



Students Should Receive Language Protections and Programs in Any State-Funded Education System

IDRA Testimony Against HB 3, Submitted by Chloe Latham Sikes, Ph.D., to the Texas House Committee on Public Education, March 11, 2025

Dear Chair Buckley and Members of the Committee:

My name is Chloe Latham Sikes, Ph.D., and I am deputy director of policy at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

IDRA opposes House Bill 3, as well as any other program that takes public funding for private education with no accountability or transparency for Texas families. It is necessary for us to know where students attend school, what services they receive and how well they are doing. In fact, aside from this bill, those questions constitute the main focus of this committee. I want to then speak to IDRA's concerns about how HB 3 would affect students who speak a language other than English or who require any language education.

HB 3 Does Not Provide Language Protections to Students

Texas is home to over a million emergent bilingual students. Under federal and Texas state law, schools must provide instruction to students in a language they understand (IDRA, 2024; Rodríguez, 2020). In the 1974 U.S. Supreme Court decision for *Lau v. Nichols*, the court determined that providing an English-only education to a non-English speaking student denied them an equal educational opportunity. Texas' 1973 *Bilingual Education and Training Act* requires public schools to offer bilingual education if at least 20 students in a grade level speak a language other than English at home.

Prior to these laws, students who did not speak English often faced punishments, like being sent to stand in a classroom corner, being paddled or slapped for speaking their home language, or being excluded from school altogether or assigned to segregated, separate schools on the basis that their home school did not have educational programs to meet their language needs (Kauffman, 2019).

HB 3 proposes to fund educational programs with state funds with no protections for students who speak a language other than English.

Section 29.358 does not require providers to indicate their ability to provide language programs for preapproval. Section 29.368 exempts private schools, providers and vendors from any state oversight in whether they admit certain students, offer certain educational programs, or how they discipline or expel students. The annual report in Section 29.371 does not include reporting

requirements on students' academic performance or learning progress by grade, subject area or educational program as public schools must report.

Research Shows Private School Vouchers Do Not Meet Students' Language Needs

Research on voucher programs has found that private schools serve much smaller proportions of emergent bilingual students and are less likely to offer sufficient language programs (Mead & Eckes, 2018). Teachers in private schools also are much less likely to be trained to support emergent bilingual students or have taken any bilingual or ESL courses. Of private school teachers with at least one emergent bilingual student in their classes, only 29% have received relevant training compared to 43% to 50% of public school teachers (NCES, 2024).

Recommendations

IDRA recommends that this committee:

- Ensure public education funds stay in public schools;
- In considering any private school voucher proposal, include strict reporting requirements on educator preparation, student participation and achievement in the annual report, and disaggregated by student characteristics, including emergent bilingual/English learner status; and
- Increase targeted student funding that makes investments in students who need it most through the bilingual education allotment and an inflation-adjusted basic allotment.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Chloe Latham Sikes, Ph.D., IDRA deputy director of policy, at chloe.sikes@idra.org.

Resources

- Eckes, S.E., Mead, J., & Ulm, J. (2016). Dollars to Discriminate: The (Un)intended Consequences of School Vouchers. *Peabody Journal of Education*, 91(4), 537-558. <https://doi.org/10.1080/0161956X.2016.1207446>
- IDRA. (May 1, 2024). *Lau v. Nichols* – The Law in Education, webpage. https://www.idra.org/education_policy/lau-v-nichols-the-law-in-education/
- Kauffman, A.H. (2019). Latino Education in Texas: A History of Systematic Recycling Discrimination. *Mary's Law Journal*. <https://commons.stmarytx.edu/thestmaryslawjournal/vol50/iss3/4>
- Mead, J.F., & Eckes, S.E. (2018). How School Privatization Opens the Door for Discrimination. National Education Policy Center. <http://nepc.colorado.edu/publication/privatization>
- NCES. (2024). Teachers of English Learners in Rural Public and Private Schools. *Condition of Education*. U.S. Department of Education. National Center for Education Statistics. <https://nces.ed.gov/programs/coe/indicator/ld>.
- PFPS. (September 19, 2023). The True Cost of Private School Voucher Programs. Public Funds Public Schools. <https://pfps.org/new-pfps-fact-sheet-the-true-cost-of-private-school-voucher-programs.html>
- Rodríguez, R. (February 15, 2020). Bilingual Education. *Handbook of Texas*. Texas State Historical Association. <https://www.tshaonline.org/handbook/entries/bilingual-education>

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.