



Round Six and Holding **The State District Court Ruling in** **West Orange-Cove vs. Neeley**

by Albert Cortez, Ph.D.

Late last November 2004, Judge John Dietz issued his long awaited final ruling in the *West Orange-Cove* school finance case, the latest in a long string of successful challenges to the Texas school finance system. Following more than two months of testimony and thousands of documents submitted, the judge issued an eight-page final judgment and an accompanying 125-page “findings of fact and conclusions of law” where he went into great detail presenting the rationale for his decision.

Overview of the Case

This litigation deviates from the prior five cases in that the lead plaintiff was not the property-poor Edgewood school district. Neither was the case focused exclusively on equity or equal access to revenue.

Instead, the lead plaintiffs included a group of high-wealth and moderate-wealth school districts whose primary complaint was that the existing funding system does not provide them or let them raise enough money to provide an “adequate” education to their students.

A related claim proposed that the state’s \$1.50 tax for maintenance and operations costs constitutes a local property tax, which is not permitted under the Texas Constitution. In this regard, Texas joined a growing number of states where the adequacy of the funding provided to its public schools was challenged in court.

IDRA provided expert testimony in the case last fall.

In his final ruling, the judge identified four areas where the current Texas school funding mechanism violates state constitutional requirements. These areas are:

- the existing \$1.50 tax limit on local maintenance and operations taxes;
- the level of funding provided to schools under current formulas;
- the extent of equity and adequacy of existing state facilities funding mechanisms; and
- the level of funding provided under current bilingual education and compensatory education funding formulas.

Based on his findings, Judge Dietz has given the state until October 1, 2005, to modify the funding system to correct the constitutional violations

Round 6 and Holding – continued on Page 2

Inside this Issue:

- ❖ **Most memorable quotes on school finance**
- ❖ **Position statement on bilingual education**
- ❖ **Tools for action**



identified in this legal challenge.

To support his sweeping court order, Judge Dietz compiled an extensive collection or “findings of fact” that provide justification for the opinions reached in this case. The findings are arranged into sections that facilitate finding the factual basis the court used to come to specific conclusions. The findings of fact includes an extensive table of contents from which IDRA has extracted critical findings statements below that reflect the court’s sweeping judgments.

Academically Acceptable is Not Adequate

To the extent that the Texas Supreme Court presumed that the “general diffusion of knowledge” is the equivalent of an “academically acceptable” accreditation ranking, plaintiffs have rebutted this presumption. This portion of the ruling was, in part, based on a re-assessment of what was required of Texas public schools since the initial *Edgewood* rulings.

An “academically acceptable” ranking is not the equivalent of an adequate education... The costs of education have increased over time as have the academic standards that schools must achieve.

The judge stated that the legislature has defined the objectives and mission of the public education system much more expansively than simply the provision of an “academically acceptable” education, as defined in the accountability system. He proposed that, an “academically acceptable” ranking is *not* the equivalent of an adequate education. The Foundation School Program is intended to provide sufficient funding not only to maintain an “academically acceptable” ranking, but also to meet “other applicable legal standards.”

The court also noted that the costs of education have increased over time as have the academic standards that schools must achieve. The finding referenced changing demographics in

Texas schools, a trend that points to increasing proportions of low-income students and those who may need specialized instruction. The judge also notes, “Districts face many large, uncontrollable costs that are not adequately addressed in the state’s existing financing formulas,” and that costs vary based on student characteristics.

In his discussion, the judge focused on funding provided for compensatory, bilingual and special education in the current system. The primary impact cited includes difficulty in recruiting and retaining specialized teachers and related increases in dropout rates and related costs.

Judge Dietz acknowledged that

In This Issue...

- 3** **The Fifty Most Memorable Quotes**
- 6** **Tools for Action**
- 7** **Educating English Language Learners**
- 13** **Highlights of Recent IDRA Activities**
- 14** **12th Annual IDRA La Semana del Niño**
- 17** **Leaders Unveil Plans for Education of Latinos**

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

The *IDRA Newsletter* (ISSN 1069-5672, © 2005) serves as a vehicle for communication with educators, school board members, decision-makers, parents, and the general public concerning the educational needs of all children in Texas and across the United States.

Permission to reproduce material contained herein is granted provided the article or item is reprinted in its entirety and proper credit is given to IDRA and the author. Please send a copy of the material in its reprinted form to the *IDRA Newsletter* production offices. Editorial submissions, news releases, subscription requests, and change-of-address data should be submitted in writing to the *IDRA Newsletter* production editor. The *IDRA Newsletter* staff welcomes your comments on editorial material.

Portions of the contents of this newsletter were developed under a grant from the U.S. Department of Education. However, those contents do not necessarily represent the policy of the Department of Education, and endorsement by the federal government should not be assumed.

Publication offices:
5835 Callaghan Road, Suite 350
San Antonio, Texas 78228-1190
210/444-1710; Fax 210/444-1714
www.idra.org contact@idra.org

María Robledo Montecel, Ph.D.
IDRA Executive Director
Newsletter Executive Editor

Christie L. Goodman, APR
IDRA Communications Manager
Newsletter Production Editor

Sarah H. Aleman
IDRA Data Entry Clerk
Newsletter Typesetter

The Fifty Most Memorable Quotes in School Finance

by José A. Cárdenas, Ed.D.

Editor's Note: This article was first printed in the May 1994 issue of the IDRA Newsletter. Over a decade later, many of the sentiments reflected here are still present in the current school funding discussions.

After 25 years as an active proponent of school finance equity, I believe that I have heard it all. The following are 50 of the most remarkable quotes I have heard in Texas between 1969 and 1994. I have paraphrased some of the quotes in order to make them easier to understand.

State Supreme Court: "The Constitution demands that all districts have the same amount of money. When they all have the same amount of money, then it's all right for some to have more."

Federal courts: "It's an unfair, dirty, stinking, rotten system, but it's not unconstitutional."

State courts: "It is unconstitutional, and it must be fixed immediately. We are giving the legislature five more years to come up with a better system."

State political leader: "I am strongly in favor of equalization as long as nothing changes."

Texas legislator: "The new law is

perfect. All districts in the state will have an equal amount of money per child, and those districts which are used to having more money, will continue to have more."

Republican: "Texas will have the finest system of education in the country, if we do not raise taxes."

Democrat: "Education is our highest priority. These new taxes will go for education *after* we finish building our new highways."

A Texas governor: "We need a new study of the school finance problem."

Out-of-state school finance expert: "Thank you for the \$5 million for

our new study of the school finance problem."

Candidate for governor: "If you elect me governor, I will call for a new study of the school finance problem."

A Texas lieutenant governor: "Now that we have solved the school finance problem, we can concentrate on the quality of our schools."

Texas senator in 1982: "I know that Texas has a \$2.86 billion surplus, but you can't fix the school finance system by throwing money at it."

Texas senator in 1989: "How can you expect us to fix the school finance system when we don't have any

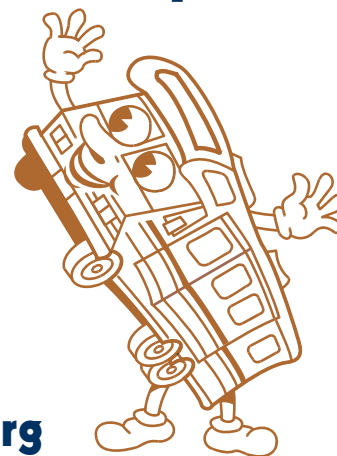
Fifty Quotes – continued on Page 4

Take the IDRA Newsletter Field Trip!

On IDRA's Web Site

- ✦ Read related *IDRA Newsletter* articles from 1996 to the present
- ✦ Access statistics, definitions, etc.
- ✦ Learn about Internet resources
- ✦ Find extensive useful Internet links
- ✦ Use IDRA's topical index to find what you are looking for

www.idra.org



money?”

Texas representative: “The present system is bad, and it is illegal. If you enact my proposed constitutional amendment, it will no longer be illegal.”

A Texas attorney general: “The system may be bad, but it is the law, and I have sworn to uphold the law. The equal protection law? What’s the equal protection law?”

Rich man from Dallas: “It’s perfectly simple. See this line? It’s districts with lots of money. See that line? It’s districts with no money. Now, you just take money from this line and put it in that line. It’s --- just --- as --- simple --- as --- that!”

City manager: “Schools don’t need more money. Schools need good management. Give *us* the money and we will help them manage.” [Gee, maybe Texas schools will now be able to participate in the South Texas Nuclear Power Project.]

State educational leader: “I know that all kids are equal, but the system has to take into account that some kids are more equal than others.”

Rich school district: “The solution is to level up. If we increase the state share from \$8 billion a year to \$56 billion a year, all districts will have the same amount of money. Then the rich school districts can add more money.”

Richest school districts: “Sure we have more money. But we spend all of that money to develop curriculum materials which we then make available to the poor districts.”

Rich, low taxing district: “You can’t raise our tax rate to the state average; our taxpayers won’t like it.”

Parent in the lowest taxing, rich school district: “We have lots of money for our schools because we make sacrifices and support high taxes.”

District with less than 10 students enrolled in grades 1 to 12: “If we are consolidated with another school district, it will destroy our educational program.”

“The More Things Change...”

Memorable Quotes in School Finance in 2004

A Texas governor: “I believe we can reform our school finance system without a major tax hike, without a broad based business tax, and without an across-the-board rate hike on the existing sales tax base.”

A Texas representative: “Where did this idea come from that everybody deserves free education, free medical care, free whatever? It comes from Moscow, from Russia. It comes straight out of the pit of hell. And it’s cleverly disguised as having a tender heart. It’s not a tender heart. It’s ripping the heart out of this country.”

Another Texas representative: “I think we have consensus.”

Another Texas representative: “The children of Texas deserve better from their public officials than two hours of debate on the most significant education reform bill in over a decade.”

School superintendent: “It’s not fair. If the money appropriated for bilingual education has to be spent on bilingual education, where will we get the money for the new band uniforms?”

Superintendent in a poor school district: “I don’t envy the rich districts. Eventually I may get a job in one of them.”

Superintendent in a poorer district: “Our district is located on the Rio Grande, just across from Mexico. Sure, we attempted to consolidate with another district; but we’re so poor, the Mexican district didn’t want us.”

Superintendent in an even poorer district: “We don’t have to go to Austin to see what the legislature is doing in school finance. The districts in the Dallas area look after our interests.”

Eighth poorest district [out of 1,600] in Texas in 1972: “We have to fight these court suits. The courts are going to take away our money and give it to the poor school districts in the state.”

Teacher organization (from 1969 to 1994): “The legislature must fix the Texas system of school finance. The best way of fixing it is by raising teacher salaries and increasing fringe benefits.”

Teachers in rich districts: “The system is good because it allows the districts with the best students to attract the best teachers.”

Teachers in poor districts: “Where can I get an application to teach in a rich district?”

Teacher without a degree or certificate: “If they keep putting more money into the system all the jobs will be taken by qualified teachers.”

Texas Education Agency (TEA) [Texas Society for the Preservation of the Status Quo], in 1970: “The amount of equity provided under the new law is the exact amount that is needed.”

TEA in 1975: “The amount of equity provided under the new law is the exact amount that is needed.”

TEA in 1985: “The amount of equity provided under the new law is the exact amount that is needed.”

TEA in 1993: “The amount of equity provided under the new law is the exact amount that is needed.”

Old TEA deputy commissioner in 1985: “Money does not make a difference.”

New TEA deputy commissioner 1993: “Have you noticed how all the

low performing kids seem to be clustered in the low wealth districts?”

TEA statistician: “There are no big differences in the amount of money available to wealthy and poor school districts. In this chart, we have eliminated the 150 richest and the 150 poorest districts. As you can see, the difference in money in the remaining districts is small. In simple words, the extremes appear extreme because the extremes are very extreme. If you eliminate the extremes, the extremes are not so extreme.”

TEA expert witness: “We already have a perfectly equitable system of school finance in Texas, *if* no district levies a tax higher than 65 cents, and *if* districts do not construct new schools, and *if* there is no increase in the number of students, and *if* the cost of education does not increase, and *if* all teachers

are paid the state minimum salary, and *if*...”

Expert on school finance: “It’s good to have some children in schools with less money than others because it forces the state to pump in new money each year. The children in poor districts are like rabbits in a dog race. They serve an important purpose giving the dogs something to chase.”

School boards in 1973: “1,603 school districts is the exact number needed in Texas.”

School boards in 1983: “1,194 districts is the exact number needed in Texas.”

School boards in 1993: “1,048 districts is the exact number needed in Texas.”

Chamber of commerce: “We need a plentiful supply of cheap labor in order to attract high-tech industries to Texas.”

Farmer: “We don’t need better schools. In a few years cotton will return as the backbone of the Texas economy, and we will again be rich.”

Demetrio Rodríguez [lead parent plaintiff in the original Texas School finance suit] in 1969: “I wanted to have adequate schooling.”

Demetrio Rodríguez in 1973: “I want my children to have adequate schooling.”

Demetrio Rodríguez in 1988: “I want my grandchildren to have adequate schooling.”

Demetrio Rodríguez in 1994: “I want my great-grandchildren to have adequate schooling.”

And so on...

José A. Cárdenas, Ed.D., is the founder and director emeritus of IDRA. Comments and questions may be directed to him via e-mail at comment@idra.org.

Excellent Education Requires Fair Funding

Learn How You Can Help

Americans agree that a child’s future should not depend on his or her heritage, parents’ income, or neighborhood. Our sense of justice insists that America be the land of opportunity where all of its citizens are considered equal.

Some people may wonder why funding schools fairly is an issue we need to talk about. They may ask: Aren’t schools okay now? Yes and no. Our current system of funding and equity is not broken. The system is sound. But dramatic cuts in state funding have caused the quality of schools children attend to suffer, based on the wealth of their community.

This is bad for Texas. What’s worse, policymakers could take us backwards. Some proposals would eliminate equity, others would cut funding for bilingual education and other special populations, and others would divert limited public school funds to private schools through vouchers.

We can do better. When our state policymakers ensure a system of fair funding for schools, it sends the message that indeed every child is capable and is worthy of receiving the best quality education possible. With fair funding everybody benefits by having schools that are excellent. Excellent schools are not just for the families with the greatest financial advantages.

The Texans for Fair Funding web site was created to help you easily learn how your schools are funded, what’s at stake and what you can do about it. The site is sponsored by the Texas Latino Education Coalition, a collaborative of organizations and individuals who advocate the rights of Latinos. Members include: IDRA, the Mexican American Legal Defense and Educational Fund, the Mexican American School Board Members Association, the League of United Latin American Citizens, among others.



www.Texans4FairFunding.org

Tools for

Accept No Less – A Quality Education for All

This past year, a special legislative session and district court case thrust Texas' school finance system into the political and judicial spotlight. While much rhetoric focused on "killing Robin Hood," community members, parents and concerned educators ensured that questions about how Texas can create an excellent education, not just for some but for all of Texas' children, remained on the table.

The bottom line is that while the system has moved to far greater equalization, inequities persist. And here, as in most states, inequities are aggravated by an over-reliance on local property wealth and inadequate funding for critical bilingual education, and English as a second language and special needs programs.

Against this backdrop, some have fought to limit or eliminate equalization, a move that could push equity even further out of reach. In Texas, this point was not lost on District Judge John Dietz, when he stated: "There is, in our current system, unquestionably, a significant gap of more than ten points in educational achievement between economically disadvantaged students and non-economically disadvantaged students...The key to changing our future is to close the gap."

In grappling with these challenges, Texas is certainly not alone. The Education Trust reports that 36 states face funding disparities between high wealth and low-wealth school districts and "most states also have a funding gap between the schools with the most minority students and those with the fewest" (Carey, 2004).

Still, some have asserted that levels of school funding do not affect student achievement. In a meta-analysis of research on the link between resources and achievement, however, Biddle and Berliner (2003) find the reverse to be true, that is, public school funding has a "substantial effect" on achievement. Their analysis finds that better-funded schools are able to attract more qualified teachers, reduce class sizes, and achieve better outcomes for "at risk" children.

On the plus side, school funding is and always has been a question of choices, values and priorities. School finance systems are not imperatives but a collection of decisions. As such, these policies can and must be accountable to serving all children well and equitably. Robert Slavin emphasizes that the very structure of U.S. public education funding (relying on local property wealth) is anomalous among nations. He reports that the United States is the only developed nation to fund elementary and secondary education in this way: "Other developed countries either equalize funding... or provide extra funding for individuals or groups felt to need it."

Looking ahead, we can anticipate a range of challenges to quality, access, and equity. Recently, the Governor's Business Council outlined a dangerous plan to package vouchers, private school takeovers and charter schools into a school finance makeover—a reprise of Ross Perot's proposals from 1984. In the midst of these and other proposals, IDRA can be counted upon to judge any school finance proposals against a consistent set of principles. All of our children deserve no less than our commitment and investment in neighborhood public schools that are fully funded and held accountable to providing an excellent, equitable education.

A Snapshot of What IDRA is Doing

Conducting Research – In developing school finance models that will be shared with policy leaders and available to the public through www.texans4fairfunding.org, IDRA is convening a cadre of experts to examine the operational and fiscal impact of various school finance proposals.

Developing Leaders – In commemoration of the landmark court cases of *Brown vs. Board of Education* and *Mendez vs. Westminster*, IDRA is convening African American and Latino business, education and community leaders to ensure that these cases act as catalysts for achieving a vision of access and equity. Fair funding is a central pillar of this work.

Tools for Action continued on next page

Action

Informing Policy – IDRA was invited to brief the Texas Senate Education Committee on major education issues in January 2005 and to present school finance briefings to minority caucuses and members of the House and Senate. In addition to these sessions, IDRA will continue its commitment to develop specialized briefings and focused technical assistance to newer members of the House as they develop and expand expertise on school finance issues.

Engaging Communities – In partnership with the Texas Latino Education Coalition, IDRA is reaching out to parents, teachers, school board members and administrators to deepen public engagement in school finance equity. School finance is also fundamental to IDRA’s work on InterAction: Higher Education and Latinos in the New Millennium. Bringing together higher education, elementary and secondary education with community-based organizations and business leaders, InterAction’s policy forums and statewide seminar will set an agenda for college access and success that extends from pre-school to graduate and professional studies.

What You Can Do

Get informed about public school finance debates by joining the Texans for Fair Funding e-mail update list (sign up online or call 210-444-1710) or by visiting www.texans4fairfunding.org; learn about the relationship between fair funding, bilingual education and weights, by reviewing the unified position statement (see Page 8).

Get involved by signing the declaration for funding excellence and equity (www.texans4fairfunding.org or call 210-444-1710);

Get results by joining the Texas Latino Education Coalition (contact Frances Guzmán at IDRA 210-444-1710) or other networks that promote fair funding in your area. Let your policymakers know why funding equity is important to your children, neighborhoods, school district, community.

Additional Research and Resources

- **Center for Public Policy Priorities**, Funding Public Education in Texas
<http://www.cppp.org/schoolfinance.html>
- **Equity Center**, analysis of December 30 *West Orange-Cove vs. Neeley* ruling
<http://www.equitycenter.org/members/newsarticles/120104.QR.DietzReport.pdf>
- **Education Commission of the States**: Summary of What the States are Doing
<http://www.ecs.org/html/IssueSection.asp?issueid=48&subissueid=40&s=What+States+Are+Doing>
- **National Conference on State Legislatures**: National Center on Education Finance
<http://www.ncsl.org/programs/educ/NCEF.htm>
- **District Court ruling on *West Orange-Cove vs. Neeley***
<http://www.tea.state.tx.us/legal/FinalJudgmentWOC1.pdf>

References

- Biddle, B.J., and D.C. Berliner. “What Research Says About Unequal Funding for Schools in America,” *Policy Perspectives* (San Francisco, Calif.: WestEd, 2003) <http://www.wested.org/cs/we/view/rs/694>.
- Carey, K. *The Funding Gap 2004 Many States Still Shortchange Low-Income and Minority Students* (Washington, D.C.: The Education Trust, 2004) <http://www2.edtrust.org/NR/rdonlyres/30B3C1B3-3DA6-4809-AFB9-2DAACF11CF88/0/funding2004.pdf>.
- Finnigan, K. et al. *Evaluation of the Public Charter Schools Program Final Report* (Washington, D.C.: SRI International, 2004) <http://www.ed.gov/rschstat/eval/choice/pcsp-final/finalreport.doc>.



Educating English Language Learners in Texas Public Schools

Unified Position Statement on Bilingual/ESL Education

by the Texas Coalition for Bilingual Education

Editor's Note: The following is a position statement by the Texas Coalition for Bilingual Education. Coalition members include: Effective Networking for Advancement of Bilingual Education/Bilingual Education Association for the Metroplex, Intercultural Development Research Association, Mexican American Legal Defense and Educational Fund, Texas Association for Bilingual Education and Texas League of United Latin American Citizens.

As stakeholders in the education of Texas students, we offer the following data as crucial to the equitable funding of bilingual programs, the training of bilingual teachers, and the monitoring of bilingual programs to ensure federal and state compliance and research-based practices in these same programs.

The total student enrollment in Texas for 2003-04 is 4,328,028. Of those students, 660,707 are identified as limited English proficient (LEP), 15.3 percent of the total student enrollment. Ninety-one percent of the identified LEP population speaks Spanish in the home.

From 1989 to 1990 when the identified LEP student enrollment represented 9 percent of the total student enrollment in Texas, the total student enrollment in Texas had grown at a rate of 25.6 percent while the LEP student enrollment had more than

The more native language grade-level schooling, the higher the English language achievement.

doubled (113.2 percent) during the same period. In 1981, when the bilingual education legislation was enacted, the Texas LEP enrollment totaled approximately 25,000 students. Twenty-four years later, the LEP count numbers approximately 660,000 pupils.

In the current school year, a total of 40,676 who were identified as LEP students were not enrolled in a bilingual/ESL program under exceptions, in large part because of the persistent shortage of certified bilingual and ESL teachers. With the Texas Hispanic population among the fastest growing populations in Texas, it is projected that the Texas LEP population will approach 1 million

pupils by 2010, or approximately 31 percent of projected enrollment growth.

The strongest predictor of English language learners (or LEP student achievement in English) is the amount of formal native language schooling provided to those pupils. The more native language grade-level schooling, the higher the English language achievement. Bilingually-schooled students outperform students taught in one language in academic achievement in all subjects, after four to seven years of bilingual schooling.

English language learners whose parents refuse bilingual/ESL services show large decreases in reading and math achievement by grade five. Cross-sectional findings indicate that the largest number of dropouts come from this group. The cumulative cost (forgone income, lost tax revenues, and increased job training, welfare,

Position Statement – continued on Page 9

Position Statement – continued from Page 8

unemployment and criminal justice costs) of dropouts in Texas between 1985 and 2003 was nearly \$500 billion.

Current state education policy in Texas notes that, “English is the basic language of this state.” Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. **Experience has shown that public school classes in which instruction is given only in English is often inadequate for the education of those students.** Given that the mastery of basic English language skills is a prerequisite for effective participation in the state’s educational program, bilingual education and special language programs are necessary for those students. This facilitates their integration into the regular school curriculum.

Based on research and recognized best practices, we the coalition in support of bilingual education, have adopted the following unified positions.

Funding Equity

The bilingual education coalition will support:

- Funding weights for special populations and no block grant funding.
- A bilingual and ESL weight of no less than 0.25 of the adjusted basic allotment.
- A recent immigrant funding add-on weight of .2 for all recent immigrant students from grades three and above.
- Limiting allowable administrative costs to no more than 15 percent of bilingual education and compensatory education allocations

(TEC Section 42.153).

- Strengthening requirements that bilingual and ESL state funds shall be used only to provide services to LEP students served in bilingual education and ESL programs.

Evidence and Rationale

Under-funding of the program at the state level passes on costs to local school districts, which contributes to increases in local property taxes.

Studies dating back to the 1970s estimated that add-on costs for bilingual education were approximately 22 percent to 25 percent of regular program costs.

Studies conducted in the 1980s in Texas estimated that total bilingual education add-on costs were 40 percent of regular program expenses.

Some states provide substantially more funding than Texas, with some providing up to a weight of 0.50 per pupil.

Funds from special allotments for bilingual education and ESL are invariably used to enhance total campus program offerings and are not used to directly impact training of teachers, quality of instruction, and materials support in program offerings for the LEP population.

Monitoring Bilingual Program Implementation and Compliance with State Requirements

The bilingual education coalition will support:

- Expanding TEA on-site monitoring of bilingual education programs on a three-year cycle consistent with the requirements of *U.S. vs. Texas: Civil Action 5281*.
- Monitoring of bilingual education programs conducted by qualified evaluators and other personnel

Position Statement – continued on Page 10

What Would You Tell the President about Education?

You are invited to share online your own letter to the President about education. IDRA reprinted* Superintendent Sylvia Bruni’s letter to the president, calling particular attention to the impact of high-stakes testing. She stated: “Make no mistake about what I am claiming here: The emphasis placed on a single high-stakes test in Texas as the measure by which we hold our public schools, teachers and students accountable is seriously flawed.”

What would you tell the President about education in this country? What is working, what isn’t?

Join our online discussion at
www.idra.org

* “*Letters to the Next President – What We Can Do About the Real Crisis in Public Education*” edited by Carl Glickman (New York and London: Teachers College, Columbia University, 2004). Reprinted in the IDRA Newsletter, Intercultural Development Research Association November-December, 2004).

knowledgeable in bilingual education/ESL programs.

- Limiting bilingual exceptions and waivers granted by TEA and SBEC in districts that continue to hire non-fully certified personnel to a total of two years. Districts with excessive waivers will be listed as non-compliant under the AEIS indicator system.
- Returning to an associate commissioner for bilingual/ESL education by creating a department at TEA with ample resources to carry out the bilingual and ESL mandates found in state and federal policy.

Evidence and Rationale

Ineffective oversight efforts have perpetuated serious non-compliance by many Texas school districts. This non-compliance has resulted in a failure to address the linguistic and academic needs of English language learners, particularly the LEP student population in grades pre-K to two with effective bilingual education and ESL programs, thereby reducing the opportunities for closing the achievement gap.

Although TEA conducted more than 1,000 on-site reviews during the 2001-02 school year, agency data show that it did not monitor bilingual education every three years as required by the Texas Education Code. In fact, the report notes that TEA conducted almost all of its on-site visits during the summer when few students were present.

Monitoring for compliance of bilingual education and ESL programs is done by a group of educators and administrators who participate in the Texas School Improvement Initiative (TSII), the District Effective and Compliance (DEC) and accreditation visits. Invariably, the “monitors” are individuals of limited Spanish proficiency who participate in one week of training initially and an additional

Researchers have determined that at least one out of three new teachers hired to work in bilingual or ESL classrooms are not certified to teach in those areas.

week of training each year. Reports of non-compliance when districts are to be cited usually are delayed beyond the 30-day turnaround requirement found in both the statute and *U.S. vs. Texas: Civil Action 5281*.

Assessment instruments are not aligned to instruction and are not linguistically appropriate.

Bilingual exceptions to the required bilingual education program continue to be numerous, repetitive and procedurally approved each year by TEA. TEA has failed to carry out the accountability provisions presently found in TEC Chapter 29.054

Bilingual education is unique because it is a microcosm of all major education issues including assessment, curriculum, textbooks, research, evaluation, finance and accountability.

Teaching Quality, Bilingual Teacher Recruitment, Preparation and Retention

The bilingual education coalition will support:

- Implementing a statewide campaign to encourage more students to enter teacher preparation programs in bilingual education.
- Providing funding for universities, community colleges and education service centers to collaborate in recruiting prospective bilingual education teachers.
- Adopting a loan forgiveness program for teachers trained and employed in bilingual education.
- Increasing base salaries for teachers

in bilingual education and ESL.

- Providing funding for certified teachers who have left bilingual education to return to the classroom as teachers of LEP children.
- Providing incentives and professional support to encourage retention of certified teachers in bilingual education.
- Supporting SBEC efforts to improve the teaching of bilingual education as a part of continuing professional development for teachers.

Evidence and Rationale

School districts continue to assign poor quality teachers and permanent substitutes to work with the LEP population. The practice of using permanent substitutes is used by school districts to circumvent TEA and SBEC requirements. This practice is usually in the lower grades where the highest numbers of LEP students are enrolled.

Studies have documented that identification and successful recruitment of bilingual and ESL certified teachers have been pervasive problems in school districts throughout Texas.

Researchers have determined that at least one out of three, or approximately 30 percent, of new teachers hired to work in bilingual or ESL classrooms are not certified to teach in those areas. The highest incidence of non-certified teachers occurs in the elementary school level.

Demographic and enrollment trend data indicate that LEP pupils will become an increasing proportion of the Texas student population, thereby expanding the need for more teachers prepared to work in bilingual education and ESL classes.

– January 2005

Comments and questions may be directed to IDRA via e-mail at comment@idra.org.

current state taxing provisions do not provide property poor school districts with sufficient revenues to meet state requirements. He cited pages of evidence of the impact of the state funding system on local school operations and facilities, indicating that these focus districts are representative of districts all over the state.

Current Funding Formula is Inadequate

After defining and addressing key issues argued in the case, the court then presented the evidence considered in making those judgments. Much of the remaining segment addresses the West Orange-Cove claims (pages 34-60) on the inadequacy of current funding formulae. In this portion of the judgment, the judge rejected the state's claim that all school systems could meet all state requirements at existing funding levels, citing major flaws in the "adequacy" study presented to support the state's position.

The remainder of the opinion

In a noteworthy new finding, the court stated that inadequate school funding also impacts school district dropout rates...

presents the evidence accepted as supporting the intervenors' contentions related to adequacy, facilities funding and monies allocated to school districts to educate students with special needs.

The first major findings in this section relate to facilities. The judge concludes that unmet facilities needs in Texas schools have been substantial and long-standing. Property-poor districts, like the Edgewood intervenors, have been unable to meet their facilities needs, and thus their facilities re-

Sign up to receive free e-mail updates on Texas school finance!

The Texans for Fair Funding web site and weekly free e-mail updates give up-to-date information on the impact of proposed school funding policies and what communities are doing about the issue. Sponsored by the Texas Latino Education Coalition.

**Sign up now by calling
210-444-1710
or go online**

www.texans4fairfunding.org

main inadequate. For support, the judge referenced testimony of school superintendents from some of the Edgewood intervenor districts and the state's own assessment of facilities conditions reported on state performance reviews of these districts.

The court also concluded that property-poor districts cannot meet their facilities needs because the state fails to provide substantially equal access to facilities funding: "There is no equalized wealth level and no recapture for state facilities funding; there is no state assistance for districts too poor to pass bonds; and there is no guarantee that property-poor districts that pass bonds will receive state facilities assistance."

The court concluded its critique of the existing funding plan by observing that the inadequacies of the current system also impact intervenor districts' ability to provide quality library collections and library staff and to retain teachers, especially the highly credentialed and specialty staff needed in many of their schools.

In a noteworthy new finding, the court stated that inadequate school funding also impacts school district dropout rates and affects the ability of schools to develop and implement effective dropout prevention programs.

Five Major Findings

After this comprehensive review of the evidence the court presents its five major findings, listed below as they are written in the opinion.

West Orange-Cove Plaintiffs' Claims

1. "The court declares that the Texas school finance system is unconstitutional in that it violates Article VIII, section 1-e of the Texas Constitution, because the \$1.50 cap on M&O [maintenance and operation] tax rates has become both a floor and a ceiling, denying school districts 'meaningful discretion' in setting their tax rates.

2. “The court declares that the Texas school finance system is unconstitutional in that it violates the ‘general diffusion of knowledge’ clause (or adequacy clause) set forth in Article VII, section 1 of the Texas Constitution, because the constitutional mandate of adequacy exceeds the maximum amount of funding that is available under the state’s current funding formulas.
3. “This court declares that the state’s school finance system is financially inefficient, inadequate and unsuitable, in violation of Article VII, section 1 of the Texas Constitution because the school finance system fails to recognize or cover the costs of meeting the constitutional mandate of adequacy, or the legislature’s statutory definition of a comprehensive adequate program.

Intervenor’s Claims

4. “The court declares that the prohibition on the use of Tier 2 funds for facilities, combined with the legislature’s failure to make the Instructional Facilities Allotment and/or Existing Debt Allotment programs statutorily permanent and the legislature’s inadequate funding of the IFA program, means that property-poor districts do not have substantially equal access to facilities funding in violation of the efficiency and suitability provisions of article VII, section 1 of the Texas Constitution.
5. “The court declares that the current funding capacity of the Texas school finance system fails to provide intervenor districts with sufficient access to revenue to provide for a general diffusion of knowledge to their students, in violation of the efficiency, suitability and adequacy provisions of Article VII, section 1 of the Texas Constitution,

Helpful School Finance Online Resources

Center on Budget and Policy Priorities

<http://www.cbpp.org/11-7-02sfp2.htm>

Articles and research on fiscal issues affecting low-income families. Includes a detailed article with graphics that presents an overview of education finance.

Center for Public Policy Priorities

Basic information on school finance in Texas.

Texas Kids Count, includes a section on finance, history and per pupil spending by county.

<http://www.cppp.org/products/fastfacts/schoolfinance.html>

Education Commission of the States – Issue Paper

<http://www.ecs.org/clearinghouse/28/04/2804.htm>

An ECS position paper discussing the past, present and future of school finance.

Equity Center

<http://www.equitycenter.org/>

Provides updates on legislation and litigation as well as background and reference information.

Intercultural Development Research Association

<http://www.idra.org>

Dedicated to educational equity and excellence, IDRA provides articles, research and tools for advocacy. See the policy updates and topical links to information on school finance. Also, get order information for the only comprehensive book on the history of school finance in Texas.

Texans for Fair Funding

<http://www.texans4fairfunding.org>

Provides tools for learning about school finance and for taking action.

Texas Education Agency Finance Web Site

<http://www.tea.state.tx.us/school.finance>

A resource for state funding guidelines, presentations on school finance, public school health insurance, and school-finance related correspondence to school districts.

Visit www.texans4fairfunding.org for more information and resources.

particularly when taking into account (1) the inadequacy of the weight adjustments for bilingual, economically disadvantaged, and other special needs students and (2) the greater burden borne by intervenor districts of the inadequacy of those weights, given their student populations, which are disproportionately LEP and economically disadvantaged.”

In January 2005, the State Attorney General announced that he will appeal the state district court ruling and will request an expedited hearing in the Texas Supreme Court.

Though there has been much

speculation about the extent to which the district court’s ruling will be upheld by the Texas Supreme Court, the thorough review of the issues rivals earlier school finance judgments that were upheld in whole or in part by the state’s Supreme Court.

In the interim, the Texas legislature will have to struggle with this during the current 79th biennial session. Some legislators prefer to wait for final court ruling – fearing that they will be faced with a second vote for increasing taxes if the plan adopted is not acceptable to the state’s high court. Other legislators, in typical Texas fashion, suggest that the legislature need not wait for a court to dictate their

actions since they “already know what must be done” to address the current issues.

At this writing it is too early to tell which camp will prevail, and the answer may not be clear until very late in the current session that ends in early June. Several plans have been proposed and are under review. Stay tuned for future updates. Sign up for free e-mail updates by visiting www.texans4fairfunding.org.

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

Highlights of Recent IDRA Activities

In November and December, IDRA worked with **9,338** teachers, administrators, parents, and higher education personnel through **78** training and technical assistance activities and **166** program sites in **11** states plus Brazil. Topics included:

- ◆ SIOP Training for Secondary Teachers
- ◆ IDRA Parent Leadership Model
- ◆ Increased Student Access to Higher Education
- ◆ Making the Transition to English
- ◆ Creating a Multicultural Framework for School Districts

Participating agencies and school districts included:

- ◆ Calcasieu Parish School Board, Louisiana
- ◆ Hispanic Border Leadership Institute, Arizona
- ◆ University of Texas – Permian Basin, Texas

Activity Snapshot

With help from the IDRA South Central Collaborative for Equity (SCCE), a New Mexico school district has implemented a plan to restructure classroom processes to ensure greater access to learning opportunities for students. After an Office for Civil Rights investigation generated by a complaint under Title VI of the Civil Rights Act, the school district sought technical assistance in implementing a correction plan to protect the civil rights of language-minority students. The SCCE is the equity assistance center funded by the U.S. Department of Education to serve schools in Arkansas, Louisiana, New Mexico, Oklahoma and Texas. The center provided training of trainer sessions on how to embrace students’ culture in the classroom, how to conduct appropriate assessment of language-minority students, and how to develop appropriate teaching styles and classroom practices that value the second language learning characteristics of students. The strategies helped teachers to provide equal access to learning opportunities for all children.

Regularly, IDRA staff provides services to:

- ◆ public school teachers
- ◆ parents
- ◆ administrators
- ◆ other decision makers in public education

Services include:

- ◆ training and technical assistance
- ◆ evaluation
- ◆ serving as expert witnesses in policy settings and court cases
- ◆ publishing research and professional papers, books,

For information on IDRA services for your school district or other group, contact IDRA at 210-444-1710.

12th Annual IDRA *La Semana del Niño*



Early Childhood Educators Institute™

San Antonio, Texas

April 19-21, 2005



The 12th Annual IDRA *La Semana del Niño* Early Childhood Educators Institute offers a valuable series of information-packed professional development concurrent sessions that are customized to value and capitalize on the linguistic and cultural assets brought forth by a diverse student population.

This year's event will focus on **classrooms of excellence – laying the foundation for early reading success**. Topics include: phonemic awareness, vocabulary development, fluency, comprehension, alphabetic principle, technology, and policy.

- **Visit model early childhood centers.** These visits provide you with the opportunity to share ideas while seeing them in action. You will travel to high-performing, high-minority sites in the San Antonio area that are working effectively with diverse learners.
- **Interact with parents** to discuss ideas to form effective learning partnerships.
- **Learn in workshops** on successful bilingual programs, Spanish literacy, pedagogy, policy and curriculum.

Institute Sponsors

The Intercultural Development Research Association is pleased to bring you this 12th Annual IDRA *La Semana del Niño* Early Childhood Educators Institute. Supporting IDRA projects include:

- IDRA South Central Collaborative for Equity (the equity assistance center that serves Arkansas, Louisiana, New Mexico, Oklahoma and Texas).
- Texas IDRA PIRC (the parent information resource center), and
- STAR Center (the comprehensive regional assistance center that serves Texas via a collaboration of IDRA, the Charles A. Dana Center at the University of Texas at Austin, and RMC Research Corporation).

Each of these IDRA projects provides specialized training and technical assistance to schools. Information on how your campus can use these resources to improve instruction and assessment will be available at the institute, by calling IDRA at 210-444-1710, or by visiting IDRA's web site: www.idra.org.

Special Activity

Parent Leadership Institute, Thursday, April 21

This one-day event will concentrate on the challenges in early childhood education and how to maximize parent leadership. Parents and educators will share ways to focus their leadership to enhance early childhood learning.

Contact IDRA (210-444-1710) or visit the IDRA web site (www.idra.org) for details and to register online.



Registration Form



(Please use one form per person. Feel free to make copies of this form.)

Name _____
Campus _____
School or Organization _____
Title/Position _____
Address _____
City _____
State _____
Zip _____
Telephone (_____) _____
Fax (_____) _____
E-mail _____
\$_____ Total enclosed Check or PO# _____

Registration Fees

Early Bird Registration Fees – Before March 24

- ___ \$200 institute registration, April 19-21, 2005*
- ___ \$15 parent institute registration (if a parent and not an education professional), April 21, 2005
- ___ \$75 parent institute registration (if an education professional), April 21, 2005

Registration Fees – After March 24

- ___ \$225 institute registration, April 19-21, 2005*
- ___ \$15 parent institute registration (if a parent and not an education professional), April 21, 2005
- ___ \$85 parent institute registration (if an education professional), April 21, 2005

* Includes institute sessions, Tuesday and Thursday luncheons, two school visits [for first paid registrants], and materials.

Make checks payable to: Intercultural Development Research Association. Purchase order numbers may be used to reserve space. Full payment prior to the institute is expected.

Register **Online** with a purchase order number at www.idra.org

Mail with a check or purchase order to IDRA at 5835 Callaghan Road, #350, San Antonio, Texas 78228-1190, Attention: Carol Chávez

Fax with a purchase order to IDRA at 210-444-1714, Attention: Carol Chávez

Hotel Information

The institute will be held at the San Antonio Airport Hilton Hotel. The hotel is offering a special rate of \$107 per night for a single or double room (plus state and local taxes), based on availability. The hotel reservation deadline for the reduced rate is April 9, 2005. Call 1-877-377-7227 to make reservations. Be sure to reference the Annual IDRA *La Semana del Niño* Early Childhood Educators Institute in order to qualify for the special rate.



INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION

5835 CALLAGHAN ROAD, SUITE 350
SAN ANTONIO, TEXAS 78228-1190
210-444-1710 FAX 210-444-1714
contact@idra.org www.idra.org

Good Schools and Classrooms for Children Learning English

❖ A Guide ❖

Thirty years of research have proven that, when implemented well, bilingual education is the best way to learn English. New research by IDRA has identified the 25 common characteristics of successful schools that contribute to high academic performance of students learning English. This guide is a rubric, designed for people in schools and communities to evaluate five dimensions that are necessary for success:



- ❖ school indicators
- ❖ student outcomes
- ❖ leadership
- ❖ support
- ❖ programmatic and instructional practices

(ISBN 1-878550-69-1; 2002; 64 pages; paperback; \$15)

Developed and distributed by the Intercultural Development Research Association

Contact IDRA to place an order. All orders of \$30 or less must be prepaid.

5835 Callaghan Road, Suite 350 San Antonio, Texas 78228; Phone 210-444-1710; Fax 210-444-1714; e-mail: contact@idra.org.



5835 Callaghan Road, Suite 350
San Antonio, TX 78228-1190

Non-Profit Organization

U.S. POSTAGE PAID

Permit No. 3192
San Antonio, TX 78228



*Creating schools that work for all children,
through research • materials development • training • technical assistance • evaluation • information dissemination*