DOCUMENT RESUME

ED 401 055 RC 020 702

TITLE	Organizing for Schooling. IDRA Focus.
INSTITUTION	Intercultural Development Research Association, San Antonio, Tex.
REPORT NO	ISSN-1069-5672
PUB DATE	Aug 96
NOTE	22p.
PUB TYPE	Collected Works - Serials (022)
JOURNAL CIT	IDRA Newsletter; v23 n7 Aug 1996
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	*Affirmative Action; Court Litigation; Educational Change; Elementary Secondary Education; *Equal Education; Federal Courts; Grade Repetition; *Inclusive Schools; *Nontraditional Education; *Professional Development; Reading Instruction; *School Restructuring; Special Education
IDENTIFIERS	*Intercultural Development Research Association

ABSTRACT

This newsletter focuses on schoolwide approaches to issues of major concern to educators, from the perspective of providing equal education for all children. "Supporting School Improvement in Reading through Professional Development" (Rogelio Lopez del Bosque, Abelardo Villarreal) describes a professional development program that empowers administrators and teachers to take ownership of a student-centered curriculum that, in turn, motivates students to adopt new reading strategies. The program also builds capacity in the school district to initiate and sustain positive change. "Desegregation to Inclusion: Embracing a Full Spectrum of Diversity" (Laura Chris Green) discusses a full inclusion program in which teacher support teams and regular, bilingual, and special educators merge their expertise to help individual students and restructure their classrooms as needed for all students. "Alternative Schools: Short-term Solution with Long-term Consequences" (North Carolina Education and Law Project) summarizes the qualities that alternative schools need to succeed, the features that make them fail, and the unintended impact of alternative schools on regular public schools. "The Hopwood Case: What It Says, What It Doesn't Say, The Future of the Case and 'The Rest of the Story'" (Albert Kauffman) analyzes a Fifth Circuit Court of Appeals ruling that struck down the University of Texas law school's admissions policy and that is being interpreted as the death of affirmative action. "High Failure Rates: Quality or Ineffectiveness?" (Abelardo Villarreal) proposes a process through which a task force of parents, administrators, and teachers can address high failure rates in their school. "School Restructuring: A Continuing Imperative" (Roy Johnson) presents various elements, steps, tasks, and stages of school restructuring that have been identified by reform experts, and calls for a systemic strategy that combines the involvement of all stakeholders. (TD)

INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION

IDRA Newsletter

IDRA Focus:
Organizing for Schooling

ISSN 1069-5672 Volume XXIII, No. 7 August 1996

INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION

IDRA Newsletter

IDRA FOCUS:
ORGANIZING FOR SCHOOLING

ISSN 1069-5672 Volume XXIII, No. 7 August 1996

SUPPORTING SCHOOL IMPROVEMENT IN READING THROUGH PROFESSIONAL DEVELOPMENT

Rogelio López del Bosque, Ed.D. and Abelardo Villarreal, Ph.D.

IDRA is an independent nonprofit advocacy organization dedicated to improving educational opportunity. Through research, materials development, training, technical assistance, evaluation, and information dissemination, we're helping to create schools that work for all children.

IDRA's *Reading Improvement Project* is about accessing what you already know, providing answers to questions that you may have about effective reading strategies across the curriculum and supporting you in your efforts to implement these reading strategies that address – but are not limited to – performance objectives measured through standardized tests. It is a professional development program that empowers teachers and administrators to make informed choices and take ownership of a student-centered curriculum that, in turn, empowers students to select and use strategies to acquire meaning from text. In other words, students acquire strategies to find meaning in words that they do not know. They monitor comprehension of text and apply a variety of techniques to address a faltering comprehension.

Conferences and "one-shot" or short-term professional development sessions play an important role in our efforts to update our knowledge base in particular topics of interest. They have a role in creating awareness in people of alternatives to existing ways of doing things. They generate interest in change and inspire people to seek support from peers and administrators. As a consequence, we venture and begin to tinker with related ideas and become aware of the need for additional training and support to gain the full impact of those alternatives.

Cognizant of the need for a long-term effort to support curricular and instructional change in many of our campuses, IDRA created the *Reading Improvement Project* that, when implemented with fidelity and integrity, produces dramatic academic gains, particularly in the reading area.

Various school districts that have participated in this project have reported substantial gains not only in standardized tests but also in student attendance and participation in learning activities. The gains in one particular school district indicate a jump from 31 percent to 60 percent passing the reading portion of the Texas Assessment of Academic Skills (TAAS) test from one year to the next. The writing portion showed an increase of 27 percent. Limited-English-proficient (LEP) students taking the test showed a similar result. LEP students showed gains of 23 percent in reading, 32 percent in writing and 27 percent in mathematics (Cantu, 1996; Robledo Montecel, et al, 1994).

Just as dramatic as the gains in standardized tests has been the affirmation by teachers who implemented the teaching strategies in the *Reading Improvement Project*. Below are excerpts from some teachers' comments:

> It has been very exciting. The children are very motivated, and I feel it was the attitude of the consultants that brought this forth because if he or she had come and given the information impersonally, it would not have worked.

> [IDRA trainers] have been great motivators. Their attitude toward what they are doing, their expertise and knowledge were immediately available to us. Any time we needed to call, they were there. Many times, we have pilot programs. [The trainers] come and train you and then they say good-bye. We've seen so many of those people, and they

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IN THIS ISSUE

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, copyright ©1996) 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.

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Popularized in the early 1970s by author Thomas Kuhn, "paradigms" are our models or patterns of reality, shaped by our understanding and experience into a system of rules and assumptions about the world around us. The call for restructuring in education, emerging from a profound sense that education is not working for all children, requires a transformation in how we see schools, students, and their families. If we are to find a new and equitable vision of what education can and should be, new lenses are required to change the way we look at schools and the populations in them – as demonstrated by our "Now" thinkers below.

THAT IS THEN . . . *THIS IS NOW...*

"Power is often in our feet: We walk out of bad restaurants, bad movies or bad retail stores. When we are taken for granted by a for-profit enterprise, we take our business to the competition. It is time to enfranchise low-income parents in education."

– Senator Orrin G. Hatch (R-Uath). Quoted in "To Choose or Not to Choose a School" by Kenneth J. Cooper in *The Washington Post*, August 7, 1992

"The problem with our education system is not that parents do not have a choice. The problem is that inequities continue to exist."

– Honorable Patsy T. Mink (D-Hawaii) U.S. House of Representatives, House floor debate of October 13, 1993, on HR 1804, the Goals 2000: Educate America Act. Quoted in *Congressional Digest*, January 1994

"In no case is it appropriate to consider race or ethnicity with regard to admissions decisions either at the University of Texas or any other institution of higher education in our state. We also think it would be a troubling policy to continue considering race and ethnicity with regard to the award of financial aid and scholarships."

– Texas Attorney General Dan Morales, in response to the *Hopwood, et. al. vs. Texas, et. al.* Fifth Circuit Court of Appeals decision. Quoted in *The Dallas Morning News*, July 3, 1996

"If [college officials] do follow Morales' advice, and I certainly think most of them will, I don't think it's good for the state. The year 2000 is coming, and we'll be back to the old days where the UT law school, medical school and business school are graduating 2 to 3 percent minority graduates in a state that's about to have 50 percent minority population... [The Fifth Circuit's ruling] does not require the end of affirmative action policies at public colleges or universities, let alone private colleges that are recipients of federal funds."

– Albert Kauffman, senior litigation attorney, MALDEF. Quoted in *The Dallas Morning News*, July 3, 1996 and the *San Antonio Express News*, July 1996

Desegregation to Inclusion: Embracing a Full Spectrum of Diversity

Laura Chris Green, Ph.D.

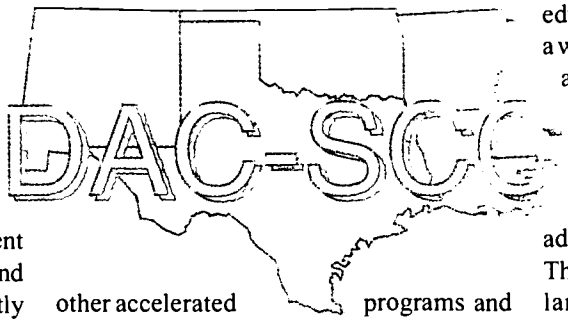
Inclusion can be viewed as the logical culmination of a trend toward the appreciation of diversity in our nation's schools. This trend began in 1954 with the *Brown vs. Topeka Board of Education* decision. As educators, we have moved beyond learning to tolerate the presence of those who are different toward learning to value those who walk and talk differently, those who learn differently and even those who break the usual social rules because of their emotional handicaps.

We have also moved beyond asking only that the schools place students of different races on the same campus toward realizing that the interactions between students of different races, cultures, languages and abilities need to be genuine and sustained if true communication and understanding are to occur.

This article describes a very special project co-sponsored by the IDRA Desegregation Assistance Center – South Central Collaborative (DAC-SCC), the University of Texas at Austin and a special education advocacy group known as the Association of Retarded Citizens (ARC) of Texas. After exploring the philosophical and historical foundations of the project, the article describes the elementary school, Powell Elementary in San Antonio, Texas, that has taken on the challenge of creating a model for the effective inclusion of all students that will embrace African American, White and Hispanic; poor and middle class; bilingual and monolingual; regular and special education.

From Desegregation to Inclusion

When desegregation efforts began in the late 1950s, bussing and racial ratios were the primary tools used to establish parity between White and African American students. The goal was to have members of both races in every school. This goal was largely accomplished, but it became evident that less overt forms of discrimination continued to hamper the education of African American students. Ability grouping, tracking and low teacher expectations resulted in over-retention in grade, over-representation in special education and compensatory programs, under-representation in gifted and talented and other accelerated programs and higher dropout rates.



Meanwhile, other minority groups began observing similar trends for their children. The *Lau vs. Nichols* decision in 1974 supported Chinese parents in San Francisco, agreeing that an English-only curriculum without modifications discriminated against their non-English-speaking children. Hispanic Americans also advocated for bilingual programs, and a Mexican American parent brought to national attention the gross inequities caused by the system used to fund public schools in the *San Antonio Independent School District vs. Rodríguez* case.

Bilingual and English as a second language (ESL) programs became common in schools attended by linguistically diverse students throughout the country, but were especially prevalent in California, Texas, New York, Florida and other states with large immigrant populations.

Most of these programs provided services either on a pull-out basis or in self-contained classrooms.

Charles Cornell tells us that pull-out special language programs are the most common and the least effective programs (1995). Self-contained classrooms at the secondary level provide typically a maximum of 90 minutes of ESL instruction with students spending two-thirds or more of their day in regular classroom settings. Self-contained classrooms at the elementary level are usually full-day programs. But, in both kinds of self-contained classrooms, students are largely segregated from their English-speaking peers.

Special education students, like minority and language minority students, also have been the targets of programs that separate them from so-called "normal" students. Depending on the perceived severity of the disability, some special education students spend one or two periods a week outside the regular classroom. Others attend special schools and thus are totally isolated from the regular program.

Students who are culturally and linguistically diverse and also are eligible for special education services pose additional challenges to educational systems. The over-representation of minority and language-minority students in special education continues despite concerted efforts to identify fairly and assess these students. Leonard Baca and J.S. De Valenzuela state:

> Bilingual special education is at a crossroads. Though it is apparent that changes must occur, it is not so clear what should be changed or how changes should be implemented (1994).

Recognition of the negative consequences of the labeling and stereotyping that results from special education placement, from the over-representation of culturally and linguistically diverse students and from increasing research proving the general ineffectiveness of special education pull-out programs led to the current emphasis on inclusion.

The National Information Center for Children and Youth with Disabilities defines *inclusion* as:

> the practice of providing a child with disabilities with his or her education within the general education classroom with the supports and accommodations needed by that student (1995).

This is based on the principle of *least restrictive environment* as required by the Individuals with Disabilities Education Act (IDEA) which means that, to the greatest extent possible, the student is educated with non-disabled children. A continuum of placement options must be available, ranging from instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions.

Like other general principles designed to protect children, the principle of least restrictive environment has been interpreted and practiced very differently depending on different attitudes and belief systems. There are schools where the mere idea of moving a self-contained special education unit from the hinterlands of the portables and into the

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main building is taboo. There are other schools where all special education students, including those who were severely emotionally disturbed, are mainstreamed for all, or at least part, of the day. Fortunately, the latter seem to be becoming more common than the former.

As in the beginning days of desegregation, it is not enough to place diverse students together physically in order to obtain the maximum social and academic benefits for all students. The provision of "supports and accommodations needed by that student" must include regular classroom teachers trained in how to meet the needs of special students without neglecting those of others in the classroom.

Many of the solutions used to improve achievement for economically disadvantaged, minority and language-minority children can also be applied to disabled students, e.g., cooperative learning, teacher expectations student achievement (TESA), active, student-centered learning, accelerated learning, curriculum integration and parental involvement.

If we are serious about providing an excellent education to all students – including minority, language-minority and special education students – then we must move away from a deficit model in which "disabilities are physiologically based and located within the individual" and move toward a model in which general and special education systems are seen as dysfunctional because they deny the strengths and abilities of specific individuals (Baca and Valenzuela, 1994). We must question the underlying assumptions that say there is something wrong with the student (and his or her parents) and learn to restructure schools so that they accommodate and even celebrate diversity.

Project Site Description

Powell Elementary, located in the Northside Independent School District in San Antonio, was selected by staff from the IDRA Desegregation Assistance Center – South Central Collaborative (DAC-SCC), the Department of Special Education at the University of Texas at Austin, and Inclusion Works (a program of the ARC of Texas) to participate in a collaborative project designed to improve and broaden its inclusion efforts. The school was chosen for its demographic characteristics and because it had a district-wide reputation for its genuine commitment to inclusion. Upon being contacted about the project, its principal, Rebecca Mitchell, enthusiastically accepted the challenge, on behalf of her staff, to create a model for the effective inclusion of all students.

With an enrollment of approximately 500 students, Powell Elementary has the following demographics:

Ethnicity	
Hispanic	74%
White	17%
African American	6%
Special Populations	
Special Education	20%
LEP	5%
Gifted and Talented	4%
Economically Disadvantaged	74%

The percentage of students in special education programs is high because the school receives many students from other neighborhood schools not offering programs for students with some of the more severe handicaps.

Each grade level has one bilingual teacher, who teaches the identified LEP students in that grade, and about three regular program teachers. Six special education teachers and several paraprofessionals provide special education support. The staff also has reading, math, art, music and physical education specialists.

Project Description

The three-member team from IDRA (myself), the University of Texas (Dr. Shernaz García) and ARC of Texas (Dr. Randy Soffer) began the project with a focus on ways that teachers used a problem solving process to meet the needs of "hard to teach" students. We knew that many schools have been successful in improving achievement for special education students through teacher assistance teams or other systems designed to build teacher support

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FACULTY INPUT RELATED TO THE CHILD PROCESS

Grade Level:_____

I have used the CHILD process with one or more of my students: _ Yes_ No
Assignment: _ Regular Classroom Teacher _ Bilingual/ESL Teacher
_ Special Education Teacher _ Other:

1. What do you see as the *primary* purpose of the CHILD process? (Check one):
   - __ Fulfilling legal requirements
   - __ Reducing the number of special education referrals
   - __ Identifying students who should be referred to special education
   - __ Supporting teachers in resolving classroom difficulties
   - __ Meeting the needs of students with disabilities within the regular classroom
   - __ Developing modifications for Section 504 students
   - __ Other: _____
2. How successful do you feel the process has been in helping you solve classroom problems on a scale of one to five (five being the highest)?
3. What types of problems has the CHILD process helped you resolve?
4. What do you see as the most beneficial part of the process?
5. Which level do you feel has been the most useful? Why?
   __ Level I __ Level II __ Level III
6. If you could improve the process in any way, what would you change?

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teams for solving the educational problems of individual students.

We envisioned a school where teacher support teams helped each other with classroom management, instructional techniques and curriculum content for the benefit of regular, bilingual and special education students. Regular, bilingual and special educators would merge their expertise to help individual students and restructure their classrooms as needed for all students.

Dr. Soffer, Dr. García and I agreed that our first step would be to collect data from the campus on how their pre-referral system for the identification and placement of special education students (the CHILD process) worked and how well they perceived that it worked. We met with the principal in the early spring of 1996 to discuss the overall goals of the project and decide how to introduce it to all of the faculty. She shared with us the district-mandated forms used to guide the CHILD process as well as her campus improvement plan and her Chapter I school-wide improvement plan for the 1995-96 school year. She also informed us that each grade level had regular inclusion team meetings in which regular and special education teachers discussed modifications before and after special education placement.

We decided to spend a few days on campus interviewing teachers and observing classrooms and inclusion team meetings. Interviews and interactions with teachers focused on the following questions.

1. If you have a problem with a particular student, whether it be a learning or behavior problem, who or what group do you turn to *first* for help and advice?
2. Is there a second source you would turn to if the first source proves unsuccessful? Is there a third source?
3. [If the school-wide problem solving group is not mentioned] Are you aware that there is a school-wide problem solving group that you can turn to for help?
   [If no] Would you use it to help you if the need arises in the future or would you continue to use your other sources of help? Why or why not?
   [If yes] On a scale of one to five (five being the highest), how would you rate the effectiveness of the current group? What do you like about it? Why don't you use it? What if anything would need to change for you to start using it?
4. [If the school-wide problem solving group is mentioned] On a scale of one to five (five being the highest), how would you rate the effectiveness of the current group? What do you like about it? What would you need to happen for you to rate it higher? In other words, how could it be improved?
5. Ideally, what would you like to see included in the school-wide problem solving system or process? (For example, how quickly should the group respond to problems, who should be a part of the group, etc.)

WE MUST QUESTION THE UNDERLYING ASSUMPTIONS THAT SAY THERE IS SOMETHING WRONG WITH THE STUDENT (AND HIS OR HER PARENTS) AND LEARN TO RESTRUCTURE SCHOOLS SO THAT THEY ACCOMMODATE AND EVEN CELEBRATE DIVERSITY.

The classroom observations focused on observing how students with severe handicaps were included in classroom activities and the implementation of the bilingual program. Only one day could be devoted to these observations such that only one classroom per grade, two of which were bilingual classrooms, were observed. We also observed meetings of the fourth grade inclusion team and the prekindergarten-kindergarten-first grade inclusion team. Teachers at all grade levels were interviewed.

The next step was an introduction to the entire faculty and staff and the collection of more data. The three-member team of consultants presented an overview of teacher assistance teams and distributed a survey to all present (see box on Page 4).

Data on the number of children who went through one or more levels of the CHILD process were also collected for the 1994-95 school year and the 1995 spring semester (see box below).

The project consultants created a joint report that summarized all of the data collected at that time and provided a list of recommendations for improving the problem solving system at Powell Elementary. This report was shared with all faculty and staff by the campus principal who later received

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SPECIAL EDUCATION CHILD PROCESS DATA FORM

Campus: Powell Elementary District: Northside ISD Date: _____

Number of Cases	Grades			Ethnicity				Language Program	
	PK/K	1st-2nd	3rd-5th	Hispanic	Black	Anglo	Other	BE/ESL	Regular
Referred to Level I									
Referred to Level II									
Referred to Level III									
Ending in Special Ed. Assessment									
Ending in Special Ed. Placement									

ALTERNATIVE SCHOOLS: SHORT-TERM SOLUTION WITH LONG-TERM CONSEQUENCES

North Carolina Education and Law Project

Since 1990, the number of alternative schools in North Carolina has more than quadrupled, and state and local school systems have invested millions of dollars in such programs. Now, the governor and the State Board of Education are asking the legislature to appropriate millions more toward alternative schools in 1996-97.

Increasingly, the target population for alternative schools is students who present behavior or discipline problems. It is easy to understand the appeal of removing these students from the classroom. But in isolating "problem" students rather than trying to improve the culture and climate of our regular schools, are we giving up too easily on the promise of equal educational opportunity for all? Given the expense and risks of establishing alternative schools, policy-makers and educators need to consider whether these schools really offer the best hope for reducing discipline problems and keeping at-risk students in school.

ALTERNATIVE SCHOOLS BECOME A DUMPING GROUND FOR UNWANTED STUDENTS...BEFORE WE CREATE SEPARATE SCHOOLS FOR THESE STUDENTS, WE NEED TO ASK WHETHER WE ARE DOING ALL WE CAN TO PREVENT VIOLENCE AND DISCIPLINE PROBLEMS IN OUR REGULAR SCHOOLS.

The report, *Alternative Schools: Short-Term Solution with Long-Term Consequences*, summarizes the qualities alternative schools need in order to succeed, the features that make them fail and the unintended consequences they can have. It also recommends other actions we can take to reduce violent and disruptive behavior in our schools before resorting to the use of alternative schools for "problem" students.

How is North Carolina Using Alternative Schools?

The term "alternative school" has been applied to various types of programs. The most successful alternative schools are voluntary programs that stress innovative approaches to education and serve students of all types. In contrast, many of the alternative schools in North Carolina are intended for students who present discipline problems, especially those at risk of suspension or expulsion. Their approach is punitive, and placement often is compulsory – or the only alternative to being put out of school.

Unfortunately, no comprehensive statistics are being kept on the state's alternative schools. We do know that their number is increasing dramatically, having reached 200 in 1996. At least three-quarters of our school systems have alternative schools. Furthermore, according to a 1995 survey of some North Carolina alternative schools, a substantial number of placements result from suspension, expulsion or court order.

North Carolina law allows wide latitude to local school systems that wish to develop alternative schools. Few (if any) guidelines control which students are placed in the school, who the teachers are, what is taught or what the class size is. In short, North Carolina's alternative schools are virtually unregulated. The absence of statewide minimum standards for alternative schools raises serious concern about fair and uniform treatment of students across the state.

We can use statistics on out-of-school suspensions as an indicator of the student population targeted for placement in alternative schools. In 1993-94, more than 80,000 North Carolina students received out-of-school suspensions – about one of every 13 students. African American students are more than twice as likely to be put out of school than are White students in North Carolina, so there is every reason to believe they are at greater risk of being sent to alternative schools.

What Makes an Alternative School Effective?

To plan effective alternative school programs, policy-makers and educators need to draw on lessons learned through research and the experience of other school systems. The most important quality of an effective alternative school is that placement is voluntary. Individualized learning is stressed with small classes, highly skilled and motivated teachers and additional staff to provide developmental support. The school is in or near a regular school facility, has a well-defined mission and provides a program that is both therapeutic and academically challenging. The school climate is characterized by a well-defined discipline system, mutual respect, high expectations and a sense of a community. When students are placed for disciplinary reasons, the goal is to return them to their regular school.

What Harmful Effects Can Alternative Schools Have?

Alternative schools cost considerably more per student than do regular schools. Moreover, if alternative schools fail to incorporate the qualities described above, they may have serious adverse consequences, unanticipated by local educators and their communities. Regular schools reduce their efforts to address discipline and behavior

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RECOMMENDATIONS

1. Exercise caution in committing resources to development of additional alternative schools until we better understand their impact and effectiveness.
2. Adopt statewide minimum standards for alternative schools.
3. Adopt uniform due process procedures to be followed by school systems that involuntarily place students in alternative schools.
4. Ensure that statistics are kept on placement of students in alternative schools.
5. Reduce class size in regular schools to allow teachers a better opportunity to control student behavior and discipline.
6. Fund and conduct training for teachers in effective discipline and behavior modification techniques.
7. Promote recruitment of minority teachers into the work force.
8. Encourage regular schools to create plans to reduce the likelihood of discipline problems, through such means as mediation and conflict resolution programs, social and behavior support services and training in cross-cultural relationships.

Source: North Carolina Education and Law Project

THE HOPWOOD CASE – WHAT IT SAYS, WHAT IT DOESN'T SAY, THE FUTURE OF THE CASE AND "THE REST OF THE STORY"

Albert Kauffman

Editor's Note: The U.S. Supreme Court recently let stand a Fifth Circuit Court of Appeals ruling in a case that challenged the legality of the University of Texas' admissions procedures related to the use of race as a basis for its law school admissions. Arguing that the law school had already changed the policies being challenged, the Supreme Court chose not to review the legal issues brought forth in Hopwood, et. al., vs. State of Texas, et. al. *This left open the door to future consideration of other challenges involving practices that are currently in place. Albert Kauffman, senior litigator for the Mexican American Legal Defense and Education Fund (MALDEF), presents a summary of the major findings in the Fifth Circuit's* Hopwood *decision, summarizing what the ruling holds (says), what it does not hold and some related issues in "the rest of the story." A statement on the implications of the case and the Supreme Court's action follows.*

In *Hopwood, et al. vs. State of Texas, et al.*, four students claimed that they were denied admittance to the University of Texas (UT) law school in 1992 because of their race, while less-qualified African American and Mexican American students were enrolled. The four students – one woman and three men – sought admission to the law school, changes in the school's admission policy, and actual and punitive damages.

After federal Judge Sam Sparks ruled in favor of the university saying law school policies conformed with Supreme Court guidelines on affirmative action programs, the plaintiffs filed an appeal. The federal appeals court – the Fifth Circuit Court of Appeals – struck down UT law school's admissions policy. The U.S. Supreme Court announced recently that it will not hear an appeal of this ruling because the school's admission policy in question is no longer in use there.

What Hopwood Holds

The Fifth Circuit Court of Appeals ruled that the state's interest in having a diverse student body is not a sufficient "compelling interest to support the use of race as a factor in admissions." This is not consistent with the U.S. Supreme Court ruling in the famous 1978 *Regents of the University of California vs. Bakke* case, that held that diversity constitutes a compelling interest for higher education institutions to consider race and national origin in their admissions procedures. Most cases have held that an affirmative action plan can be supported if the state shows an interest in diversity in the student body or wishes to address the present effects of past discrimination. *Hopwood* said that the diversity interest is *never* sufficient to support affirmative action.

Redressing the present effects of historical discrimination *is* a sufficient compelling interest to support an affirmative action plan. For example, *Hopwood* did not say you could never rely on history to support a plan that seeks to address the present effects of such past discrimination.

UNFORTUNATELY, THE UNIVERSITY SYSTEMS IN TEXAS AND THE TEXAS ATTORNEY GENERAL HAVE INTERPRETED HOPWOOD TO BE THE "DEATH-KNELL" OF AFFIRMATIVE ACTION. THIS INTERPRETATION IS NOT AT ALL REQUIRED BY THE HOPWOOD CASE.

The particular institution involved can look only to its *own* history to support affirmative action, not to a larger institution to which it belongs or to a whole state system of education. Specifically, UT law school could only look to its own history of discrimination and the present effects of discrimination at the UT law school, not at the history or present effects at UT Austin, the UT system, the A&M system or the Texas educational system as a whole.

There was insufficient evidence presented at the trial of the present effects of discrimination at the UT law school against either African Americans or Mexican Americans. The defendants (eg., the state attorney general) presented very weak evidence of the school's history of discrimination against Mexican Americans.

The UT law school cannot use race or national origin as a factor in admissions. Officials of the UT law school *could* be liable for actual and *punitive* damages if they use race or national origin as a factor in the future.

What Hopwood Case Does Not Hold

The decision does not say that other parts of the University of Texas system or other public or private institutions of higher education cannot use race or national origin as a factor. *The opinion was specifically about the UT law school* not UT Austin, A&M or UT system of the Coordinating Board. The Supreme Court's refusal to review the case makes it applicable only to the states in the fifth circuit's jurisdiction – Texas, Louisiana and Arkansas.

The *Hopwood* opinion talks about the admission process, *not* about giving out scholarships or loans, recruiting or other procedures at a university (thus, only about admissions, and again, only at the UT law school). *However*, if other institutions cannot use diversity as a "compelling interest," then they will have a harder time justifying the use of race or national origin. Each institution will have to look at its own history and its own present effects of past discrimination.

The decision did not say that no present effects of discrimination at the UT law school *could* be proved, only that it was not proved in this case. In other words, the failure to find the present effects of discrimination might be based on the particular judges on the panel or on the failure of the UT system to put on a sufficient record of history of discrimination. (Note: The UT law school's record of history of discrimination was based mainly on references to court cases and summary testimony by a few witnesses. Contrast that with the two weeks of testimony that MALDEF produced in the *LULAC vs. Richards* case on the history of discrimination against Mexican Americans in higher education.)

The opinion did not grant any damages to the Anglo plaintiffs but surely would make it easier for them to get damages on

The Hopwood Case - continued on page 8

"The Aftermath of Hopwood: Developing Positive Solutions"

The severe decline in minority enrollment in higher education anticipated in the aftermath of *Hopwood* has the potential to negatively and critically impact the economic health of this country and the personal welfare of millions of minority citizens. Well-known scholars will discuss the legal implications, educational and psychological aspects, and the economic impact of *Hopwood*. Legal strategies and public policy recommendations will be discussed and developed.

September 23-24, 1996

Hosted by the Hispanic Association of Colleges and Universities (HACU)
together with:
Intercultural Development Research Association (IDRA)
Mexican American Bar Association (MABA)
Mexican American Legal Defense and Education Fund (MALDEF)
Texas Association of Chicanos in Higher Education (TACHE)
Texas Association of Mexican American Chambers of Commerce (TAMACC)

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***The Hopwood Case** - continued from page 7*

remand (further review by the court).

The Rest of the Story

Seven of the 17 judges on the fifth circuit have filed a *dissent* in the case saying that the panel opinion went too far in "overruling *Bakke*," being a very activist court, failing to follow precedent and "threatening" the defendants with an injunction when that would be inappropriate. The state did not ask for a rehearing, i.e., these judges did this on their own motion without a suggestion to do so from the state.

African American law students sought to participate in the case and were not allowed to do so by the district court, even though the state agreed. At the end of the trial, they tried to put on evidence about the weakness of using test scores in admissions processes. The state did not agree to put on that evidence, and the court did not allow it. The African Americans again sought to intervene, and they were again denied intervention by the district court and by the fifth circuit. They are going to appeal this issue to the U.S. Supreme Court.

At the trial, the law school denied that it had used separate standards for minorities and Whites. Defendants said that they did have separate committees but that this was to make sure that they had uniform ways of considering race and national origin. They did not have a quota, and the same people were involved in reviewing all the applications. One person was in charge of the overall process. In other words, they are denying what the Texas Attorney General is now saying – that they used separate dual standards with lower standards for minorities.

The lawyers involved in the *Hopwood* case have now filed another lawsuit, this time a class action, regarding the 1994 class at the law school, seeking damages for a class of persons against the state. They allege that the same admissions standards were used in 1994 as in 1992 and seek monetary damages.

Regarding the Supreme Court's decision not to hear the *Hopwood* case, the Supreme Court hears only those cases that it feels raise extremely important issues and are appropriate for legal review. In 98 percent of the cases, the Supreme Court decides not to hear appeals that are brought to it.

Though the Texas Attorney General and university systems have taken this as some sign that the Supreme Court does not support affirmative action, in fact, the denial means nothing. The *Hopwood* decision applies only to the Fifth Circuit – Texas, Louisiana and Mississippi – and *has not* been affirmed by the U.S. Supreme Court. In a rare statement by a Supreme Court

***The Hopwood Case** - continued on page 17*

***Alternative Schools** - continued from page 6*

problems by changing the school culture, finding it easier simply to exclude "problem" students. Alternative schools become a dumping ground for unwanted students. A disproportionate number of African American students are placed in alternative schools, resulting in racial resegregation of public schools. Few students sent to alternative schools ever return to their regular schools, and their likelihood of dropping out may even increase. Ineffective alternative schools consume resources that would have been better spent to improve regular schools.

Alternative Schools Should Be a Last Resort

The perceived need for alternative schools to deal with "problem" students is as much about the failure of our schools as it is about the failure of parents and students. Before we create separate schools for these students, we need to ask whether we are doing all we can to prevent violence and discipline problems in our regular schools. A variety of school actions, programs and practices can prevent behavioral and discipline problems before they develop. Our 1993 report, *Time for Action*, recommends steps that should be taken in our regular schools to create a climate and culture conducive to order and learning. School systems should not resort to creating separate schools for "problem" students until they have implemented other, less-drastic approaches to promoting discipline and order.

The Need for State Minimum Standards and Due Process

Existing state guidelines for development of alternative schools apply only to programs established with state grant funds, and they do not carry the force of standards. Local school systems remain free to invest state funding in alternative schools that will serve only as warehouses for unwanted students. Strong state-wide minimum standards for alternative schools are essential to protect both our investment and our children.

Furthermore, if students are to be placed in alternative schools involuntarily, the state should require the same minimum due process as is now required for students who are to receive long-term suspensions. Placement in an alternative school is a drastic move that can profoundly affect the student's education. Students are entitled to basic due process to ensure that their placement is appropriate and justified.

This article is reprinted from the Executive Summary of "Alternative Schools: Short-Term Solution with Long-Term Consequences" by the North Carolina Education and Law Project (May 1996) with permission.

For information on the full report, contact the project at 919/856-2121.

THE STAR CENTER
PRIORITIES FOR SERVICE DELIVERY

Using a comprehensive, integrated-programs approach, the STAR Center provides support and technical assistance services to the Texas Education Agency, regional service centers and local school districts that are implementing state and local education reform efforts funded under the Improving America's Schools Act.

Services include on-site focused support, materials and other technical assistance. STAR Center support is also available through technology including videoconferencing, electronic mail and the World Wide Web on the Internet.

Due to limited funding levels appropriated by the U.S. Congress, the STAR Center will focus its efforts on the priorities listed below.

Focusing energy, expertise and commitment to prepare our children for the 21st century.

Priority 1: School-wide Programs

- ☆ Support the organization and ongoing professional development of school support teams.
- ☆ Support the identification and development of promising practices for creating high-achieving school-wide programs that promote the academic achievement of all students, including students who have limited English proficiency, students from migrant families, students who experience homelessness, Native American students and other students in high-risk situations.

Priority 2: High-Performing/High-Poverty Schools

- ☆ Support the continuous improvement of high-poverty schools through the dissemination of information about the promising practices of high-poverty schools that are also high-achieving schools.

Priority 3: Parent, Family and Community Involvement

- ☆ Support the development of practical products concerning school-family partnerships by professionals that communicate a wide range of information to client audiences.

Priority 4: State Policy

- ☆ Support the development of state policy that encourages and facilitates improved academic achievement for all students, including students who have limited English proficiency, students from migrant families, students who experience homelessness, Native American students and other students in high-risk situations.

Priority 5: Coordination of Funds and Programs

- ☆ Support the development and implementation of effective strategies for increasing achievement and collaboration among all federal and state programs while decreasing duplication and fragmentation through the coordination of funds and programs.

Priority 6: Instructional Technology

- ☆ Support high quality decision making regarding the selection and use of instructional technology.
- ☆ Support the exploration of opportunities for distance learning within the state.

Priority 7: Standards and Assessments

- ☆ Support the use of assessment information to improve academic success.
- ☆ Support the understanding of state content and performance standards and their use.
- ☆ Support the alignment of state content and performance standards, instruction, professional development, use of technology and assessment.

Priority 8: Safe and Drug Free Schools

- ☆ Develop and implement a recognition program for identifying and acknowledging schools with effective drug and safety initiatives.
- ☆ Convene state and local leaders to identify priorities and strategies for assisting schools in preventing violence and substance abuse.

Funded by the U.S. Department of Education, the Intercultural Development Research Association (IDRA) heads the STAR Center in partnership with the RMC Research Corporation and the Charles A. Dana Center at the University of Texas at Austin. The STAR Center is one of 15 new comprehensive centers that is replacing the former network of technical assistance providers.

The STAR Center is currently scheduling activities through September 1996. Those interested in acquiring services or wanting more information may reach the STAR Center by calling toll free:

1-888-FYI-STAR

Or by visiting the STAR Center's site on the World Wide Web via the Internet:

http://www.csn.net/RMC/star

For information contact: The STAR Center, Intercultural Development Research Association, 5835 Callaghan Road, Suite 350, San Antonio, Texas 78228-1190.

REFLECTIONS

Abelardo Villarreal

HIGH FAILURE RATES: QUALITY OR INEFFECTIVENESS?

Johnny comes in and talks about how hard Mr. Sabelotodo is in class. He tells his friends that Mr. Sabelotodo is proud of the fact that he doesn't allow any "bum" to graduate from that high school. All students have to take Mr. Sabelotodo's class, and he will never allow irresponsible students to "tarnish" the good name and reputation of this high school. Mr. Sabelotodo is convinced that the nationwide low performance of schools is the result of teachers who make it easy for students. He comes from the school of "hard knocks" and believes that students must work hard for their grades. Many students just like Johnny are the victims of well-intentioned teachers who feel their responsibility is to "save the world."

My experience in working with high schools all over the state tells me that in every high school there are some teachers who think this way to the detriment of many students. This is not meant to be an indictment of all teachers who flunk some students. Many times we do get students who, even after genuine attempts by the teacher to help them, they still fail to "come through."

The over-representation of minority students in the percentage of students who fail is unsettling and requires close scrutiny. In its report, *The State Report on Grade Level Retention of Students as of October 1992*, the Texas Education Agency claims that even though ethnic minority students comprise approximately 50 percent of the ninth grade student population in Texas, 75 percent of students repeating the ninth grade were minority (1993). The probability is high that similar situations exist when in individual classrooms with high failure rates.

Are high schools who fail a large percentage of students quality schools? If we measure "quality" by the level of difficulty and insensitivity that students experience in the classrooms, then a high failure rate will definitely be a sign of a quality teacher or school. When asked for reasons to explain the large failure rates, many teachers cite reasons that revolve around the students' inability to cope with the demands of the courses they are teaching. Blaming the victim – they never do their homework, they play in class, they couldn't care less – has become the *modus operandi*.

In a survey, "Schools and Staffing Survey, 1990-91" conducted by the National Center for Education Studies, teachers were asked about teaching and school conditions. They were asked to agree or disagree with a list of statements including three student-focused statements. The survey results revealed that 64.3 percent of secondary teachers felt that "attitudes and habits my students bring to my class greatly reduce their chances of academic success;" 25.5 percent agreed or strongly agreed that "many of the students I teach are not capable of learning the material I am supposed to teach them;" and 36.2 percent agreed or strongly agreed with the statement "level of student misbehavior in this school interferes with my teaching" (U.S. Department of Education, 1995)

IDRA's founder and director emeritus, Dr. José A. Cárdenas, cites the Massachusetts Board of Education study published in 1990 that identifies assumptions that schools make in supporting a retention policy. One of the assumptions was, "Schools that retain high numbers of students are effective schools because they have high standards for academic achievement, thus ensuring the value of the district's high school diploma" (1995). Cárdenas also summarizes research that suggests the opposite:

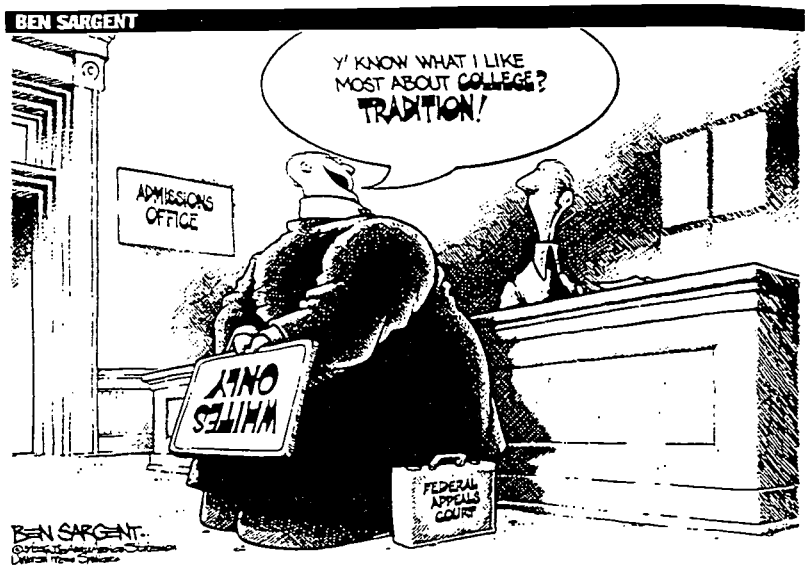
- No evidence suggests that students in high-retaining schools fare better academically than students in lower-retaining schools. The average standardized achievement test scores in schools with little or no retention are equal to those of high-retaining schools.
- Students who are retained in grade have an increased chance of dropping out of school; thus high-retaining schools probably have higher dropout rates than do low-retaining schools.
- Promotional "gate" tests (or basing promotion on passing a standardized test) may merely result in the inappropriate retention of students, rather than raising overall academic achievement.
- Grade retention may in fact be a practice that discriminates according to socio-economic background, race and language.
- Grade retention is costly and ineffective practice of addressing the problem of low-achieving students.

I have also witnessed quality teaching in teachers who do not fail any students, but challenge them to "rise to the occasion." *Quality* is defined in the literature as schools that do the following (Robledo Montecel, et al., 1989).

- Have a vision and promote academic success for all students;
- Encourage participation of students, staff and parents in curriculum decision making;
- Create systems for peer encouragement in the classroom and support mutual validation by students;
- Measure improvement using both achievement and learning;
- Use multiple criteria for assessing achievement and learning;
- Vary instruction, limit the use of rote learning and expand multisensory activities;
- Employ teachers who consider themselves responsible for student learning;
- Create an accountability system with input from parents, students and teachers that delineates responsibility for student learning; and
- Implement evaluation strategies that monitor learning processes and outcomes.

When I read the definition of *quality*, I feel reassured that we are moving in the right direction. Our schools must remain the hope

High Failure Rates - continued on page 11



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High Failure Rates *- continued from page 10*

of a better future for all citizens of this great democracy. The role of the school is to make successful learners of all students regardless of race, ethnicity, religion or ability.

Therefore, teachers with high percentages of student failures become a challenge to school administrators. R.G. Stabile cautions us that in trying to address this challenge, we must be ready to face the fact that "teachers and administrators who fail lots of kids are more likely to respond to your questions with righteous indignation than sober reflection" (1989). His list of defensive strategies that may be used include:

PROCESS FOR SCHOOL ADMINISTRATORS

When should we get concerned? → What is our assessment of the teachers? → What is the root of the problem? → What are solutions?

> Your probing will be labeled an insult to hard working teachers everywhere. You'll be accused of not caring about standards, of caving in to student and parent pressure for political reasons. You'll be charged with not understanding the burdens teachers bear of wanting to pass kids along and give them worthless diplomas (Stabile, 1989).

Recognizing that this problem, if not addressed in a cautious manner, can have serious repercussions in terms of overall student achievement and faculty-administrator relationships. A useful process for school administrators to use in solving a problem that manifests itself in high student failure rates is depicted in the box above.

Before initiating a process to address this issue, I have witnessed the usefulness of campus administrators selecting a task force to look at the issue of high failure rates in the campus. This task force must include parents, administrators and teachers representing the wide spectrum of disciplines in the campus.

Step 1: When should we get concerned? When 10 or more percent of students fail the class or when the ratio of minority students failing the class exceeds the ratio of minority to non-minority in the class are such instances. Participants in the task force should respond to two major questions:

- How does the campus define "failure" as it relates to school performance?
- What number or percentages constitute a high enough failure rate for teachers that we must get concerned?

My experience with a group of administrators who participated in this process shows that even a 10 percent failure rate in a classroom should be sufficient reason to question. However, after extensive discussions, they reached a decision to establish 20 percent as the point when school administrators must seriously assess the situation and intervene. In addition, further disaggregation of the data must be made to find out the number of minority students who failed. Is the ratio of minority to non-minority equal to the ratio in the class? Any discrepancy shall be sufficient reason to consider this factor in the decision.

Step 2: What is the classroom performance assessment of the teachers in question? These teachers usually are evaluated

High Failure Rates *- continued on page 18*

SCHOOL RESTRUCTURING: A CONTINUING IMPERATIVE

Roy Johnson, M.S.

The modern movement to reform public education in the United States was initiated in the early 1980s with the publication of *A Nation at Risk: The Imperative of Educational Reform* (NCEE, 1983). Nationally viewed as the impetus for the first wave of education reform, *A Nation at Risk* outlined the failures of our nation's schools to produce a well educated citizenry for an ever-expanding competitive global economy. From the mid-1980s throughout the 1990s, commissioned reports have documented education reform initiatives by policy-makers and educators that aimed at the improvement of teaching and learning in our nation's public schools.

Over a decade since the start of the first wave of education reforms, the quest to improve the quality of public school education is a continuing imperative for the 1990s and into the 21st century. Efforts to improve the quality of teaching and learning in our public schools have come under many titles – e.g., *education reform, systemic reform, school restructuring, systemic change*, just to name a few. In the literature, these terms are often used synonymously. For the purposes of this article, however, the term *school restructuring* is used because it denotes the need to reassess, reorder, reassemble and recreate educational systems that work for all children. Restructuring denotes the rebuilding of an educational system that provides quality teaching and learning for students of all races, sexes, economic backgrounds and the varied other student characteristics.

Critics of the first wave of education reforms have concluded that the mostly top-down strategies have had less than satisfactory results in improving teaching and learning. They suggest that many of the initial reform efforts consisted of isolated projects focusing on such issues as governance, block scheduling, integrated curriculum and standardized testing.

Believing that the current educational system was beyond repair and that the first wave of reforms had minimal impact on improving teaching and learning, some reformers have called for a complete overhaul or restructuring of the educational system (Murphy, 1991). Amy Klauke states that "restructuring has become the central issue in the school reform movement" (1989).

IN ADDITION TO EMPLOYING TOP-DOWN AND BOTTOM-UP APPROACHES TO EDUCATION REFORMS, THE SCHOOL RESTRUCTURING EFFORT MUST INCLUDE THE ACTIVE INVOLVEMENT OF ALL STAKEHOLDERS, INCLUDING PARENTS AND COMMUNITY ORGANIZATIONS.

Impetus for School Restructuring

Following the publication of the numerous commissioned studies on the quality of education in the early- to mid-1980s, policy-makers and educators, particularly at the state level, "launched the most widespread, intense, public and sustained effort to improve education in our history" (Murphy, 1991). The first wave of education reforms was marked by the passage of state and national omnibus education bills that focused on teacher licensing, graduation requirements, standardized tests and assessments, accountability standards, curriculum development, decentralized control, etc. (O'Neil, 1993).

The impetus for school restructuring came about because many stakeholders, both inside and outside of schools, perceived that the educational system was not working as well as it should. In his book, *Restructuring Schools: Capturing and Assessing the Phenomena*, Joseph Murphy lists a number of reasons policy-makers and educators were compelled to restructure schools (1991). These motivational reasons for school restructuring include the following:

- Political theories about the benefits of decentralization;
- Competitive factors in the world economy;
- Demands of a changing population – greater diversity in the student population;
- Concerns with the standards-raising movement;
- Disgruntlement with the bureaucratization of schools;
- Crisis in the teaching force;
- School effectiveness and school improvement research; and
- Lessons from the corporate world.

Irrespective of the reasons for school restructuring, it is clear that external pressures and demands, coupled with the desire of some policy-makers and educators to improve teaching and learning, have served as important motivators for change. It has also become increasing clear that school personnel alone cannot bring about the desired improvement in the educational system in isolation — the improvement of the educational system will require the active support and involvement of school personnel, parents, business and community organizations, state education personnel, governmental agencies and others.

What is "School Restructuring?"

Generally speaking, the term *school restructuring* denotes a comprehensive reworking or rebuilding of the educational system for the purpose of improving teaching and learning. Many definitions have been coined for school restructuring. Some of these definitions are presented below.

- As defined by Phil Schlechty, restructuring is "changing the system of rules, roles and relationships that govern the way time, people, space, knowledge and technology are used" (Brandt, 1993).
- Glenn Harvey and David Crandall say the goal of restructuring should be "to preserve and build upon what has been successful in educating our children and to rethink and redesign those aspects of the enterprise that have failed (mission and goals; organization; management; instruction; roles, responsibilities and regulations; external involvement; and finances) (1988).
- According to David Conley, "Restructuring activities change fundamental assumptions, practices and relationships, both within the organization and between the organization and the outside world, in ways that lead to improved and varied student learning outcomes for essentially all students" (1993).

Implications for Future School Restructuring

Fundamental restructuring of the

School Restructuring - continued on page 13

School Restructuring - continued from page 12

educational system will require the coordinating of top-down and bottom-up strategies for education reform. Marshall Smith and Jennifer O'Day summarize the need for the coordination of restructuring efforts in their statement:

> What is needed is neither a solely top-down nor bottom-up approach to reform, but a coherent *systemic* strategy that can combine the energy and professional involvement of the second wave of reforms with a new and challenging state structure to generalize the reforms to all schools within a state (1991).

In addition to employing top-down and bottom-up approaches to education reforms, the school restructuring effort must include the active involvement of all stakeholders, including parents and community organizations.

Education reform experts have identified a number of key steps or stages in the restructuring process. Some of these key steps are presented below. Beverly Anderson has listed six **key elements in the restructuring process** as the following (1993).

- *Vision*: Stakeholders from different groups should be involved in shaping the new educational system. They should be involved in developing a vision and purpose for this new system.
- *Public and Political Support*: The support from public and political leadership should be included throughout the restructuring process. Inclusion of diverse populations is critical to building support for the restructuring efforts.
- *Networking*: Building networks to study, pilot and support the restructuring process is essential for lasting change.
- *Teaching and Learning Changes*: Changes in teaching and learning must be based on the best available research.
- *Administrative Roles and Responsibilities*: Classroom and administrative roles and responsibilities must shift from an hierarchical structure to one of support and shared decision making.
- *Policy Alignment*: State and local policies must be aligned in areas related to curriculum frameworks, instructional methods and materials, student assessment practices, resource allocation, and inclusion of all types of students (equity).

Ann Lieberman, Linda Darling-Hammond and David Zuckerman suggest the following **steps for school restructuring** (1991).

- Rethinking curriculum and instruction in order to promote quality and equality for all students.
- Developing a rich learning environment for teachers as well as for students.
- Recreating the structure of the school.
- Increasing and changing the participation of parents and community.
- Building partnerships, coalitions and networks.

Michael Cohen suggests the following **tasks in the restructuring process** (1988).

- Identify key dimensions of the structure of instruction that affect pedagogical practice and student learning.
- Consider experience and available research as a starting place for structural change.
- Develop an understanding of the integration of forces within each school to facilitate change at the various levels.

Glenn Harvey and David Crandall list the following **restructuring stages** (1988).

- Creating vision.
- Establishing goals, priorities and strategies.
- Determining resources and obstacles.
- Anticipating policy conflicts and developing agreement procedures.
- Preparing for and monitoring implementation.

Since the publication of *A Nation at Risk*, policy-makers and educators have implemented numerous efforts to restructure schools in order to actualize improved teaching and learning in our nation's schools. Much has been learned from these reform efforts that have been documented in the many commissioned studies on education reform. The first wave of state-led reforms are now being followed by the demands of internal and external forces to comprehensively restructure schools.

Resources

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Upcoming Events

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The National Latino Children's Agenda

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Supporting School - continued from page 1

just leave. This is the first time that there has been follow through.

IDRA came in, took inventory, formulated what we wanted, put out a program with our help, and now it is in place and is very successful. [Teaching] is more meaningful now compared to the past because [the IDRA consultants] lit a fire under us...We were dormant for so many years, if it weren't for [the consultants], I don't think I would have changed my methods...IDRA has generated a lot of motivation in teachers, and the kids read this (Supik, 1993).

Our Model

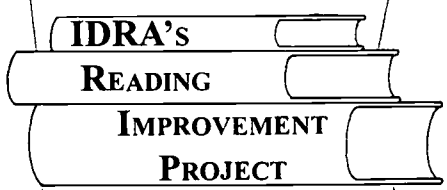
IDRA's approach to professional development emerged from an extensive search in the literature on what works in reading instruction in linguistically, culturally and developmentally diverse secondary classrooms. Furthermore, we searched for effective ways of supporting an improvement initiative on campuses that had experienced failures repeatedly and had staff who were on the verge of "giving up." Our experience, supported by research, taught us that any change effort of the magnitude of the IDRA *Reading Improvement Project* required four major phases.

The first phase, **articulating a reading initiative**, is critical. A clearly articulated and well understood plan for addressing reading in the classroom must drive the professional development effort. During this phase, the school describes the major components of the reading program, the role of the language and content area teachers, and student and program evaluation questions and methodology. Materials are purchased, and classrooms are prepared to implement the innovation. IDRA staff assists and guides the decision-making and documentation processes.

The second phase, **staff preparation and support system**, involves the identification of a cadre of core area teachers who will constitute the first cycle of teachers trained on the implementation of the reading initiative. This group begins the implementation of selected reading strategies and is responsible for setting up a classroom that will be used as a laboratory for other teachers starting a new training cycle. After a year of implementation, the original group of teachers becomes mentors for other

Supporting School - continued on page 15

Major Phases and Activities of IDRA's Reading Improvement Project



Articulation of Reading Initiative

1. Identify student goals and objectives.
2. Identify roles and responsibilities for language and content area teachers.
3. Identify key methods and techniques.
4. Select materials.

Staff Preparation and Support System

1. Identify teaching skills needed to implement reading initiative.
2. Articulate professional development activities that support teachers' efforts.
3. Present theory and develop skills.
4. Model teaching strategy in the classroom.
5. Conduct study group discussions on the teaching strategy and allow participants to create a context under which the teaching strategy will be tried out.
6. Assist participants on an individual basis to prepare the teaching environment for implementation of new strategies.
7. Support the implementation of the new strategies. Be available to assist with implementation problems.

Monitoring and Evaluation System

1. Provide for reflection and adjustment activities.
2. Monitor program implementation efforts periodically.
3. Make necessary adjustments via professional development.
4. Interpret student and programmatic data.
5. Prepare evaluation report.

Sustaining the Effort

1. Develop capacity in school district or campus to nurture the initiative.
2. Create structures within the campus to support change.

Supporting School - continued from page 14
teachers beginning a training cycle. IDRA trains them to work with teachers and other school personnel on the implementation and support of this improvement initiative.

The third phase, **establishing a monitoring and evaluation system**, complements the second phase by providing continuous and timely information on the implementation of the reading initiative. This information also includes student progress data. Successful professional development efforts are anchored on well-thought-out instructional plans and are nurtured and updated by feedback provided through the monitoring and evaluation systems. IDRA provides evaluation services to assess the impact of the improvement initiative on student achievement and on teaching performance in the classroom.

The fourth phase, **sustaining the effort**, involves the creation of support structures to sustain and update the reading initiative once IDRA has completed implementation of the *Reading Improvement Project*. IDRA staff build capacity among key administrative and teaching staff members to adjust and sustain the effort periodically. The box on Page 14 delineates the key activities in each of the phases.

IDRA Roles and Activities

IDRA Role	IDRA Activities and Behaviors
Advisor	Listens with interest. Assimilates information. Uses non-directional techniques to bring more information to surface and builds relationships of trust. Resists the impulse to rush in with answers.
Advocate	Clarifies and defines the problems and needs of students. Focuses attention and action. Speaks for and defends change. Champions program; speaks well of it and for it. Makes effective and articulate presentations. Defends need for change.
Catalyst	Sparks and energizes the process of change. Generates interest, involvement and participation.
Connector	Works to improve relations between interacting groups; diplomat.
Supporter	Balances need to move toward change (risky and threatening to many) with encouragement and nurturing of individuals engaged in it.
Problem-solver/ Solution-giver	Meets needs with resources and ideas. Has appropriate feasible suggestions addressing needs and problems. Knows when and how to present them.
Process-helper	Trains and assists groups in working together to analyze problems and needs, find resources, define roles, map path to change and monitor progress.
Resource-linker	Connects with community organizations, agencies, units of government and human services. Works to bring them into effective collaboration with school and program.
Information-giver	Provides best current research and data on effective instructional practices for recent immigrants, on newcomer centers, on effective staff development procedures, on the introduction and management of innovation. Direct instruction, one-on-one or in a workshop.

Roles and Responsibilities

IDRA and each participating school district establishes a relationship based on mutual respect and understanding and grounded on specific roles and responsibilities. IDRA provides consultant services and acts as a change agent. The box at left describes the specific roles that IDRA plays as a consultant to the school district or campus. In addition, school districts agree to do the following.

- Identify the participants who will implement the changes.
- Provide assurances to participants that the district and campus administrative team supports the effort.
- Provide release time for participants to participate in planning and study group discussions.
- Ensure that the administrative team becomes involved in the design and implementation of the activities.
- Provide the financial support to invest in teacher visitations of successful classrooms within and outside the school district.

Professional Development Approach

Key components of IDRA's professional development approach for the *Reading Improvement Project* include the following.

- *Participatory decision making.* Teachers and administrators participate in the design of the improvement initiative and staff development activities.
- *Workshops and work sessions.* Most group staff development consists of workshops with a limited number of participants and of work sessions designed to solve specific implementation problems.
- *Technical assistance techniques.* Techniques that are the most successful are one-on-one sessions during which the consultant demonstrates the use of the techniques and works with the teacher in preparing the teaching environment.
- *Study groups.* Using small group activities, teachers meet to discuss an

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article or series of articles prior to a workshop.

Conclusion

This model has worked by creating learning environments that promote academic achievement gains, by empowering administrators, teachers and students with strategies to improve reading instruction and by building capacity in the school district or campus to initiate and sustain change that has a positive impact. This model works for all campuses regardless of student population profile or past academic performance level. In IDRA's *Reading Improvement Project* everybody wins – teachers, administrators, students and parents.

School districts and campuses can get additional information about IDRA's *Reading Improvement Project* by contacting Dr. Rogelio López at 210/684-8180.

Resources

Cantu, Linda. "TAAS Math Performance," *IDRA Newsletter* (San Antonio, Texas: Intercultural Development Research Association, June-July 1996) pp. 1, 12-14.

Robledo Montecel, María and Mercedes Ramos and José Cárdenas. "Rio Grande City: A Case Study in TAAS Performance," *IDRA Newsletter* (San Antonio, Texas: Intercultural Development Research Association, August 1994) pp. 4-5.

Supik, Josie D. "Creating Successful Interactions: Lessons from the Reading Project," *IDRA Newsletter* (San Antonio, Texas: Intercultural Development Research Association, August 1993) pp. 1, 8-9.

Rogelio López del Bosque is the coordinator for the IDRA Division of Professional Development. Abelardo Villarreal is director of the IDRA Division of Professional Development.

COMING UP!

In September, the *IDRA Newsletter* focuses on lifelong learning.

Desegregation to Inclusion - continued from page 5

written feedback from several grade level teams. Of particular concern was the short amount of time devoted to classroom observations and some confusion about the purposes of the project.

We then held a three-way phone conference between the principal and a small group of teachers. The first part of the meeting was devoted to clarifying and correcting the data that had been collected and in reviewing the goals and objectives of the project. Next, the group discussed the recommendations for improvement and identified additional areas of concern. It became clear that three areas were seen by the principal and the teachers as targets for desired improvement: (1) parental involvement; (2) curriculum alignment, especially of the language arts curriculum; and (3) the strengthening of systems for teacher support.

Next Steps

Powell Elementary is now ready to spend a year improving these three areas with the ultimate goal of increasing academic achievement for all students. A pre-service day of training will be devoted to examining best practices in the three areas and forming campus-wide teams who lead efforts to change current practices. The three teams will include representation from all grade levels and from special and bilingual education programs. Teacher specialists, paraprofessionals and parents will also serve on all three teams. To the greatest degree possible, faculty and staff will be allowed to choose their team assignments. Each team will then develop a set of objectives and activities for their assigned area (curriculum, parental involvement and teacher support). These will be incorporated into the campus improvement plan.

Teams will meet at least monthly throughout the school year to plan and implement improvement activities. Meetings in which all three teams come together to ensure consensus and plan compatibility will occur every two or three months. The combined resources of the IDRA DAC-SCC, the Department of Bilingual Special Education at the University of Texas at Austin, and ARC of Texas will be available to provide the teachers with customized training and team building activities throughout the year as needed.

This ambitious and exciting project should begin to bear fruit by the end of the 1996-97 school year. An update next fall will be provided to *IDRA Newsletter* readers. Until then, you can contact Dr. Laura Chris Green, IDRA project coordinator, by phone (210/684-8180) or by E-mail (cgreen@txdirect.net).

Resources

Baca, Leonard and J. S. De Valenzuela. "Reconstructing the Bilingual Special Education Interface," *NCBE Program Information Guide Series* (Washington, D.C.: National Clearinghouse for Bilingual Education, Fall 1994) Number 20.

Cornell, Charles. "Reducing Failure of LEP Students in the Mainstream Classroom and Why it is Important," *Journal of Educational Issues of Language Minority Students.* (Boise, Idaho: Boise State University, Winter 1995) Volume 15.

NICHCY. "Planning for Inclusion," *NICHCY News Digest.* (Washington, D.C.: National Information Center for Children and Youth with Disabilities, July 1995) Volume 5, Number 1.

Dr. Laura Chris Green is an education associate in the IDRA Division of Professional Development.

DESEGREGATION ASSISTANCE MODULE AVAILABLE

Civil Rights Compliance: An Update

by Alva E. McNeal, M.A.

This training module is designed for trainers to assist classroom teachers and school administrators with the legal intent, procedural requirements and employment practices requirements contained in Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. Use this tool to help participants become familiar with the civil rights movement activities that occurred between 1954 and 1965 in the United States. Participants can also learn about the race desegregation services available through Title IV Desegregation Assistance Centers. This 68-page module comes with session outlines, a pre/post test, handout and transparency masters, and background readings (ISBN 1-878550-18-7; 1996 Second Edition; $8.50).

Available from IDRA at 5835 Callaghan Road, Suite 350, San Antonio, Texas 78228-1190; 210/684-8180; fax 210/684-5389; E-mail: cgoodman@txdirect.net.

SCHOOL OPENING ALERT ISSUED

The National Coalition of Advocates for Students (NCAS) has launched its annual *School Opening Alert* campaign to reaffirm the legal rights of all children who reside in the United States to attend public schools, regardless of immigration status. The one-page fliers provide information for immigrant parents about the rights of their children to attend local public school this fall, despite various state and federal legislative proposals intended to eliminate these rights. IDRA is working with NCAS to make this alert available. NCAS can also provide a camera-ready copy of the *School Opening Alert* in English and Spanish to be reproduced and distributed by schools and community groups. The copy of the alert below in English may be reproduced and used as well.

IMMIGRANT STUDENTS' RIGHTS TO ATTEND PUBLIC SCHOOLS

The U.S. Supreme Court has ruled in *Plyler vs. Doe* [457 U.S. 202 (1982)] that undocumented children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents. Like other children, undocumented students are obliged under state law to attend school until they reach a mandated age.

As a result of the *Plyler vs. Doe* 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 disparately to determine residency.
- Engage in any practices to "chill" the right of access of school.
- Require students or parents to disclose or document their immigration status.
- Make inquiries of students or parents that may expose their undocumented status.
- Require social security numbers from all students, as this may expose undocumented status.

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

Additionally, the Family Education Rights and Privacy Act (FERPA) and various state privacy acts prohibit schools from providing any outside agency – including the Immigration and Naturalization Service – with any information from a child's school file that would expose the student's undocumented status without first acquiring permission from the student's parents. Schools should note that even requesting such permission from parents may act to "chill" a student's *Plyler vs. Doe* 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.

To order free copies of this flier or to report incidents of school exclusion or delay, call: NCAS at 1-800-441-7192 (English-EN/ Spanish-SP).

The Hopwood Case *- continued from page 8*

justice, two Supreme Court justices noted that they were not hearing the case because the plaintiff White students and the defendant law school agreed that the procedure at issue in *Hopwood* would no longer be followed by the law school and is not being defended by the law school.

Implications

Of most importance to the education community is how institutions will implement the *Hopwood* decision. Unfortunately, the university systems in Texas and the Texas Attorney General have interpreted *Hopwood* to be the "death-knell" of affirmative action; more particularly that *Hopwood* specifically proscribes any use of race or national origin in decision on admissions, scholarships or loans at public – or even private – universities. This interpretation is not at all required by the *Hopwood* case. It is an extremely broad and conservative interpretation of this case. It is a matter of discretion by these officials and is not required by the law. One danger is that many will hear official interpretations as if it were the law.

Universities are reassessing their admissions policies and the role that race and ethnicity should play in them. Several schools have already announced their intention to change their policies to reflect this broad interpretation. Other schools will tend toward caution until a Supreme Court ruling provides clearer parameters about what practices are acceptable to address present effects of past discrimination.

Because the universities and the attorney general together are interpreting the decision so broadly, we must then find some way to continue to improve diversity in our university graduate and professional school student bodies. We must, as a community – especially as a community of persons dedicated to improvement of access to education for low-income and minority students – participate actively and aggressively in the development of future admissions policies at universities. We must bring our expertise to bear to make sure that admission systems rely on valid factors in admissions and choose factors that will lead to qualified student bodies and also increase the diversity of those student bodies.

Albert H. Kauffman is a senior litigation attorney for the Mexican American Legal Defense and Education Fund (MALDEF) in San Antonio.

High Failure Rates - continued from page 11

periodically and maintain a file with all assessments. Administrators must study these assessments to establish teachers' performance on the following indicators:

- Establish and communicate high expectations to all students.
  - Maximize use of academic learning time.
  - Provide regular feedback and reinforcement.
  - Use appropriate instructional materials, methods and approaches.
  - Closely monitor student progress.
- Recognize and reward academic excellence.

Once administrators are convinced that the teacher meets classroom performance expectations, they must visit with the teacher to explore reasons for the high student failure rate. Make a "force-field" analysis to determine forces that hinder and foster student achievement in that class. Encourage teachers to promote the fostering forces and neutralize the hindering forces, monitor student achievement and discuss progress at the end of the ensuing three weeks.

Step 3: What is the root of the problem? After administrators have established how classroom performance of these teachers ranges from satisfactory to unsatisfactory, the next task is to take a more serious look at the root of the problem. Why are these teachers consistently failing students? Two questions emerge: What is the root of the problem as these teachers perceive it? What factors should be considered in defining the root of the problem? Some of the independent factors that contribute to the problem may be:

- Inconsistent grading procedures at the department level creating an unfair grading system for students;
- Low teacher expectations on students' ability to succeed academically; and
- Lack of an accountability system that makes teachers, students and parents accountable for the teaching and learning that occurs in school and at home.

The task force should elaborate on how these and other factors contribute to a high failure rate and propose short- and long-term measures to address this issue.

Step 4: What measures should we plan for teachers whose classroom performance assessment is not satisfactory or who consistently have a high failure rate? The task force considers long-term measures that address the three major factors listed above. The campus implements professional development activities that address students' high expectations and teachers' low expectations of students and provides activities that address the diverse learning needs of students.

In defining *failure*, another issue emerges: how consistent are grading procedures among teachers in the campus and particularly among teachers in the same discipline. This "spin-off" issue can prompt the creation of task forces within disciplines to begin the grading alignment movement. The box below shows an example of a structure that can be employed to address this issue.

I wish to extend special thanks to Mr. Richard Marquez, Dr. Velma Villegas and all secondary school principals from the Harlandale Independent School District who provided "food for thought" in the development of this process. Their knowledge, sensitivity and experience were invaluable.

The issue of high student failure rates is critical. It must be addressed immediately, and must be addressed consistently across the school district. The challenge is tough, but the rewards can have a re-energizing effect on parents, students and teachers as a whole.

Resources

Cárdenas, José A. "Massachusetts Focuses on Grade Retention," *Multicultural Education: A Generation of Advocacy.* (Needham Heights, Mass: Simon and Schuster Custom Publishing, 1995) pp. 345-352.

Robledo Montecel, Maria, and Aurelio Montemayor and Armando Trujillo. *Successful Schooling for Economically Disadvantaged At-Risk Youth.* (San Antonio, Texas: IDRA in conjunction with the Texas Education Agency, 1989).

Stabile, R.G. "Whose Fault is Student Failure?" *The American School Board Journal.* (January 1989) pp. 28-29.

Texas Education Agency. *The State Report on Grade Level Retention of Students as of October 1992.* (Austin, Texas: Texas Education Agency, May 1993) pg. 20.

U.S. Department of Education. *Digest of Education Statistics, 1995.* (Washington, D.C.: U.S. Department of Education, October 1995) pg. 32.

Abelardo Villarreal, Ph.D. is the director of the IDRA Division of Professional Development. He has just returned to IDRA after a one-year sabbatical during which he served as the director of secondary curriculum for the Harlandale Independent School District in San Antonio.

A Structure to Assist Teachers with High Failure Rates

Step 1: Acquire feedback from students on what needs to happen in order to improve the grades in the class.
- What does the student need to do differently?
- What does the teacher need to do differently?

Step 2: Confer with the teacher to acquire his or her feedback on the same two questions. Share with the teacher the feedback from students and plan strategy to enhance student achievement.

Step 3: After three weeks, check with the teacher and students to find out if grades are getting better. Continue this practice every three weeks.

Step 4: If the percentage of failing grades is still high, ask a content specialist to visit the teacher for the entire period and observe the following teacher-student interactions: pacing of instruction; reinforcement strategies; reteaching strategies; checking for understanding; teaching strategies; testing and retesting; grading procedures; and time on task.

Step 5: Upon completion of the observation, the content specialist and teacher should meet to discuss findings. Together they should prepare a plan for improving the learning environment and opportunities. The plan may involve observations of other teachers, working with a mentor teacher, readings and participation in particular training sessions.

Step 6: The academic dean or designee should monitor the implementation of the plan by observing and providing support to the teacher.

Step 7: If the situation does not improve by the following grading term, the principal must note this in the formal evaluation and take appropriate action.

Coca-Cola Valued Youth Program Tutors Carry Olympic Flame

Jorge Maldonado, a tutor in IDRA's Coca-Cola Valued Youth Program, was one of two Valued Youth tutors who carried the Olympic Flame on its way to Atlanta. Jorge attends San Gabriel High School in Alhambra, California, and has been an active participant in the school's migrant program.

Jorge says that his involvement in the Coca-Cola Valued Youth Program was a very important learning experience: "It has taught me to be more responsible and more aware of my self-image. It allowed me to become not only a good tutor, but most importantly a good role model."

Jorge has worked hard to improve his grades to a 3.8 grade point average and next year will attend the University of Southern California in electrical engineering on scholarship. He will be the first member of his family to attend a university.

The Coca-Cola Company, organizer of the 1996 Olympic Relay, contacted IDRA to identify students in the Coca-Cola Valued Youth Program to be considered for participation in the relay. Jorge Maldonado was selected to carry the Olympic Flame for about 1 kilometer (5/8th of a mile) in Santa Monica on April 27 – the first day it was in the United States.

After passing the Olympic Flame to the next torchbearer, Jorge was told he could keep the torch he had carried for $275. When he explained that he was saving his money for college, a woman in the crowd anonymously covered the fee so Jorge could have the torch.

A few weeks later, a Valued Youth tutor from Houston, Texas, also served as a torchbearer.

Jorge Maldonado Coca-Cola Valued Youth Program tutor in Alhambra, California, carries the Olympic Flame

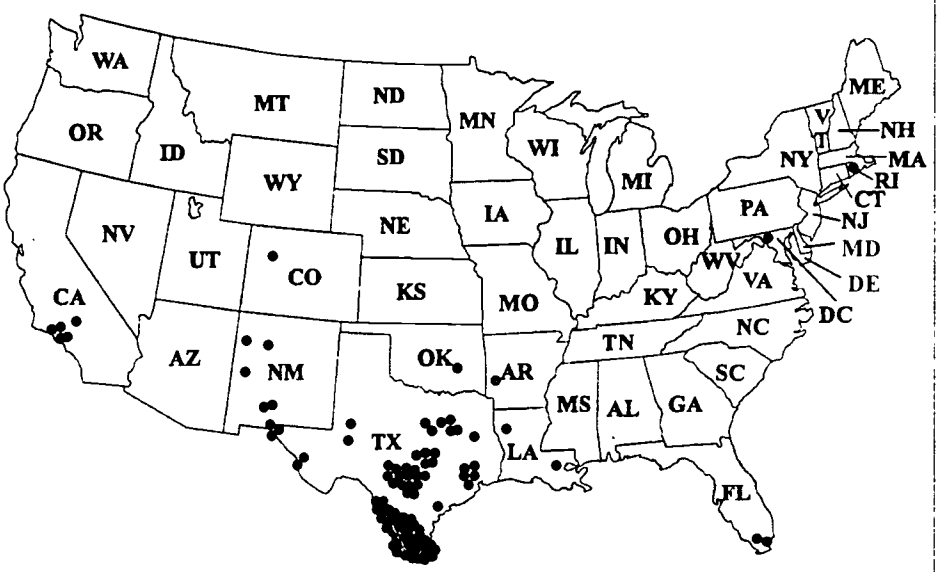
Highlights of Recent IDRA Activities

In May, IDRA worked with **4,674** teachers, administrators and parents through **80** training and technical assistance activities and **72** program sites in **ten** states. Topics included:

- *Coca-Cola Valued Youth Program National Training Seminar and Valued Youth Conference*
- Racial Hostility
- WOW (Workshop on Workshops)
- *Mobilization for Equity* Parent Conference
- Assessment of ESL Students

Participating agencies and school districts include:

- Harlandale ISD, San Antonio
- Gallup-McKinnley Co. Schools, New Mexico
- Donna ISD
- Brownsville ISD
- Houston ISD
- Marfa ISD
- Dade County Public Schools, Florida



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, videos and curricula.

For information on IDRA services for your school district or other group, contact IDRA at 210/684-8180.

Dr. José A. Cárdenas Receives Champion of Equity Award

This month, Dr. José A. Cárdenas, IDRA founder and director emeritus, was presented the *Champion of Equity* award by the Equity Center in Austin. The Equity Center is a research and advocacy organization in Texas that exclusively represents the interests of low-wealth school districts. It is the largest organization of its kind in the nation.

Below are the remarks made by Bruce Wood, president of the Equity Center, as he presented the award.

"José A. Cárdenas, executive director of the Intercultural Development Research Association for over two decades, is now semi-retired. He recently authored *Texas School Finance Reform*, a soon-to-be-published book, documenting the history of advocacy, legislation and litigation in school finance reform over the 27 years that he has been actively involved in the process.

"Dr. Cárdenas is the premier pioneer in school finance litigation strategy, both in Texas and across the nation. It all began when, as superintendent of the Edgewood ISD in the late 1960s, he changed *Rodriguez vs. San Antonio ISD* from a suit against local school districts into a suit against the state of Texas. He remained a major player in *Rodriguez* all the way up to the U.S. Supreme Court, where, in effect, school finance reform was thrown back to state legislatures and state courts.

"In 1973, Dr. Cárdenas founded IDRA, originally named Texans for Educational Excellence. Among IDRA's primary goals were, and still are, the development and implementation of an equitable system of school finance.

"Over the following decade Dr. Cárdenas initiated, organized, hosted or was a major participant in virtually every activity or event that led up to the filing of the original *Edgewood* petition in 1983. Through consultation with every known national expert on the feasibility and grounds for school finance litigation, and through his own research, Dr. Cárdenas became the intellectual and philosophical master of a strategy that has been successful in the state courts of Texas and other states as well.

"During the course of the seemingly endless *Edgewood* trials and hearings, Dr. Cárdenas became a pioneer in developing specific solutions that would fit the general guidelines handed down by the courts. He participated in the development of the concept underlying the County Education District system, which, though ruled unconstitutional, set the stage for the current five-option recapture system.

"The highlight of his participation in the *Edgewood* litigation came when he was appointed by State District Judge Scott McCown to serve as a co-master to develop an alternative system of school finance that the courts would impose in the event the legislature failed to meet the court's deadline for a legislative solution.

"Finally, Dr. Cárdenas has been a pioneer in the creation of other advocacy groups to carry on and expand the fight for school finance reform. Not the least of these is the Equity Center, and we are most grateful for the assistance Dr. Cárdenas gave to Jimmy Vasquez, James Lehmann and Craig Foster when they were struggling to get the center up and running."

Congratulations, Dr. Cárdenas!

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