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Opportunity Matters: The Call to Increase Excellence and Equity

Testimony by the Intercultural Development Research Association
Presented to the U.S. Department of Education, Equity and Excellence Commission
June 8, 2011

Members of the community, distinguished members of the Commission on Equity and Excellence, and Executive Director Chen, good afternoon and thank you for the invitation to appear before you.

I am Laurie Posner, M.P.A., here today to represent the Intercultural Development Research Association. 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.

IDRA's deep concern for our children's future is shared by many. Just a few weeks ago, IDRA joined 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, 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. (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).

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 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*, 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.

- 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's president Dr. Robledo Montecel 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. As described in this testimony (included in our packet), 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, our 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*).

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 Angel 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.

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