaban de mi ayuda, que ellos solos deberían seguir adelante. Pero todos estos pensamientos cambiaron desde que entré a éste programa. Ahora reconozco que al seguir en la escuela es un bien que le haré a mi futuro y a los que me rodean, especialmente que he ayudado a mis hermanos mas y [ellos] han levantado sus grados. Me siento muy feliz y creo que ningún de estos cambios fueran ocurrido si no fuera por el ayuda que me ha dado Coca-Cola Valued Youth Program.

English translation

My experience of being in Coca-Cola Valued Youth Program is something that fills me with the satisfaction of being able to serve and help the tutees. In just a short time I have been in the Coca-Cola Valued Youth Program, I have come to realize the responsibility that the tutees have offered me and I am not going to disappoint them. At no time have I felt superior to anyone for being a student who is involved in VYP. On the contrary, I believe that we can all serve in some area.

The experiences that I have lived with my students are numerous. Sometimes I go home with the faces of my students in my thoughts. When I arrive home, I plan what I am going to help them with the following day. In being in the Coca-Cola Valued Youth Program, I have learned to be more responsible. And the way I think of education and the need to continue in school has been transformed from a "maybe" to a "yes I can." It motivates me that my tutees want to follow my example. Frequently, they say to me, "Wendy, when I grow up, I want to be like you."

I am going to share something humorous...I made a change in my hair by getting highlights, and some of the girl tutees said to me that they wanted to make their hair look like mine. After those comments about me, I realized that my example and my behavior and even the way I dress is going to influence the tutees' development. And today more than ever, I have proposed to myself to make an effort of being a good example thanks to the Coca-Cola Valued Youth Program.

Since I entered the program, I have thought about the future and how I have helped the tutees. In these thoughts, I have included myself and the changes in me. Before, I thought that staying in school was a waste of time, that my brothers did not need my assistance and that they should move ahead on their own. But all those thoughts changed since I entered this program. Now, I realize that staying in school is good for my future and for those who surround me, and especially that I have helped my brothers more. Thanks to my help, they have improved their grades, and I feel very happy. I believe that none of these changes would have happened without the help that the Coca-Cola Valued Youth Program has given me.

For more information on the Coca-Cola Valued Youth Program contact IDRA at 210-444-1710 or contact@idra.org or visit www.idra.org/Coca-Cola_Valued_Youth_Program.html



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