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# IDRA Calls for Greater Federal Role in Education to Increase Excellence and Equity

by María “Cuca” Robledo Montecel, Ph.D.

*Editor’s note: Over these past months, Texas debated budget bills that will dramatically impact low-income and minority students, who are now the majority of students in the region. While Texas ranks 42 nationally in the number of high school graduates going to college, the state legislature cut billions of dollars from public education (see story on Page 3). Policymakers here – as in many other states – also are cutting financial aid for low-income college students and full-day prekindergarten programs. States must not shirk their responsibility to educate all children. IDRA has issued a call for the federal government to take an increased role in securing equity and excellence in education. Following is the text of the testimony presented by IDRA to the U.S. Department of Education, Equity and Excellence Commission in June.*

IDRA is a national independent, non-profit research and training organization whose mission is to strengthen schools to work for all children. With this commitment, the twin goals of educational equity and excellence have been both founding and defining concerns of our organization. (See IDRA’s Principles for Fair Funding for the Common Good online.)

IDRA’s deep concern for our children’s future is shared by many. Just a few weeks ago, IDRA joined the Mexican American Legal Defense and Educational Fund (MALDEF) in meeting with community and school leaders in South Texas to

explore the possibility of new litigation on behalf of the children of the region. The concern arises from a clear pattern: Schools that have the highest dropout rates (Johnson, 2010) and that are most challenged to recruit and retain highly qualified teachers and to provide a rigorous curriculum for all students are also the schools that have been historically neglected in terms of resources.

It is fitting that the commission should convene here in Texas, home to the *Rodríguez* and *Edgewood* court cases that were at the forefront of legal struggles nationally to achieve school finance equity. And it is pressing that we gather now, as Texas lawmakers opt to leave monies untouched in a Rainy Day fund while cutting \$4 billion from an educational system that is already inequitable.

When families can’t count on their neighborhood public school to be funded equitably, something has gone deeply wrong in America. Educational opportunity is, after all, woven into the very fabric of our nation’s promise to children.

In delivering the unanimous opinion in *Brown vs. Board of Education*, Judge Justice Earl Warren called education one of our government’s most important functions. He went on to say that it is “doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education” and that “such an opportunity, (cont. on Page 2)

*“We must connect school outcomes – graduation and college readiness – with who and what produces those outcomes – connecting actionable knowledge to support engaged citizens, accountable leadership and enlightened public policy that leverages change.”*

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

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where the state has undertaken to provide it, is a right *which must be made available to all on equal terms*" (emphasis added).

The *Brown* decision asserted that in America – where any girl or boy could grow up to be an astronaut, an artist, a business owner, a Supreme Court Justice or the nation's president – every family could expect a quality education for their child.

Despite equity gains that were achieved through litigation in state courts, it is abundantly clear that we are not making good on that basic promise.

Because systemic inequity is concentrated in our poorest communities, this is especially punishing in the southern states where over half of students are low-income and the majority are students of color (Southern Education Foundation, 2007).

As Rutgers University researchers point out in the school funding fairness report card, funding levels should increase relative to the level of concentrated student poverty – not the reverse. But Texas, Missouri, North Carolina, Arkansas, Mississippi and Tennessee all rank in the bottom 10 states for funding levels (Baker, et al., 2010). (Texas ranks 42 on the "funding level" measure.)

Today in Texas, there is a \$1,450 gap in per pupil funding between the 100 poorest school districts in the state and the 100 wealthiest districts. This means that in a class of 25 students, poorer schools have \$36,000 less to spend on teaching staff, curriculum, books, technology tools and supplies (IDRA, 2011). (See IDRA's infographic: Texas School Funding Equity Gap online)

How does this directly impact children and their lived experience in the classroom?

Recent research by Dr. Ed Fuller on the distribution of highly qualified teachers in Texas found that, "at all school levels...students in high-poverty and predominantly minority schools have far less access to teacher quality than students in low-poverty and predominantly White schools" (2010).

IDRA's latest attrition research shows that, although attrition rates in Texas dipped below 30 percent for the first time in 25 years, the gaps between the attrition rates of White students and Hispanic students and Black students are dramatically higher than 25 years ago. Also, the five Texas regions with the highest attrition rates are among the poorest regions in the state. (Johnson, 2010 & 2011)

A deeply concerning part of this story is that Texas *had been* on a path to improving equity. After years of struggle, the state had reduced funding disparities in school revenues from thousands of dollars per student to less than \$700. But in 2005, the state Supreme Court in *West Orange-Cove vs. Neeley* modified its stance in the *Edgewood I* case by ruling that, once the state met and ensured access to an "adequate" (minimal, not excellent) education, some degree of unequalized local supplementation or "unequalized enrichment" was permissible. In response, the Texas legislature wasted no time in modifying the school funding system and rendering the state equalization formulae all but irrelevant. (For a full description, see IDRA's policy update, *The Status of School Finance Equity in Texas*, Cortez, 2009.)

That is where we are today.

History has taught us that Texas, like many states in this region and around this country, often does not make the hard choices required to bring justice to the most vulnerable of its citizens. It took federal

intervention via U.S. Civil Action 5281 to move the state to desegregate its public schools, decades after the *Brown vs. Topeka*

case made integrated schooling the law of the land. It took federal court action for Texas to mandate that its schools provide bilingual and ESL programs to its English learners years after the *Lau vs. Nichols* case in 1974. And it took federal intervention to require Texas to provide access to public education to children of undocumented workers as mandated in *Doe vs. Plyler* in 1981. This state and this region have a long and tarnished history of failing to provide equal educational opportunities for all children. It is imperative that new federal policies be adopted to protect the right to equal educational opportunities for all of our students in every state.

To take up this call, we offer the following recommendations.

**Recommendation 1: The federal government must assume an increased role in supporting educational funding for equity and excellence across states.** (cont. on Page 6)



## 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](mailto:contact@idra.org).

Additional resources are available online at [http://www.idra.org/South\\_Central\\_Collaborative\\_for\\_Equity/](http://www.idra.org/South_Central_Collaborative_for_Equity/)

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# Texas: Turning its Back on the Future

## An Assessment of Major Education Policy Reforms Considered by the 82nd Texas Legislature

by Albert Cortez, Ph.D.

This just-ended Texas legislative session may be best remembered as one of the most polarized and unyielding in decades. Policymakers faced a revenue shortfall of \$27 billion needed just to maintain state services at the prior biennium levels. It was caused, not by the economic downturn, but by legislative actions five years prior that cut local property tax revenues without replacing them from other sources, including the business tax that was supposed to offset the cuts. In response this year, state leaders took a meat axe approach that will no doubt haunt generations of Texans for decades to come.

### Education Funding Slashed

Among those hardest hit were Texas public schools with \$4 billion in critical state funding slashed over the next biennium, with the prospects of further cuts looming if the state economy does not significantly improve by 2013. In addition, the manner in which education funding was cut was neither strategic nor equitable. Political egos became the driving force for the funding reduction mechanisms that were eventually adopted.

Early conversations of how best to approach funding cuts began with reasoned analyses that focused on reducing state aid that is non-equitably distributed through either target revenue or related hold-harmless funding mechanisms. But when computer runs showed the effect such cuts would have on high wealth schools, the focus quickly changed.

What emerged as an alternative approach were cuts that would, in theory, spread the pain more equally among school districts regardless of their property wealth or the disparities that would be perpetuated by the proposed funding cut approaches.

In the end, the funding plan adopted included both variants. One reflected the House leaders' preference for a 6 percent across-the-board cut to all school districts. This clearly was the most inequitable of options since the differences in revenue between high and low wealth school districts were ignored.

In the second year of the biennium, the state will cut school districts across the board by 2 percent (accounting for about \$500 million in that second year) with added reductions in districts' target revenue allocations (which will generate the additional \$1.5 billion in revenue cuts projected for the upcoming biennium).

These were the first cuts to public education in over four decades. In addition, the state reduced funding to schools by another \$1.2 billion by eliminating a number of specialized programs distributed as direct grants by the Texas Education Agency. Taken together, the \$4 billion in formulae funding plus the \$1.2 in supplemental program funding, Texas education has \$5.2 billion less than what would have been provided under previous law.

Adding insult to injury, state appropriators chose to ignore growth in school enrollments of 140,000 to 180,000 students over the next biennium. As a result, school districts that are experiencing growing student populations (especially in the state's suburban areas) will have to spread whatever reduced funding they receive for educating current students even more thinly to cover the costs of additional students.

Another example of state leaders' efforts to transfer fiscal responsibility from the state to local school districts was the attempt to change the way the state covers the underestimates in state funding that is owed to local districts at the end of a biennium. As a result of proposed changes in law, local school districts – and not the state – would have been responsible for covering any shortfalls in funding that may have resulted from state-generated underestimates of districts' state aid. Only fierce opposition from school organizations led to the elimination of that proposed change to current law.

### English Learner Education Improvements Pushed Aside

In related developments, practically any reforms  
(cont. on Page 4)

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*State leaders took a meat axe approach that will no doubt haunt generations of Texans for decades to come.*

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(Texas: Turning its Back on the Future, continued from Page 3)

that required some kind of increased outlay of state funding were left to die in committee by the House and Senate education committee leaders. Efforts to improve secondary level English learner programs championed by Senator Leticia Van de Putte were granted a hearing but never emerged for a vote before the full committee. A proposal filed by Senator Judith Zaffirini to strengthen state monitoring and accountability provisions related to EL programs across K-12 levels also was granted a hearing and left pending in committee by the committee chair.

### Teaching Quality Weakened

State leaders chose to reduce the minimum salary schedule for teachers, reduce the notification dates for non-renewal of contracts from 45 to 10 days, and provide school district officials authority to mandate furloughs of school personnel under state exigency conditions to be defined by the commissioner of education. Of concern to equity advocates is the probability that low wealth school districts, strapped to raise funds to provide competitive salaries or benefits, will once again revert to becoming training grounds for entry-level staff, only to lose those individuals to higher wealth school systems as they become more experienced and acquire advanced credentials.

### Student Disciplinary Policies Neglected

In other education areas, efforts to eliminate corporal punishment being applied without parent approval were rebuffed by the majority of legislators. The policy that emerged only allows parents at their own initiative to communicate their objections to the use of corporal punishment on their children. Rationale for the opposition stemmed from what one member expressed as reservations that it would be the parents of “those children who should be paddled” who would be the primary ones raising objections to the use of physical force on their children. No research on the effectiveness of using physical force on school children was ever presented during floor debates on the issue.

Related efforts to modify and improve the states’ disciplinary policies were strongly resisted by state leaders. This was despite yet another report (Fabelo, et al., 2011) revealing that disproportionately large numbers of Texas school students were subjected to disciplinary action, with a disturbing overrepresentation of Black males and special education students subjected to suspensions, expulsions or referrals to disciplinary alternative education programs (DAEPs). IDRA has raised these issues

repeatedly in research dating back over 10 years (Cortez & Cortez, 2009).

### Accountability System Debated

Policymakers considered delaying implementation of a complex end-of-course exam exit system and setting up a more simplified approach. The proposed system would have required students to pass a combination of English, mathematics, science and social studies exams in order to graduate. The measure was adopted in the House and included in conference committee deliberations during both the regular session and special session, but it was eventually excluded in the final plan adopted by the legislature. Concerns with the billion-dollar cuts in funding on the quality of teaching that would be available to many students created some pressure to modify or delay exit-level testing requirements. Yet recognition that these requirements would only begin to apply to the incoming freshman class of 2011 may have contributed to any minimal concern by some state policymakers.

In the interim, sophomore, junior and senior students enrolled in Texas high schools must continue to pass the state’s exit-level standardized exam in order to be awarded their diplomas. It is conceivable that the state’s funding cuts will be seen as inhibiting schools from providing students the teaching required to meet exit-level assessments and will thus be incorporated into a new legal challenge to the state school finance system.

### College Access and Success Hit

Higher education fared not much better than K-12 in the biennial budget. State colleges and universities were cut by an average of 7.8 percent. Numerous need-based financial aid programs, including Be on Time (which rewarded students for graduating in four years) and Texas Equal Opportunity Grants (TEOG), were cut by 20 percent. Texas Grant funding was cut by more than \$40 million, notably reducing the number of new students who will receive funding. New “merit” criteria for what had previously been need-based funding were added to Texas Grant eligibility requirements.

Many of the state education funding reforms are projected to move the state backward, threatening to push Texas to the bottom of national rankings in a number of education areas. Based on the funding cuts, it is anticipated that Texas achievement levels will decline, the number of students enrolling in college will decrease and state efforts to remain competitive with other states in a number of key economic areas will suffer.

## Get More Online at IDRA’s Newsletter Plus

- Flier: Immigrant Students’ Rights to Attend Public Schools, in English and Spanish
- Letter and resources from the U.S. Dept. of Justice and the U.S. Dept. of Education regarding education of immigrant students
- *The Status of School Finance Equity in Texas – A 2009 Update*
- Recent studies on school discipline in Texas
- Classnotes podcast interview with Anne Foster, executive director, Parents for Public Schools

Visit [www.idra.org](http://www.idra.org) for more information.

### Billions of State Dollars Untapped

A critical area of disagreement centered on whether the state should have used over \$6.8 billion currently sitting in the state’s “Rainy Day” fund (which is projected to grow to nearly \$10 billion by 2013) to avoid the high cuts to education, programs for children and care for elder Texans. Texas political leaders (including the Governor, Lt. Governor, the House Speaker and their appointed committee chairs), citing the need to save the reserve for possible future shortfalls, refused to tap the state’s reserves in what was clearly a critical budget period. How many and how long Texans citizens will suffer from such short-sightedness remains to be seen.

### Resources

- Cortez, A. *The Status of Texas School Finance – A 2009 Update* (San Antonio, Texas: Intercultural Development Research Association, 2009).
- Cortez, A., & J.D. Cortez. *Disciplinary Alternative Education Programs in Texas – A 2009 Update* (San Antonio, Texas: Intercultural Development Research Association, 2009).
- Fabelo, T., & M.D. Thompson, M. Plotkin, D. Carmichael, M.P. Marchbanks, E.A. Booth. *Breaking Schools’ Rules: A Statewide Study on How School Discipline Relates to Students’ Success and Juvenile Justice Involvement* (New York: Council of State Governments. Justice Center, 2011).

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# Helping Parents Use Data to Improve Schools

## An Interview with Anne Foster, Executive Director, Parents for Public Schools

by Aurelio M. Montemayor, M.Ed.

*Editor's Note: As seen in IDRA's Quality Schools Action Framework™ (Robledo Montecel & Goodman, 2010), a key element to working with schools to bring about positive change is having access to disaggregated data in ways that are meaningful and actionable. In this interview, Anne Foster, executive director of Parents for Public Schools, describes how PPS is training parents to interpret data and to better understand how schools and school boards function. She gives several examples of transformations that have occurred as a result, like improving science achievement and dramatically improving graduation rates. The full interview is available through the IDRA Classnotes Podcast (via iTunes or <http://www.idra.org/Podcasts/>).*

**Ms. Foster on Why Parents for Public Schools Exists:** PPS exists to engage parents and others in the community to support public education at a very high level because education is essential to our communities, to our nation and to our democracy. We encourage parents to understand that they truly own the public education system and that they are the ones to make sure it works. PPS started in Jackson, Mississippi, in 1989 to encourage all parents in the community to work together for quality public education for all kids. It was a really noble experiment at that time in the deep South. Others noticed the movement, and it grew to other communities. We became national in 1991. Today we have 17 chapters in 12 states with other interested groups coming forward. Our chapters are very, very local. They tailor their activities and their work to the local issues.

**Ms. Foster on the Role Actionable Knowledge Plays:** We encourage our chapters in various ways to use data. Right now some are looking at data to see how their middle schools are performing. There is no way we can really understand how the school is serving children unless we can read and interpret data. One of the tools we have for training parents is our parent leadership institute, a product of the Center of Parent Leadership of the Pritchard Committee in Kentucky, which has been instrumental in raising the quality of education in

Kentucky over the last decade. We use the institute in a Mississippi statewide program, "State House to School House." It shows parents to read and interpret data. At the end of the institute, parents can see, for example, that in their school, third grade African American boys are not reading at an acceptable level. They connect to a school project to generate improvement that will go for years after the institute. The project must link to data, link to student achievement and involve other parents.

**Ms. Foster on the Kinds of Data Discovered by Parents that Helps them Plan to Improve the School:** They have learned, first of all, that data is broken down into subgroups and demographic subpopulations, and they can sort out whether the school is serving some students acceptably or maybe even exemplarily but not others, especially those students who are not where they need to be on a required test. This is the first real clue to parents about how to use the data. From there, they can compare economically disadvantaged students with other categories. They can look at the entire school district and make sure that the district is working equitably with all of its schools. Parents can also refer to the data to see how their school and their district are doing in comparison to others in the state and the nation. We also are looking at gifted and talented education at the secondary level, college prep courses and similar data to see if graduation rates are going in the right direction.

**Ms. Foster on Some Successes that Parents Groups Have Had:** A parent in Tupelo, Mississippi, studied the data from her children's elementary school and found that science scores had dropped significantly. She and other parents raised funds and created a science lab in their school to support the science curriculum. A parent in the Mississippi Delta (one of the most challenged regions of the nation) studied the dropout data and created a project to assist counselors. She worked one-on-one with the students who were not in a position to graduate. I think after the end of that project most of those students crossed that stage. So these are real life actions that come about when



parents study and understand data.

**Ms. Foster on Challenges:** There are many challenges in parent engagement. Many disenfranchised parents are not well connected with their children's schools and are intimidated by school and educators. One challenge is to find and bring those parents to the table. We know that parents exist along a spectrum: at one end are parents who were going to make sure that schools serve their kids. They'll create their options because they are going to make sure their children will get a good education. At the opposite end there are parents who are completely disenfranchised. And there are others that exist somewhere in between those two extremes. We are always trying to move parents along that spectrum to a higher place. Some (cont. on Page 6)

## IDRA Texas PIRC

For more information about the Texas IDRA Parent Information and Resource Center or to request technical assistance, contact us at 210-444-1710 or [contact@idra.org](mailto:contact@idra.org).

Additional resources are available online at [www.idra.org/Texas\\_IDRA\\_PIRC.htm](http://www.idra.org/Texas_IDRA_PIRC.htm)

*funded by the U.S. Department of Education to serve the state of Texas*



(Helping Parents Use Data to Improve Schools, continued from Page 5)

of the parents we work with actually get to a point that they run for their local school board.

Another challenge today is to connect with parents who actually might want to start and sustain a PPS chapter in their community. We know that parents are busy, trying to survive, looking for work or

working multiple jobs. To create an organization and sustain it is a challenge, but we identify parents who want to do this work.

### Resource

Robledo Montecel, M., & C. Goodman (eds). *Courage to Connect: A Quality Schools Action Framework™* (San

Antonio, Texas: Intercultural Development Research Association, 2010).

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(IDRA Calls for Greater Federal Role in Education to Increase Excellence and Equity, continued from Page 2)

In all states, all schools should be included under a state equalized funding system.

Local property wealth plays a critical role in determining funding for public schools in most states. Federal funding for school districts should provide state incentives to increase equity recognizing the vastly different levels of property wealth that affect local funding capacities.

Equity does not mean equal federal funding for all districts. Federal funding must incorporate mechanisms to recognize that school districts may require different levels of funding – so long as they are based on real operating cost variations.

Federal funding mechanisms should be adjusted to recognize that costs to serve special needs students are higher than other students – with special needs categories including English learners, low-income, gifted and talented, migrant and special education students.

Federal allocations must continue to require states to supplement and not supplant state funding.

### Recommendation 2: The federal government must fund community engagement and amplify community and family leadership in education.

From 1968, when students in the Edgewood school district walked out to protest poor conditions in their schools, youth, families and community members have played critical roles in pressing for school finance equity. Unfortunately, we seem to be moving away from funding community-based problem-solving and promoting a shared sense of responsibility for education.

The federal government needs to ensure that all families, including low-income and minority families, are full partners in education. In federal congressional testimony, IDRA noted that “community oversight is a critical missing ingredient in effective and accountable dropout prevention efforts at the local level” and recommended federal funding for the creating of local accountability teams (Robledo Montecel, 2007). As we described, local

accountability teams would review data and form action plans to strengthen the four school features that are essential to student success: parent and community engagement, student engagement, curriculum quality and access, and teaching quality (see IDRA’s Quality Schools Action Framework™). The work of the federally-funded parent information and resource centers in some states, including Texas, provide insight into this approach.

In the Texas colonias, the IDRA Texas Parent Information and Resource Center (PIRC) has worked with Latina leaders at a non-profit called ARISE to form the nation’s first PTA Comunitario, a grassroots PTA chapter that provides colonia leaders with school data and resources to support reform.

Also, in South Texas, we are collaborating with a cross-sector network of organizations funded by the Marguerite Casey Foundation that have committed to a region-wide agenda to improve the quality of public education.

The federal government can foster more efforts of this kind, recognizing that education is at its best when it is infused with the voice and strength of the community.

### Recommendation 3: Education must be secured as a fundamental right guaranteed via adoption of a new constitutional amendment.

This was the principal recommendation of civil rights attorneys who formed part of our Fulfilling the Promise of Mendez and Brown initiative and a core recommendation of the Southern Education Foundation (see *No Time to Lose: Why America Needs an Education Amendment to the US Constitution to Improve Public Education*, Southern Education Foundation, 2009).

Though the founding fathers may not have chosen to provide for access to education as a fundamental right in the early 1700s, the significance of access to education in today’s economic, social and democratic life cannot be denied.

Four decades ago, IDRA’s founder, Dr. José Ángel Cárdenas gave voice to a vision and a dream of “an educational system where success and rewards are dependent on the student’s capability and effort and are not constrained by [environmental] circumstances – an educational system in which all students can and will learn.”

We stand ready to work with the commission now as you take up this charge to secure equity and excellence in education. Together, this commission, our communities and educators can work to fulfill America’s promise of equity and excellence. Our children deserve it, our democracy demands it, and the future of our country depends on it.

### Resources

Baker, B.D., & D.G. Sciarra, D. Farrie. *Is School Funding Fair? A National Report Card* (Newark, N.J.: Education Law Center, September 2010).

Cortez, A. *The Status of School Finance Equity in Texas – A 2009 Update* (San Antonio, Texas: Intercultural Development Research Association, 2009).

Fuller, E. *Study on the Distribution of Teacher Quality in Texas Schools* (Austin, Texas: Association of Texas Professional Educators, Fall 2010).

IDRA. *Texas School Funding Equity Gap, Infographic* (San Antonio, Texas: Intercultural Development Research Association, May 2011).

Johnson, R.L. *More than 3 Million Students Have Been Lost from Texas High Schools Since 1986 – Texas Public School Attrition Study, 2009-10* (San Antonio, Texas: Intercultural Development Research Association, October 2010).

Johnson, R.L. *High School Attrition Rates Across Texas Education Service Center Regions: 2009-10* (San Antonio, Texas: Intercultural Development Research Association, April 2011).

Robledo Montecel, M. “Graduation for All Students – Dropout Prevention and Student Engagement Strategies and the Reauthorization of the No Child Left Behind Act,” testimony Committee on Education and Labor, U.S. House of Representatives (San Antonio, Texas: Intercultural Development Research Association, April 23, 2007).

Southern Education Foundation. *A New Majority: Low Income Students in the South’s Public Schools* (Atlanta, Ga.: Southern Education Foundation, 2007).

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# Immigrant Students' Rights to Attend Public Schools

## School Opening Alert

Many educators are not aware that the education of undocumented students is guaranteed by the *Plyler vs. Doe* decision or that certain procedures must be followed when registering immigrant children in school to avoid violating restrictions on obtaining personal information without obtaining prior parental consent.

Concerned about recent activities in various states and school districts regarding the education of immigrant students and, more specifically, children of undocumented workers, the U.S. Department of Justice and the U.S. Department of Education published in May a letter advising school officials that activities that deny or discourage students to attend school are unlawful. The letter begins, "Under federal law, state and local educational agencies are required to provide all children with equal access to public education at the elementary and secondary level."

In *Plyler vs. Doe*, the U.S. Supreme Court ruled that children of undocumented workers have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other students, children of undocumented workers in fact are required under state laws to attend school until they reach a mandated age.

The Supreme Court arrived at this decision because such practices that deny or discourage immigrant children and families from public schooling:

**Victimize innocent children** – Children of undocumented workers do not choose the conditions under which they enter the United States. They should not be punished for circumstances they do not control. Children have the right to learn and be useful members of society.

**Hurt more than they claim to help** – Denying children access to education does not eliminate illegal immigration. Instead, it ensures the creation of an underclass. Without public education for children, illiteracy rates will increase and opportunities for workforce and community participation will decrease. Research has proven that for every \$1 spent on the education of children, at least \$9 is returned.

**Turn public school teachers and officials into immigration enforcement agents** – Rather than teaching students, school officials would spend their time asking our millions of school children about their citizenship status. States would be forced to spend millions of dollars to do the work of the U.S. Immigration and Customs Enforcement (ICE) agency.

**Promote misinformation** – Incorrect assumptions and inappropriate figures have been used to blame immigrants and their children for economic problems.

**Support racism and discrimination** – Historically, financially troubled times have bred increased racism. Children of undocumented workers should not be treated as scapegoats.

As a result of the *Plyler* ruling, public schools may not:

- 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;

- require students or parents to disclose or document their immigration status;
- make inquiries of students or parents that may expose their undocumented status; or
- require social security numbers from all students, as this may expose undocumented status.

Students without a social security number should be assigned a number generated by the school. Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.

The *Family Education Rights and Privacy Act* prohibits schools from providing any outside agency – including the ICE agency – with any information from a child's school file that would expose the student's undocumented status. The only exception is if an agency gets a court order (subpoena) that parents can then challenge. Schools should note that even requesting such permission from parents might act to "chill" a student's *Plyler* rights.

Finally, school personnel – especially building principals and those involved with student intake activities – should be aware that they have no legal obligation to enforce U.S. immigration laws.

At IDRA, we are working to strengthen schools to work for all children, families and communities. Help us make this goal a reality for every child; we simply cannot afford the alternatives. Denying children of undocumented workers access to an education is unconstitutional and against the law.

**Feel free to copy this alert and share it.** You can also 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 assistance in ensuring that your programs comply with federal law, you can contact the Department of Justice, Civil Rights Division, Educational Opportunities Section, at 877-292-3804 or [education@usdoj.gov](mailto:education@usdoj.gov), or the Department of Education Office for Civil Rights (OCR) at 800-421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov). You may also contact the OCR enforcement office that serves your area.

**For more 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

**Printable versions of this alert are online in English and Spanish at [www.idra.org](http://www.idra.org)**



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## *Focus: Actionable Knowledge*

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*“At every level, from policy to practice, people need clear, accurate and timely information to assess what is needed to strengthen schooling, take action and make sure it is on the right track.”*

– *Courage to Connect: A Quality Schools Action Framework™*, 2011

Intercultural Development Research Association

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