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ABSTRACT

This newsletter includes five articles about educational and school policies, primarily related to equality of educational opportunity. "Texas Legislature Considers Much for Education, Accomplishes Little" (Albert Cortez, Anna Alicia Romero) summarizes educational legislation considered by the Texas legislature in the session ending in June 1997. Issues included increases in state education spending negated by cutbacks in local revenues; modest increases in minimum teacher salaries; continued underfunding of education for low-income, limited-English-proficient, gifted and talented, and special education students; continued funding inequality between school districts; and two bills that would increase the chances of minorities being admitted to institutions of higher education without including race as a factor. "Sexual Harassment Policies and Schools" (Maria Aurora Yanez-Perez) points out that the Civil Rights Act applies to education and schools, and discusses definitions of sexual harassment, written policies, staff and student training, and grievance procedures. "Hispanic Dropouts: Addressing the Leak in the Pipeline to Higher Education" (Maria Robledo Montecel) states that rising Hispanic dropout rates are linked to inadequacies throughout the educational system, points out past pitfalls to be avoided, and identifies strategies for reversing the trend. "Equal Access: Mask of Discrimination" (Oscar M. Cardenas) addresses the myth that equal opportunity can be achieved by treating each child alike. "Policies Affecting Bilingual Education and ESL Programs" (Elisa de Leon Gutierrez) discusses proposed new standards for Spanish language arts and English as a second language in Texas schools, testing of limited-English-proficient students, and the importance of language skills to Texas' success in the global economy. (TD)

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ED 412 032

## TEXAS LEGISLATURE CONSIDERS MUCH FOR EDUCATION, ACCOMPLISHES LITTLE

Albert Cortez, Ph.D. and Anna Alicia Romero

Inside this Issue:

- ◆ Sexual harassment policies
- ◆ Hispanic dropouts testimony
- ◆ Mask of discrimination
- ◆ Bilingual education policies.

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The Texas legislative session that ended in the first week of June may well be remembered more for what it did *not* do for education than for the limited amount of progress it did make. It started as an optimistic session buoyed by the state's first \$1.3 billion budget surplus in more than a decade. It ended as a major disappointment for many people when House and Senate conferees failed to reach a compromise on a major education bill.

IDRA has been focusing on five major policy issues. These are

- school finance equity,
- public funding for private schooling,
- immigrant education,
- access to higher education, and
- bilingual education and state language policy.

IDRA monitored these issues throughout the five-month legislative session. Staff attended hearings where the issues were deliberated, reviewed texts of proposed policy changes, and provided feedback and technical assistance to policy-makers who requested our assistance. This article outlines the context surrounding these issues, the policy options that were considered and the final actions that were taken.

### School Finance Equity and Property Tax Relief

With the news of a large state treasury surplus, Gov. George Bush Jr. proposed a bold plan to reduce local school property taxes. The plan included a corresponding commitment to reimburse local school systems using the projected surplus.

The House Select Committee on Revenue and Public Education Funding eventu-

ally adopted a version of the plan calling for new taxes, including the creation of a new statewide property tax on businesses, expansion of the state franchise tax, and broadening of the sales tax base to include more goods and services. The plan also called for increases in state education funding through the following:

- Dollar-per-dollar reimbursement of any state-mandated reductions in local property taxes.
- Significant increases in the levels of guaranteed yield.
- Creation of a new guaranteed yield tier that would provide limited state equalized funding for program enrichment or funding for existing facilities.
- Provision of a new funding tier to help local districts pay for the cost of *new* facilities.
- Extension of hold harmless clauses allowing the state's wealthiest school districts to continue to spend at their 1992-1993 revenue per pupil levels (the last year before the *Edgewood* litigation reforms took effect).

The House plan called for property tax relief by requiring local school districts to reduce property tax rates by an amount equal to whatever increase in state funding was being provided to them. The relief would also be achieved by taking out statutory language that required wealthy districts (those districts generating more than \$280,000) to select one of five ways that monies raised over the \$280,000 threshold could be made available to the state to help equalize the funding disparities in the overall system.

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The controversial statewide property tax on businesses (and the corresponding removal of this business property from local school tax rolls) was a key building block in the House plan. Specifically, the House plan proposed to create a new statewide property tax on businesses by

- removing all business property from the local tax base and subsequent taxing of property at the state level at a maximum rate of \$1.05 per \$100 of value;
- expanding the state franchise taxes on businesses, including the taxation of non-corporate business entities other than sole proprietors;
- expanding significantly the sales tax base to include many previously exempted goods and services;
- increasing insurance premium taxes by eliminating certain existing premium tax credits and exemptions;
- increasing portions of state lottery proceeds retained by decreasing the lottery prize percentages; and

- increasing excise taxes on alcohol and tobacco products.

As a result, the House tax package added an estimated 700,000 new taxpayers and generated well over \$1 billion in increased revenues.

The Senate was forced to wait since all proposed state tax bills must originate in the House of Representatives. The House did not adopt its proposal until the last week in April, which left the Senate very little time to either develop its own proposal or to modify the House plan.

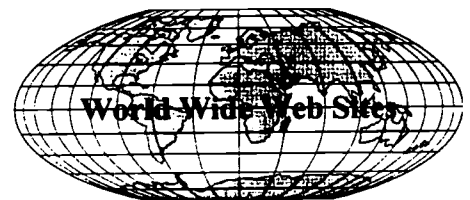
No major action on a Senate school finance plan was initiated because the Senate members recognized that major education finance plans are inextricably tied to the state appropriations process, which in turn is tied to the proposed tax reform plan.

Nonetheless, the Senate attempted to craft its own proposal over a two-week period. After hearing extensive testimony critical of the House plan and receiving many alternatives by business and education

*Texas Legislature - continued on page 10*

## INTERNET WEB SITES FOR POLICY AND SOCIAL STUDIES

- Cable News Network [www.cnsf.com/](http://www.cnsf.com/)
- Country Maps from W3 Servers [www.tue.nl/europe/](http://www.tue.nl/europe/)
- IDRA Desegregation Assistance Center – South Central Collaborative  
[www.idra.org/dac-scc](http://www.idra.org/dac-scc)
- The Electronic Newstand  
[www.eneews.com](http://www.eneews.com)
- Expo WWW Exhibit Organization  
[sunsite.unc.edu/expo](http://sunsite.unc.edu/expo)
- Fedworld Information Network  
[www.fedworld.gov](http://www.fedworld.gov)
- Holocaust Memorial Museum  
[www.ushmm.org/](http://www.ushmm.org/)
- Hotseat: Job Interview Simulation [www.kaplan.com/career/hotseat/](http://www.kaplan.com/career/hotseat/)
- Intercultural Development Research Association [www.idra.org](http://www.idra.org)
- Internet Law Library – Code of Federal Regulations  
[law.house.gov/cfr.htm](http://law.house.gov/cfr.htm)
- Thomas (federal legislative information) [thomas.loc.gov](http://thomas.loc.gov)
- National Clearinghouse for Bilingual Education (NCBE) [www.ncbe.gwu.edu](http://www.ncbe.gwu.edu)
- National Public Radio [www.npr.org/](http://www.npr.org/)
- STAR Center (Support for Texas Academic Renewal) [www.starcenter.org](http://www.starcenter.org)
- Texas Association of School Boards [www.tasb.org](http://www.tasb.org)
- Texas Education Network (TENET) [www.tenet.edu/](http://www.tenet.edu/)
- Texas Education Agency [www.tea.state.tx.us/](http://www.tea.state.tx.us/)
- Texas Legislature On-line [www.capitol.state.tx.us](http://www.capitol.state.tx.us)
- U.S. Census Bureau [www.census.gov](http://www.census.gov)
- U.S. Citylink [www.neosoft.com:80/citylink](http://www.neosoft.com:80/citylink)
- U.S. Department of Education [www.ed.gov/](http://www.ed.gov/)
- U.S. Government Sites  
[gopher://marvel.loc.gov:70/11/federal/fedinfo/byagency/general](http://gopher://marvel.loc.gov:70/11/federal/fedinfo/byagency/general)
- Vocational Education [www.careermosaic.com](http://www.careermosaic.com)
- White House [www.whitehouse.gov](http://www.whitehouse.gov)



Sexual harassment in schools, as in the workplace, has definitely taken its place in the public eye. Schools have received their wake-up call through highly publicized and costly litigation. Schools seem to be aware of sexual harassment, especially student-to-student sexual harassment, but they sometimes have difficulty addressing the issue because of its volatile nature. IDRA has published numerous articles on this topic before, two of which are referenced below. This article is part of the continuing efforts by IDRA to provide ongoing information on sexual harassment in schools.

## Defining Sexual Harassment

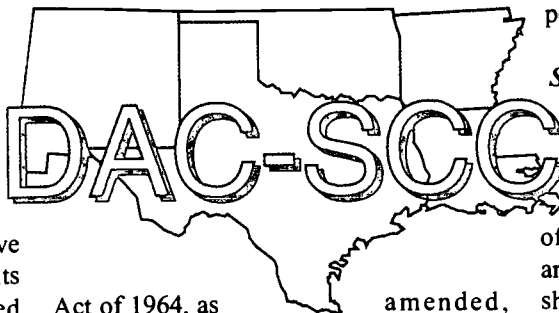
The legal definition for sexual harassment is still evolving, but some helpful interpretations have emerged. Peggy Orenstein presents a definition that relates to school situations whether they be student to student, employee to student or vice versa. She says that sexual harassment consists of sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct of a sexual nature when any of the following occur:

- Submission is made, either explicitly or implicitly, a term or condition of an individual's employment or education.
- Submission or rejection by the harassee is used as the basis for academic or employment decisions affecting that individual.
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance, or creating an intimidating, hostile or offensive employment or educational environment (Orenstein, 1994).

The two forms of sexual harassment that are identified within school settings are *quid pro quo* and hostile environment sexual harassment. *Quid pro quo* in its simplest form involves an exchange such as sexual favors for grades. The hostile environment form involves a prevailing course of conduct, action or behavior that is offensive to a "reasonable person" similarly situated.

Thus, sexual harassment is not based on the content or the intention of the harasser but in the perception of the person who is being influenced.

Under Title VII of the Civil Rights



Act of 1964, as amended, employees are protected from discrimination due to race, national origin or gender. Recently, principles from Title VII have been applied to education and schools. Title IX specifically forbids sex discrimination in schools and other educational organizations that receive federal government funds. Its protection of students and employees includes the areas of recruitment, advertising, hiring, upgrading, tenure, firing, rates of pay, fringe benefits, leave for pregnancy and childbirth, and participation in employer-sponsored activities.

These definitions and laws are the framework that guide sexual harassment policies today. Now that we know what sexual harassment is and what guides many of the court actions taking place throughout the nation, it is important to go through the steps of how school districts can prevent sexual harassment.

## Written Policies

School districts can begin at the most basic level by creating written policies that prohibit sexual harassment. A school district has to send a clear message that certain behaviors will not be tolerated. Definitions and examples of inappropriate behavior should be included to avoid any ambiguity or confusion. Once these clear rules have been established, schools should post them in locations accessible to students, faculty and staff. Title IX requires that the information be distributed annually to employees.

The policy should clarify that when a complaint is reported, everyone involved will be treated with anonymity. Also, every site within the school district needs to have a complaint manager at the district level who gathers and keeps all the information. This is vital when and if a complaint is brought forward.

A last fundamental step is to include specific language regarding sexual harassment in students' and employees'

policy handbooks.

## Staff Training

Staff members within the school must receive training to sensitize them to issues of harassment. Fundamentally, they must understand that only one type of relationship should exist between them and their students: a professional relationship. In addition to understanding the issue of sexual harassment, staff members must also take a strong stand against it. This is vital within schools because staff members are the students' role models and thus need to exhibit appropriate behavior.

Principals should conduct periodic "environmental scanning" to determine student, teacher and staff attitudes within their schools.

## Student Training

Schools need to provide information to students about what constitutes appropriate and inappropriate behavior. Mary Joe McGrath states that many students who have received sensitivity training regarding sexual harassment in schools have changed. Once they understood that sexual harassment includes unwanted touching and degrading behaviors and language, they began to oppose those types of behaviors (1996).

Sensitizing students effectively will not discourage them from exploring relationships and understanding that relationships can be mutually satisfying if both parties want the attention. That is not the purpose. The purpose is to teach students that it is not "okay" to keep quiet when the behavior of one student makes another feel embarrassed, uncomfortable or threatened.

## Grievance Procedures

Finally, schools should have appropriate grievance procedures to ensure that students will be heard and believed. The procedures should provide both formal and informal opportunities. Schools can often avoid going through costly court procedures if appropriate action is taken during an informal investigation. Mary Larson suggests using the following questions to review grievance procedures:

- Does the grievance procedure provide an opportunity for informal consultation and,

*Sexual Harassment - continued on page 15*

# HISPANIC DROPOUTS:

## ADDRESSING THE LEAK IN THE PIPELINE TO HIGHER EDUCATION

Maria Robledo Montecel, Ph.D.

*Editor's Note: In June, IDRA submitted testimony to the U.S. House of Representatives Committee on Education and the Workforce as it considered reauthorization of the Higher Education Act. The committee focused part of its discussion on the dropout rates of Hispanic students. The following is an overview of IDRA's testimony.*

At IDRA, our work in the prevention and recovery of dropouts has impacted schools, programs and policy across the country. This work is undergirded by three tenets:

- Current dropout rates are unacceptable, and our country must not continue to incur the social, political and economic costs attendant to these rates.
- Excellence in education and the resultant social, political and economic benefits are only possible in a context of equity and inclusivity.
- Excellence in education can be achieved through commitment and capacity.

As adults, we must speak for those who have no voice—our children and youth. We have a responsibility to ensure that all of our children have equitable opportunities for success. If we fail, this country will have lost all that our children could have and would have been. And right now, we are failing our children.

In this country, more than one out of 10 Hispanic students drops out of school every year. According to a Census Bureau report released last month, the high school dropout rate among Hispanics rose to 11.6 percent in 1995, from 9.2 percent in 1994. **This is the highest level this decade.** It is more than double the national rate, which also rose to 5.4 percent in 1995, from 5 percent in 1994.

Although Hispanic students comprise 12 percent of the U.S. student high school population, they make up almost 22 percent of dropouts. Furthermore, **of all students who drop out of school, half are Hispanic.**

According to the National Center for Education Statistics, of all Hispanics in the United States between the ages of 16 and 24, more than one out of three will have dropped out of school. IDRA's research found that of all Hispanics who drop out, half do so before entering the ninth grade. We also found that 85 percent of Texas dropouts were born in the United States.

We have a leak in our educational pipeline of students beginning elementary school, continuing through high school and

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pursuing higher education. So we have a much smaller pool of young people who are available to participate in higher education. And we have many young people who would have excelled in higher education and possessed the tools needed to make a greater impact on their communities, if only we had plugged the leak that got in their way.

We have had this leak for a long time. Nationally, the dropout rate has climbed since 1982, and it is currently even higher than it was in 1967. For Hispanics in particular, the rate has been higher than its current level in only two of the last 23 years.

State-level data is even more telling. In Texas, IDRA calculates the longitudinal trends of attrition rates. In the last 10 years, the percent of students (all races and ethnicities) lost from public school enrollment has worsened, from 33 percent in 1985-86 to 42 percent in 1995-96. One out of every two Hispanic students drops out of school. When you look at the trend among Hispanics over time, this number has **increased over the past 10 years**: from 45 percent of Hispanic students dropping out of school in 1986 to 53 percent in 1996.

A number of initiatives and policies within schools, cities and states have been undertaken. Many are not working.

Two years ago, I participated with the President's Advisory Commission on Educational Excellence for Hispanic Americans in taking a look at the education of Hispanics in elementary and secondary schools. The commission's report published last September, *Our Nation on the Fault*

*Line: Hispanic American Education Dropouts*, concludes, "Hispanic American students' high dropout rates are linked to various inefficiencies and inadequacies throughout the educational system."

What we have done has not worked because schools do not do what needs doing in terms of Hispanic students. Often times, what little has been done, has been done poorly and often has actually been counterproductive. Responses for preventing and recovering dropouts must avoid the common pitfalls listed below that in the past have doomed such efforts to failure.

**Deficit model base.** It is erroneous and counterproductive to assume that the target population is entirely to blame for educational failure. Deficit models place a stress on changing the characteristics of a student so that the student will fit into school programs created for homogeneous populations. In many cases, it is impossible for the students to make such a transformation. In other cases, it is questionable whether it is desirable to do so. In all cases, it is detrimental to initiate relationships between student and school with the student's rejection of self as the basis for acceptance and integration. The essence of a successful school-student relationship is not the characteristics of the student, nor of the school, but the extent to which each can accommodate the other's characteristics.

**Elitist model base.** The prevention and recovery of school dropouts cannot be based on the assumption that some students are valuable and others are valueless. Programmatic efforts that aim at the improvement or enhancement of educational opportunities for some students at the expense of others are counterproductive. Such "trickle down" reform efforts usually end up reforming schools to benefit those who are *already* doing well and say "life's tough" to those who are not. The need for a skilled, literate and educated work force precludes the development of a small elite backed by massive numbers of unproductive, functional illiterates.

*Hispanic Dropouts - continued on page 5*

### **Simplistic and superficial responses.**

Since the causes for students dropping out of school are extremely complex, it is doubtful that an effective solution can be found based on simplistic superficial approaches to the problem. On the contrary, effectiveness will require comprehensive approaches that are also cost-beneficial.

**Imprecise approaches.** Solutions to the problem of school dropouts must be feasible in terms of changing variables that are within the control of the school. Solutions must also be realistic in terms of costs and incentives within a public school setting. Thus, persons involved in the development of feasible approaches for the reduction of dropout rates must be intimately acquainted with the realities of schools.

**Dysfunctional responses.** In the history of the schools' relationships with special populations, it is not uncommon to find educational policies and practices that were aimed at the amelioration or elimination of a problem but turned out to be useless or, in some cases, exacerbated the problem. There has been little sensitivity to the needs of atypical students. Education is not a "one size fits all" kind of business. Dysfunctional responses are usually created by ignorance of non-middle-class values and orientations and by a belief that atypical populations will be motivated by the same stimuli found effective with middle-class populations.

The President's Advisory Commission called for the nation to improve education for Hispanic Americans: "Intervention measures, therefore, must be aimed at the elementary level and secondary level since a very large percent drop out early. Simply put, there is a need for more programs designed to bring the performance of Latino students up to par with other groups."

In its 24-year experience and research in education and dropout prevention, IDRA has identified the following as critical to reversing the trend of high dropout rates, particularly among Hispanic students.

**Strategies must impact the triad of school, family and community, and student.** The dropout problem is a complex phenomenon that involves the configuration of student, school, and family and community characteristics. It is essential that an examination and understanding of the relationships among these characteristics guide the development of dropout prevention and recovery strategies.

**Strategies must be based on the understanding of the heterogeneity and**

**the need for local adaptation of intervention models.** Efforts to identify and profile students at high risk of dropping out must incorporate this recognition. For instance, a middle school male who drops out of a small suburban school may differ greatly from a 10th grade female urban school dropout. In tandem with the recognition of heterogeneity and the development of profiles (rather than a universal profile), we must recognize that a variety of models must be developed. These must be responsive to the range of student, school and community characteristics identified, and they must then be adapted to the characteristics of a local situation.

**Strategies must include informed public policy.** Public policy must *incorporate analyses of costs and benefits*. The concept that education is a significant and legitimate economic investment that yields personal and social returns has been largely accepted by economists, policy-makers, educators and social service practitioners. The development of human capital in terms of formal education plays a role in increasing production through the income-generating capacity of the labor force and increasing efficiency by reducing welfare costs and releasing public resources for more productive pursuits. In the long-term context, cost categories include per pupil expenditures, youth remediation expenses and training costs. Benefits include reduced dependence on welfare programs (unemployment insurance) and reduced antisocial behavior such as drug and alcohol abuse, criminal activity and related expenses.

In 1986, IDRA conducted the first statewide study of dropouts in the state of Texas. The study looked at the magnitude; the identification, counting and reporting of dropouts; the cost to our country; and what we were doing about it. Our research resulted in the state legislature passing House Bill 1010 in 1987 that required standard identification and reporting procedures of students who drop out of school. *In 1986, we found that for every \$1 invested in education there was a \$9 return.*

Public policies must also **utilize effective data bases and research.** We must ensure that we ask the right questions when we research the dropout issue, focusing on what schools must do to tap the inherent strengths of their minority students and families, and not on what their students and families lack and must do to "fit into" the schools.

For example in 1994, the U.S. General Accounting Office (GAO) submitted a

report on its audit of Hispanic dropouts. However, the study, *Hispanics' Schooling: Risk Factors for Dropping Out and Barriers to Resuming Education*, contributed little information on Hispanic dropouts, contained a number of inconsistencies, and even provided erroneous information and conclusions about this pressing educational problem. Limitations of the study included the following:

- It was conducted using census data exclusively, even though there are other extensive studies that could have been incorporated into the report. A study conducted solely on census data does not provide any information about the level of performance at the time the student dropped out. Census data also provide very few insights into the nature of the problem and its remediation.
- It used a definition of a "dropout" that considered the completion of a General Education Development (GED) program as the equivalent to high school graduation. It even went a step further and eliminated as defined dropouts former students who were studying for a GED certificate.
- It included an overabundance of analysis of foreign born dropouts, thus adding to the popular, but misguided, scapegoating of immigrant students.
- It was careless in various types of inclusion and exclusion.
- It drew erroneous conclusions not supported by GAO data or any other study.
- It was very defensive of U.S. schools, attributing dropouts to various presumed characteristics of the Hispanic population rather than to poor performance by schools.

**Strategies must incorporate ways of increasing the capacity of schools, family and community, and students to produce results.** Special attention must be given to the following to build capacity:

- The formulation and implementation of *specialized* prevention and recovery approaches.
- *Professional development* activities and follow-up. Such activities must be targeted and include both in-service and pre-service. Professional development should not only expand knowledge, but also cause educators to view children in different ways. Follow-up should include built-in mechanisms for support and reinforcement.
- *Meaningful community and family participation.*

*Hispanic Dropouts - continued on page 8*

## EQUAL ACCESS: MASK OF DISCRIMINATION

It is the first day of the 1997-1998 school year in the PickOne Independent School District in Somewhere, Texas. A monolingual English speaking teacher with 18 years of experience is assigned to teach a multi-ethnic class of 24 children in the third grade of the La Esperanza Elementary School. The teacher, Mrs. Educator, has a professional elementary certificate with a specialization in reading.

The class consists of 14 Hispanic, two African-American and three Asian-American students. The remaining five students are Anglo, or White, as coded in the state's required reporting system. Since the teacher was transferred from another campus within the same school district for this school year, there has been little opportunity for her to review the academic and linguistic characteristics of her students.

As Mrs. Educator settles the class for structured learning, she quickly peruses each enrollment card. She notices rubber-stamped labels on each card. Silently, amidst the excitement and noise of a new school year, she reads one card, "regular," then another, "limited-English-proficient/exempt" and "Level IV Spanish/Level I English/bilingual." The third card reads "low socio-economic status/accelerated institute." Other cards read "special education/limited-English-proficient" "attention deficit disorder," "non-LEP/school lunch/accelerated instruction," "ESL-Level III" and then another "regular."

Yes, it is the first day of school and already Mrs. Educator is frustrated. "What in the world are all the labels for?" she ponders.

She finally decides: "My job is to teach these youngsters to meet the district, state and national goals. I can't discriminate. I have to teach all of them to read. Someone else needs to work with them on any other problems they have."

The bell rings. Mrs. Educator adjusts to her teaching mode, but first checks the attendance roll. "Jennifer," "Pitra" for Petra, "Wakin" for Joaquin, "Jimmy" for Jaime, "Jacob" and so on. Most of the children raise their hands when told by other children to do so. "Okay, children," Mrs. Educator continues, "Take out your readers and turn to Chapter One. Some of you will be working on these wonderful computers, but I haven't gotten the list yet. So, just listen to the other children who will be reading for us."

The first day of school for many of these children will be no different from other school days to follow – inappropriate, insensitive and incomprehensible.

This scenario is fictitious, but the events profiled are very real. They occur in classrooms with children of diverse backgrounds and special needs throughout Texas and the United States everyday. This scenario focuses on sincere attempts made by educators and school systems to literally give every child an equal opportunity by treating each child alike. These practices perpetuate the myth of equal opportunity. Day in and day out, children of diverse backgrounds are pushed into the U.S. mold for education, either by design or unintentionally. This is discriminatory by all accounts because children with special needs are far removed, or segregated, from appropriate and responsive services that can be provided by specially trained staff.

These days, "alternative education" is being heralded as the panacea to the challenges that these special populations pose. The concept of alternative education does have merit if it is instituted as an alternative method to educating students, and not as an alternative holding tank for students considered to be at-risk. For decades, a high percentage of minority children have been dumped in "special education" classes even though they do not have learning disabilities or handicapping conditions.

We must focus on equal benefits for every child and not equal access. We must dispel the erroneous concept of "compensatory education" and compensate for what the education system has not provided up until now. Special programs for students with special needs should be understood and implemented as enhancements for the regular program offerings. Above all, we must eradicate the pervasive notion that children come to schools with problems. They come to our schools with special needs that warrant special attention. Educational deprivation is not a characteristic of any segment of our pluralistic society. It is a by-product of an educational system that fails to recognize the needs of those to be served.

There are more than 1 million students with special needs in Texas public schools. Historically and invariably, these students are, or will become, the staggering statistics we continue to read about: academic failures, at-risk youth, truants, hard cores and dropouts. Let us hope that non-traditional approaches used to impact these students with excellence and equity will become a salient feature of our educational system before we reach the 21st century... just around the corner.

*Oscar M. Cárdenas has served the field of education for more than three decades. He is a former manager in the U.S. Office of Education and currently is with the Texas Education Agency (TEA). His opinions stated above do not necessarily reflect the opinions of TEA.*

## & COMMENTARY



SCHOOL CHOICE

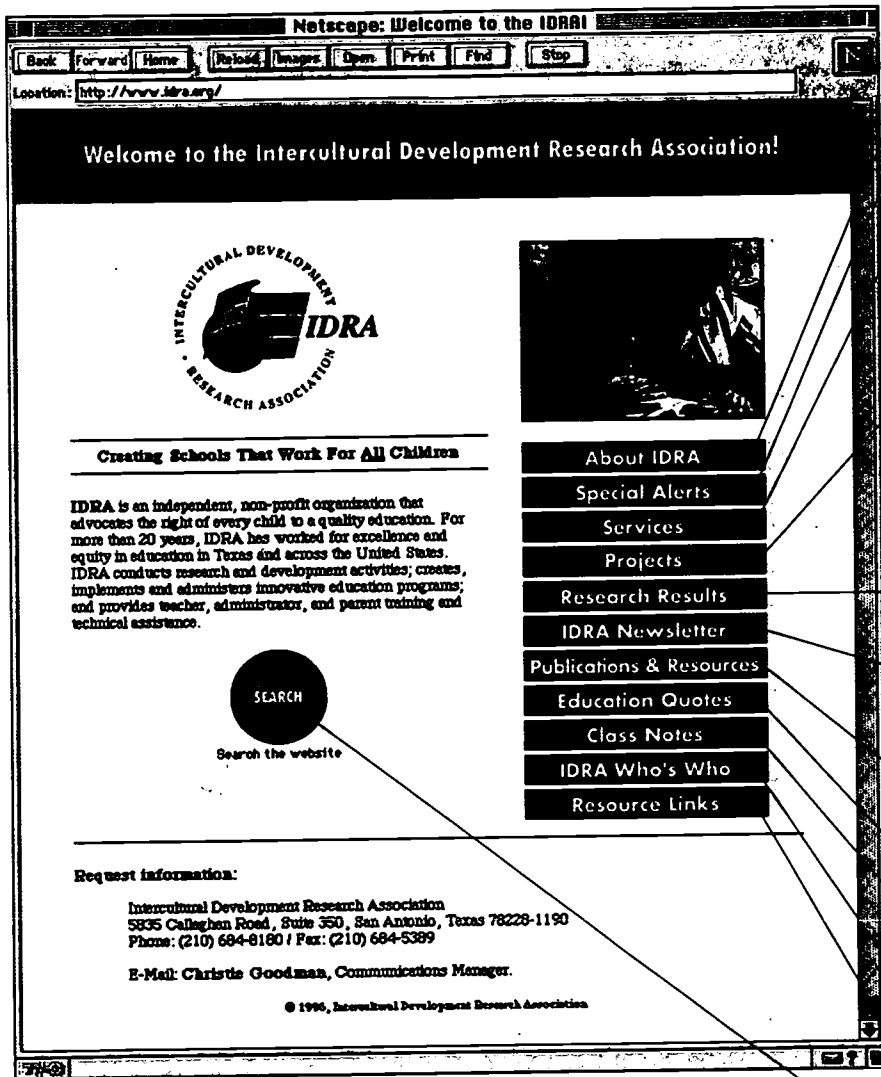
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Policy updates and upcoming events

Professional development, programs and materials development, research and evaluation, and policy and leadership services

Collaborative programs that work for all children, including the STAR Center, Desegregation Assistance Center – South Central Collaborative, and the Coca-Cola Valued Youth Program

Latest dropout statistics, a 10-year perspective on literacy and more

Text of the latest 10 issues of the *IDRA Newsletter*, indices for previous years

Descriptions of materials and how to order them

Paradigmatic views of reality

Separating fact from fiction about education

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## UPCOMING EVENTS

### Texas Association for Bilingual Education

#### 26th Annual Conference

October 22-25, 1997  
Houston, Texas

For more information,  
call 1-800-822-3930.

*Hispanic Dropouts - continued from page 5*

icipation. An example is IDRA's model for meaningful participation that includes four levels: parents as teachers, parents as resources, parents as decision makers and parents as leaders. It recognizes the role the larger community plays in education. It requires schools to change their ways of operating that exclude parents for efficiency's sake into ways that welcome family and community members as partners.

- *Administrative roles and responsibilities* as these relate to dropout prevention and recovery strategies.

**Strategies must provide equity in resources.** Providing children with facilities that are conducive to learning is an important part of their intellectual development, whether that be at the primary or secondary levels. The continued decline of classroom and building conditions and the need for increased construction are expected to continue to burden U.S. school districts into the next century. As we look at the new construction and renovation activities occurring nationally, it will be important for us to be vigilant in tracking the concentrations of minority pupils to avoid resegregation and to ensure that all students benefit from these efforts. We must also do this with other school resources. We must make our schools equitable and excellent and accessible to all of our children, and we must align resources with needs.

**Strategies must include mechanisms that hold the schools accountable for results.** Such mechanisms include standardized definitions and data collection, systematic approaches for evaluating and reporting dropout prevention and recovery efforts, and ways to change strategies that are found

to be ineffective.

**Strategies must allow for diffusion of successful approaches and the development of action networks.** Effective innovations die for the lack of dissemination, diffusion and replication. To have significant effects, dropout initiatives must incorporate provisions for information dissemination and for networking of persons involved in dropout-related activities. Information diffusion efforts must capitalize on the most effective existing private and public sector networks at local, state, regional and national levels.

As we look at what we must do to change the path we have created for our children, we must have greater accountability, accessibility and alignment. We must accept that we are accountable for all of our children and youth, particularly those whose cries are not being heard.

We must stop blaming our children or their families for our failures.

IDRA believes that *all students are valuable; none is expendable*. Our program, the Coca-Cola Valued Youth Program, is one manifestation of adults connecting with youths considered potential dropouts in a way that is a testament to students' strengths and what they can contribute to their peers, their schools, their families and their communities.

We must not underestimate the effects of such a connection or such a belief and valuing model: more than 98 percent of Valued Youth participants, most of them Hispanic, stay in school. During the first four years of the program in the South San Antonio Independent School District, all of the Valued Youth students, almost all of them Hispanic, graduated from high school. During the last 12 years, the Coca-Cola Valued Youth Program has made a visible difference in the lives of more than 33,000 children, families and educators.

When adults see that students who they thought would drop out of school are, when given the opportunity, inspirations and positive leaders to their peers, motivated learners to their teachers, sources of pride to their parents and contributors to their communities, a transformation occurs. They begin to see what is possible for all children. They begin to question their beliefs about students who may look different from them or speak another language. And ultimately, they change and make connections with other caring adults, and as a result schools change.

There are other efforts across the coun-

try that are working and are keeping young people in school. Many more are needed if we are going to attain the second educational goal established by the National Education Goals Panel: "By the year 2000, the high school graduation rate will increase to at least 90 percent." To reach this goal, we need consistent use of resources, and we need good public policy. We can address the leak in the pipeline so that more Hispanic students can move from elementary and secondary school to excel in higher education.

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In the past 30 years there have been many influences affecting bilingual education and English as a second language (ESL). The strongest of these are legal mandates enacted by Congress, the state legislature and the courts. There are other policies for implementing the "spirit of the law" through programs outlined in Chapter 89 of the Texas Administrative Code (19 TAC), Subchapter BB Commissioner's Rules and Related Rules of the State Board of Education (SBOE). These are state plans for educating limited-English-proficient (LEP) students.

One might often find a leap in reality between these well-developed plans and actual instructional programs in schools, not unlike a person with a well-developed grocery list in the coat pocket yet a bare cupboard at home. Without the laws, court orders and rules to describe minimum requirements, however, there would be many inconsistencies from school to school.

These policies influence what is taught, how it is taught, how personnel are trained and licensed, how students are tested, what classroom materials are used, and how schools affect the prosperity of the state and country. Currently, the official descriptions of what is taught for required and enrichment courses are being updated by task forces of educators representing various areas of the state. The updated standards are the Texas Essential Knowledge and Skills (TEKS).

At the State Board of Education meeting in April, a task force presented the proposed TEKS for Spanish language arts and ESL for kindergarten through 12th grade, which are included in state legislation regarding required curriculum (19 TAC Chapter 128). The proposal was a modification of the TEKS for English language arts and reading that had been filed during a previous meeting of the board.

The task force members included master teachers, representatives from the Intercultural Development Research Association (IDRA), representatives from universities with certification programs and other educators. They emphasized the fact that LEP students go through stages of language acquisition that are not related to the students' intellectual capabilities nor their abilities to use higher-order thinking skills. They also stated that their proposed TEKS are not "watered down" versions of

the all-English curriculum.

In fact, the proposal adds materials on culture and the transferring of academic skills from the students' first language to English. The proposal made constant references to current theory, research and practices. These are required courses for LEP students that assist their academic achievement. One would wish that TEKS for pre-kindergarten grades would have been included to provide guidance to teachers assigned to summer school programs in accordance with 19 TAC Section 89.1250 since these are mandated for LEP children under by the Texas Education Code.

Colleges, universities and regional education service centers will complement the TEKS with pre-service and in-service staff training. When textbook publishers respond to proclamations by the State Board of Education with textbook bids, they, too become part of the instructional team by providing guidance on pedagogy in teacher guides. This "how to" assistance will change as educational research evolves and current information is confirmed on the important relationship of linguistically, affectively and cognitively appropriate components.

Another important policy area involves the testing of LEP students. This testing may be conducted for various purposes. Initially, students are tested to determine whether or not they should be assigned to bilingual education or ESL instruction. LEP students represent more than 100 home languages. Bilingual education is available for Spanish speakers and speakers of a few other languages.

Some students belong to smaller home language groups such as Kurds, Bosnians and Hindus. These students are sometimes assigned to the ESL program when certified teachers with knowledge of the student's home language are hard to find. At a minimum, ESL is required in districts for groups of less than 20 students per grade.

However, ESL instruction alone is not an alternative for bilingual education. Current research describes the undisputed advantages of bilingual education for any student. Perhaps we will see a future where full bilingual programs for students of all language groups are available in this state.

Other informal testing, such as portfolio assessment, may be conducted for formative evaluation as instruction

progresses. Summative evaluation is the state assessment required for graduation in Texas and graduation upon completion of the required secondary curriculum. The TEKS task forces were particularly sensitive to the need to provide secondary programs that help meet graduation and college entrance requirements.

Currently, all LEP students must take an appropriate state annual assessment. This may consist of the Texas Assessment of Academic Skills (TAAS) in English or in Spanish or, if exempted, an alternative assessment. These students cannot be exempted from state assessments for more than three years.

Bilingual education and ESL programs protect students' constitutional rights and increase academic achievement. Additionally, language learning has a significant impact upon the Texas economy. In March 1997, the Texas Department of Commerce reported a record \$74.2 billion in exports from Texas to Mexico in 1996. This has increased by more than 25 percent from 1995. Exports include electronic equipment, industrial machinery and computer equipment, chemicals, transportation equipment, food, petroleum refining and related products, scientific instruments, and other goods and services. The Texas Comptroller of Public Accounts identified Brazil, Argentina and Mexico as the major importers of Texas goods. Other mushrooming markets may be found in China, Taiwan, South Korea, Hong Kong, Malaysia, Singapore and the Philippines.

Language and marketing are inextricably linked. The importance of language skills to Texas' success in the global economy ought not to be taken for granted.

*Dr. Elisa de León Gutiérrez is the former director for the bilingual education division of the Texas Education Agency (TEA). Currently, she serves as a consultant for the Arkansas Department of Education where she has written a state plan for children of limited English proficiency.*

## COMING UP!

In September,  
the *IDRA Newsletter*  
focuses on parent, family  
and community involvement.

interest groups, the education committee adopted its own proposal in mid-May.

The Senate plan was a much more modest tax reform proposal, but it contained school finance reform provisions comparable to those contained in the House plan. The Senate plan called for new taxes by broadening the state franchise tax to include more service sectors, including limited partnerships, and by broadening the state sales tax base by including more goods and services. It called for an increase in state education funding through the following:

- Dollar-per-dollar reimbursement of any state-mandated reductions in local property taxes.
- Increase in the levels of guaranteed yield.

- Provision of a new funding tier to help local districts pay for facilities.
- Extension of hold harmless clauses allowing the state's wealthiest school districts to continue to spend at their 1992-93 revenue per pupil levels.

The plan also called for property tax relief through increases in state-mandated homestead exemptions on residential property and requirements that local school districts reduce their local property taxes by an amount equal to any increases in state funding after adjustments for enrollment.

Although the Senate proposal did not include the state-level business property tax, it did provide for

- expanding the franchise tax to non-corporate businesses in Texas by adding

general partnerships, limited partnerships, business trusts and professional associations;

- adding a limited expansion of the sales tax;
- increasing taxes on alcohol and tobacco products;
- continuing the motor carrier tax that was scheduled for repeal in September 1997;
- increasing the state share of lottery revenues; and
- creating new taxes on certain coin-operated and cash-dispensing machines.

The differences in revenue levels between the House and Senate plans, in turn, created significant differences in their extent of new state education funding and property tax "relief" levels.

### Major Differences Between the House and Senate Proposals

The major differences between the House and Senate packages involved their tax package provisions and the school finance formulas. Many observers anticipated that the chambers could work out their differences concerning the school finance portions, but the tax proposals, however, were recognized as posing a serious challenge.

During conference committee deliberations, the chambers repeatedly clashed on the issue of the House proposed plan for a state-level property tax on businesses. Failure of the chambers to reconcile their differences led to weeks of delays as one side waited for the other to give in. So, the conference committee designated a subgroup to reconcile the differences in the House and Senate school finance provisions.

Disagreements on tax relief centered on the manner and extent to which each chamber proposed to provide for local school property tax relief. The House plan sought to remove local business property from school tax rolls and to reimburse districts for each dollar of revenue it lost by this action. It also provided for an increase in the state-mandated homestead exemption with similar reimbursement to local districts for lost tax revenues. The Senate plan did not change local school district taxation of business property, but it did have a version of an increase in the state homestead exemption.

Both the House and Senate plans called for some significant changes in the state school finance structure. The House plan called for totally eliminating the state recapture of revenue from the state's wealthiest school districts (those that generated more

## STAR CENTER AT IDRA PRESENTS

### EXCELLENCE AND EQUITY THROUGH TECHNOLOGY NETWORK (EETNET)

This three-day institute is designed to assist Texas schools with Title I schoolwide programs and to increase achievement for all students through innovative instruction that is technology-enhanced. Participants will include teams of campus and district administrators, teachers, parents and community members.

San Antonio area (ESC Region 20) – August 28-29

Valley area (Valley Center for Professional Development and Technology, University of Texas at Pan American) – September 11-12

Dallas-Ft. Worth area – (dates TBA)

#### Activities:

- ◆ On-line needs assessment to provide immediate electronic feedback to each campus team
- ◆ Hands-on introductions to cutting-edge instructional technologies (content area software, electronic portfolios, World Wide Web resources)
- ◆ Writing and evaluating campus technology plans
- ◆ Finding creative resources and funding
- ◆ Individual consultations with experts in the areas of instructional technology and school reform
- ◆ Opportunity to engage in long-range technology planning supported by a network of colleagues and technical assistance providers

#### To be eligible each school must:

- ◆ Have Title I schoolwide programs
- ◆ Be representative of the diversity of the region
- ◆ Provide evidence of a pro-active interest in using technology to improve instruction
- ◆ Express a commitment to a long-term pursuit of excellence and equity through technology

For more information about the institute, contact: Dr. Chris Green, STAR Center at IDRA (210/684-8180; cgreen@idra.org). For more information about applications, contact: Leticia López-de la Garza, STAR Center at IDRA (210/684-8180; llopez@idra.org). Space is limited.

The STAR Center is the comprehensive regional assistance center funded by the U.S. Department of Education to serve Texas. It is a collaboration of the Intercultural Development Research Association (IDRA), RMC Research Corporation and the Charles A. Dana Center at the University of Texas at Austin. For information about STAR Center services, call 1-888-FYI-STAR.

money than the state had chosen to equalize). It also called for changing from the current foundation school program to a two-tier guaranteed yield system, with a new third tier for new facilities.

Under the House plan, the first tier would have provided approximately \$49.60 per each penny of tax effort up to 75 cents. The second tier would have allowed districts to levy an additional 10 cents to cover the cost for funding existing programs or to enrich the basic program. Enrichment guaranteed yield would be equalized up to \$9 per penny of tax effort. (That is, the state would provide revenue for each district whose local tax base yielded less than the guaranteed level of \$9 per penny of tax effort.)

A new subportion of the second tier would allow districts to tax up to 10 cents in order to cover the cost of *existing facilities*. The total tax effort equalized for a combination of enrichment of existing facilities, however, would not exceed 10 cents. The third tier in the House plan called for the creation of a new mechanism for state participation in the funding of *new facilities*. This tier would provide guaranteed yield monies to school districts so that each district would acquire \$36.40 for each cent of new debt service tax effort for up to 50 cents of local tax effort.

Under the Senate proposal, the structure of the state funding system was modified, calling for the following:

- Increasing the state's "equalized wealth level" (the maximum tax wealth that local districts are allowed to retain) from the existing \$280,000 per weighted average daily attendance to \$330,000 per weighted average daily attendance in order to reduce the number of local school districts subjected to the state recapture provisions.
- Increasing the second tier guaranteed yield portion of the system from \$21 per cent of tax effort to \$29.60.
- Creating a new third tier of funding to provide guaranteed yield monies to districts to help cover the cost of new facilities and setting the guaranteed yield level at \$33 per average daily attendance.

#### **What Was Finally Adopted**

The media in Texas provided extensive coverage of the House-Senate conflicts over the proposed tax package and reported that the failure of the tax measure was fueled in part by the actions of many business lobbyists who fought to have certain busi-

### **A LEGISLATURE COMMITTED TO EQUITY WOULD HAVE ATTEMPTED TO REDUCE THE CURRENT LEVEL OF INEQUALITY.**

nesses left off proposed tax measures or, at least, to have them be given exemptions or other dispensations that would reduce their state tax liabilities.

In the face of fierce opposition from many facets of the business sector (specifically those not currently subjected to state franchise or sales taxes), the property tax relief school funding plan as proposed by either chamber went down in bitter defeat.

In the waning days of the session, legislators attempted to "deliver" on the property tax relief promised by some of the state's political leadership (primarily the governor). So, they adopted a proposal that turned out to be a mere shadow of the substantive reforms that were trumpeted at the beginning of the session. The final property tax school finance plan as adopted by the legislature calls for the following:

- Increasing the state-mandated homestead exemption (that portion of a homestead's [residence's] market value that may be excluded from local property taxes) from the current \$5,000 to \$15,000. This portion requires passage of an accompanying state constitutional amendment by voters in a forthcoming election.
- Increasing the state share of lottery revenues and dedicating lottery monies to the foundation school fund that is used to fund public education.
- Continuing the current funding system that includes a Tier 1 basic program requiring a minimum local tax effort of 86 cents and a Tier 2 guaranteed yield component.
- Adding a facilities funding level (Tier 3) that will provide guaranteed yield revenue to help districts pay for the costs related to new local school facilities.

#### **A Final Analysis - A Lost Opportunity**

In early June, the headline of *Texas Education News Reports* reported, "Public Education Spending to Increase by \$1.7 Billion in New Biennium" (1997). While it is true that the state portion of public school funding will increase by that amount, local school districts will not see any substantial increase in the level of total funding avail-

able. This sad reality is the result of state-mandated cutbacks in local revenues (through reductions in local property tax rates) in amounts equal to any increases in state revenues received by districts to offset the cost of the new state-mandated increases in homestead exemptions. So while local property taxpayers will see an average reduction in local tax bills of approximately \$140, local schools are left watching a \$1 billion opportunity to improve the quality of schools fly away on the wings of "property tax relief."

This fiasco experienced by the legislature serves as a reminder of the complexity of a property tax structure that is totally intertwined with the state school funding scheme. While not opposed to tax relief, many local school officials quietly opposed the legislature's attempt to remove local businesses from the tax rolls, fearing that their local communities would never see the state business tax revenue that had been touted to replace the local school district's taxation of that same property.

Targeting \$1 billion of surplus revenue on tax relief proposals through homestead exemptions also creates a contingent liability to forthcoming legislative sessions. Because the homestead exemptions will become permanent if adopted by the voters, legislators in future sessions can only hope that revenue growth provides the additional money needed to cover those exemptions. Otherwise, they face the prospect of creating a \$1 billion tax increase to maintain current levels of state services.

Although the legislature provided a very modest increase in the state minimum salary requirements for teachers, it failed to upgrade teacher salaries to compensation levels befitting the profession. Other areas remain under funded as well, such as the education of students with differing characteristics, including students from low-income households, students with limited proficiency in English, students who are gifted and talented, and students with special education needs.

Some might argue that increasing the level of education funding does not guarantee improved outcomes for students, but we know that we are unlikely to see improvement without some increased state investment in support of equalized public education. At the time of the last *Edgewood* ruling, the state acknowledged that even under its best case projections, the existing funding system would provide for continuation

*Texas Legislature - continued on page 12*

## PRIVATE SCHOOL VOUCHERS DEBATED

*Extremely concerned about proposals by some legislators to institute a private school voucher program in Texas, IDRA expressed its concern by, among other things, directing a letter to legislators. Below is an excerpt of that letter.*

For more than 24 years we have been a primary advocate for equalizing public school funding, early childhood education, bilingual education and other programs that would benefit low-income and minority children in our public schools. We find it disturbing that those pushing for a "voucher" program, supposedly to benefit poor children, are the same people who have opposed every positive program put forward to equalize educational opportunity.

What is worse, those same economically disadvantaged students are being touted by voucher proponents as the reason Texas' public education system has "failed." At the same time, proponents claim that it is those same students who will be the primary beneficiaries of a system that would defund public schools.

Public education in Texas is already under funded. Vouchers would simply mean that the children in public schools with the fewest resources will be left behind in public schools that are even poorer and more inadequate. These same children – students with special needs, minorities, low-income children, disabled students and students who do not speak English – are truly unlikely candidates for private schools that use their own criteria for selection.

Whether it is called "choice," "parental choice," "free schools," "vouchers" or whatever euphemisms become fashionable, use of public funds for private education is prohibited by many state constitutions. The framers of those documents intended for the state to exercise its obligation to educate the citizenry by providing public, free schools to all children.

If the public schools need improvement – and we at IDRA agree that they do – then let us do that. Let us not shut down the educational opportunities we fought so hard to improve.

*Texas Legislature - continued from page 11*

of a \$600 gap in spending per pupil (\$24,000 per class of 20) between the state's richest and poorest school districts. A legislature committed to equity would have attempted to reduce that level of inequality.

On the other hand, things may have been worse if certain proposals entertained during the last session had become law. If opponents of state recapture had succeeded in eliminating that equalizing feature from existing law and no mechanism for offsetting that action had been adopted, the level of equity in the state school funding system might have declined. In the same vein, disequalizing proposals, such as eliminating pupil funding weights that generate extra state monies for students with special needs, were also rejected.

Writing in 1994, Dr. José A. Cárdenas, IDRA director emeritus, observed that a review of the "continuing saga of Texas school finance reform provides half a dozen lessons that could help in addressing... future efforts in the financing of Texas public schools."

One of the lessons he cites is:

Failure to resolve the problem can be attributed to the failure of the legislature to bite the bullet and do what decency, justice, common sense and the best interests of the state demand be done (Cárdenas, 1997).

Despite the efforts of a small group of minority and other legislators, the majority remained unable, or unwilling, to continue the funding reform efforts begun in 1993 with the passage of Senate Bill 7, which was the last state response to the series of *Edgewood* challenges.

The most significant positive development for public school education in this session may turn out to be the creation of a facilities funding tier to help finance new construction. While recognizing it was modestly funded (thus, not all school districts in the state will benefit), the plan to have the state assume part of the cost is an action that we at IDRA have advocated since IDRA's inception in 1973. Let us hope it does not take the Texas Legislature 24 years to come up with a substantial improvement to the current funding plan. While being "more equitable" than many of its predecessors,

the funding system still has plenty of room for improvement.

### *Public Funding for Private Schools and Charter Schools*

Early in this Texas legislative session, a group of proponents, who support the development of alternatives to conventional public schools, announced their intention to push for policy changes that would increase the numbers of charter schools allowed to operate in the state of Texas. In 1995, the legislature adopted a policy allowing for the creation of 20 state-approved charter schools. Although numerous public school advocates expressed concern with the proposed charters, their initial fears were allayed by the inclusion of flexible student admissions procedures and accountability requirements based on student outcomes.

Despite the absence of convincing data on whether or not the 20 existing charter schools were effective, legislators supported the expansion to 100 charter schools. They did so by granting the authority to approve 100 open enrollment charter schools specifically created to serve students who are eligible for public education grants. In addition, legislators authorized the creation and funding of additional charter schools in which 75 percent of the prospective students are considered at risk of dropping out.

These proposals sought to provide alternative educational options for students attending low performing schools and were, in part, an outgrowth of public school refusals to accept students who seek to transfer to other non-district schools under legislation adopted in 1995. According to data compiled by the Texas Education Agency, only a handful of students who applied for transfers out of low performing campuses were accepted by the schools to which they applied, with most schools citing a number of excuses for refusing their admission.

Eligibility for public education grant funding was also modified by legislators, with students deemed eligible for participation if the campus had been designated as low performing for two consecutive years (rather than the three-year stipulation in previous legislation). Districts eligible for public education grant funding would be allocated an additional weight of 10 cents, generating an average of \$267 per pupil and thus increasing the funds that would be transferred to the charter school receiving public education grant students.

Some disturbing public policy questions are presented by this merging of the

*Texas Legislature - continued on page 13*

public education grant concept of providing students with alternatives to attending low performing schools with the need to more effectively serve students who are at risk of dropping out of school. The first and most obvious concern is the rush to expand Texas charter schools in the absence of data that the existing charter schools are meeting either their own objectives or the performance outcomes of regular public schools.

A second concern surrounds the creation of specialized charter schools to serve at-risk students and those who may have already dropped out. Does the creation of charter schools for at-risk students absolve regular public schools from serving their at-risk students? Will these at-risk charter schools be seen as the logical referral place for schools reluctant to adapt to address the needs of changing student populations?

While some proponents may have no such intentions, the policy is not currently crafted in ways that will protect against students being tracked into alternatives that absolve sending schools from adequately addressing the needs of all pupils, including those identified as at-risk of dropping out of school. Other efforts by some charter school proponents to liberalize the eligibility provisions and dilute the equal student access and accountability provisions were thwarted.

Attempts by some state legislators to create a Texas school voucher plan that would use state funding to finance public education were defeated by a narrow margin in the latter days of the session (see box on Page 12). According to the Legislative Study

Group (LSG) – a loose coalition of moderates in the House of Representatives – voucher proponents succeeded in adding voucher language to the plan through an amendment to the public education grant bill described above (1997). However, a subsequent amendment that would have prohibited private schools from discriminating against public school students was adopted but found unacceptable to the Texas Conservative Coalition of legislators (which was the chief proponent for the voucher plan). Thus, the whole voucher amendment was withdrawn.

Though rejected in this session, legislative observers noted that the pro-voucher effort demonstrated creativity and persistence as it attempted to move its agenda. A return of the same factions in the 1999 Texas session is again anticipated.

### Immigrant Education

With the scrutiny and criticism that bilingual education programs have been receiving in the past couple of years in some circles, it is not surprising that Texas policymakers would take a second look at educational policies set forth to transition immigrant children into the classroom, as other public policy measures seek to remove them and their families from the country.

Interestingly, in developing public policy, many of the same groups who advocate legislation of such teaching methods as English language immersion (although it has been proven ineffective) are the same people who are simultaneously vigorously defending the notion of local control.

To date, the state of Texas has been able to fend off any attempts to ostracize immigrants in the area of education, primarily because Gov. Bush has spoken out about the fact that the economic viability of the state, especially in relation to trade, is contingent upon a population that is literate and adequately educated. In Texas, neither major political party made any serious efforts to mandate the exclusion of immigrant children from the classroom.

A strong concern, though, is the persistent threat of exclusionary policies being implemented, if not under the current gubernatorial administration, then under another's leadership.

Fueled by the anti-immigrant sentiments set ablaze by California's previous initiatives, a third initiative, the English Language Education for Immigrant Children (Initiative Number 743), would eliminate bilingual education in public schools and instead implement a system of English language immersion to teach this country's dominant language to LEP students "as rapidly and effectively as possible." The initiative's authors denounce the language acquisition programs as "wasting financial resources on costly experimental programs whose failure over the past two decades is demonstrated by the high number of dropouts and low literacy levels of many immigrant children" (Unz, 1997).

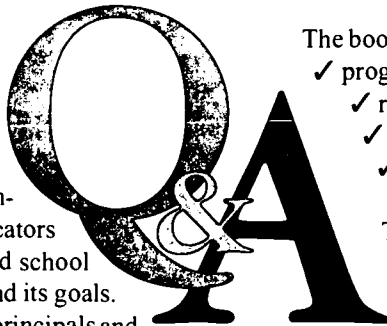
National leaders took a cue from the California's regressive measures and reacted to the ethnic tensions by introducing several bills to declare English the official

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## Questions and Answers about Bilingual Education

by Dr. Alicia Salinas Sosa

Even after 26 years of federal funding for bilingual education, questions continue to surface about this educational program. *Questions and Answers about Bilingual Education* identifies the 23 most frequently asked questions and provides brief but complete answers to clarify misconceptions and misunderstandings held by non-educators such as parents, community board members and school board members regarding bilingual education and its goals. It is also a useful resource for educators, such as principals and assistant superintendents, who may not have had formal training in bilingual education.



The book is divided into four easy to follow sections:

- ✓ program questions,
- ✓ rationale questions,
- ✓ implementation questions,
- ✓ evaluation questions.

This publication is designed to clarify the benefits to be derived from a quality bilingual education program and to empower the reader to assist other educators and members of the community.

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language of the United States. Some bills even proposed eliminating bilingual education and English as a second language (ESL) and allowing states the option of not educating children of undocumented workers. The attack on bilingual education programs were founded on misguided claims that they are ineffective and costly, and are run by teachers with inadequate training.

While proponents of such restrictive measures argue that costs involved in educating children "who are not even supposed to be in this country" are unacceptably high, it can indeed be argued that the costs involved in creating an uneducated underclass would exceed the perceived benefits. U.S. public schools are not the motivating force behind immigrant families' choice to come to this country; it is the hope of a promising economic future. It is our duty and function as a democratic society to provide optimal living conditions for all of our contributing members, including its immigrants.

**Access to Higher Education**

When the Fifth Circuit Court of Ap-

peals ruled in favor of the plaintiffs in the *Hopwood vs. State of Texas* case in 1995 regarding affirmative action practices at the University of Texas Law School, the decision sent shockwaves to colleges and universities, and in workplaces throughout the country. These shockwaves continue to reverberate today.

Within the three-state jurisdiction of the Fifth Circuit Court—encompassing Louisiana, Mississippi and Texas—the ruling applies only to Texas due to the other states' federal civil rights obligations. In response, several key legislators in Texas introduced bills to either reinstate affirmative action practices or to create alternative criteria for college admission that would still result in diverse student bodies, including proposals by Rep. Irma Rangel (D-Kingsville), chair of the Committee of Higher Education, and Sen. Gonzalo Barrientos (D-Austin).

State lawmakers were faced with the Texas attorney general's ever-expanding interpretation of the court's decision that, in his opinion, denounced the use of race-based criteria for admissions or scholarships. Disregarding his role as chief de-

fender of the state, the attorney general, Dan Morales, quickly became a spokesperson in favor of abolishing race-based admissions procedures and scholarships. Colleges and universities, Morales advised, should instead adopt race-neutral policies; otherwise, they would be vulnerable to lawsuits.

Three proposals by Rangel were related to the issue of minority access to higher education. Two of them provided public colleges and universities with a safety net to continue minority recruitment and admission, but the bills lost their momentum.

One measure would protect college administrators and staff members from legal persecution if they admit minority students as allowed by the attorney general's opinion. Another proposal was to give the green light on the use of race and ethnicity as a consideration for admissions or scholarship awards.

After some changes, Rangel's HB 588 was passed. Instead of permitting the use of race and ethnicity as a factor in admissions, it would allow schools to accept students if

• they are in the top 10 percent of their

## HIGHLIGHTS OF RECENT IDRA ACTIVITIES

In April, IDRA worked with 9,173 teachers, administrators and parents through 117 training and technical assistance activities and 109 program sites in 12 states plus the United Kingdom. Topics included:

- ◆ Fourth Annual IDRA *La Semana del Nino* Early Childhood Educators' Institute
- ◆ Assessment of Limited-English-Proficient Students
- ◆ Families United for Education
- ◆ Implementing a Dual Language Program
- ◆ First and Second Language Acquisition Processes

Participating agencies and school districts included:

- ◆ Dallas ISD, Texas
- ◆ Texas Education Service Center Migrant Directors Forum
- ◆ Rogers Public Schools, Ark.
- ◆ Friendship ISD, Texas
- ◆ Cobre CSD, New Mexico
- ◆ El Paso ISD, Texas
- ◆ Laredo United ISD, Texas

### Activity Snapshot

During the last five years, schools in Arkansas have been experiencing a rapid increase in the numbers of students who speak a first language other than English. As a result, the state found itself with a shortage of qualified, bilingually certified or English as a second language-endorsed teachers.

The Arkansas State Department of Education called on IDRA's Desegregation Assistance Center—South Central Collaborative to assist in the preparation of teachers. IDRA provided training in first and second language acquisition, recognizing culture in the classroom and the federal guidelines regarding limited-English-proficient students. Certified teachers are now much more prepared to respond to the growing demands for bilingual instruction in Arkansas education.

Regularly, IDRA staff provides services to:

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

Services include:

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

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

- graduating class,
- alternatively, applicants graduated in the top quarter of their graduating class, or
- they meet a set of criteria, which includes the applicant's bilingual proficiency, socio-economic background, and SAT and ACT test scores and whether the applicant would be the first in his or her family to attend college.

This measure received greater acceptance than the other two proposals because of the absence of race or ethnicity as even a remote consideration for access to college. While minority students can no longer be admitted by virtue of their ethnicity, they can still be recruited by institutions of higher education.

Sen. Royce West (D-Dallas) introduced legislation using several criteria that would increase the chances of minorities being admitted to institutions of higher education, but without including race as one of those factors. A revision was passed to ensure that scholarships are not provided to incoming students based on their athletic performance or other abilities.

The impact of the *Hopwood* decision and the attorney general's opinion is being felt by public institutions of higher learning as they are experiencing a decrease in minority applicants. A survey conducted by the Texas Higher Education Coordinating Board of three university systems - University of Texas, Texas A&M and University of Houston - indicates a drop in the number of applicants to those institutions of higher education.

*Sexual Harassment - continued from page 3*

- where appropriate, informal resolution before moving into formal procedures?
- Does the grievance procedure provide for impartial investigation that includes fact finding, careful review, due process and opportunity for appeal?
- Does the grievance procedure include an appropriate remedy based on the severity of the offense and institute corrective action where there is a finding of harassment? (1996).

Currently there is not a law that requires schools to provide training on sexual harassment. However, school districts that are found to have incidents of sexual harassment in their schools are viewed more harshly by the courts than are those schools who have had more extensive staff and student training. Thus, it behooves school to train everyone from school board

On the federal level, several anti-affirmative action bills were filed during the current session by legislators including Sen. Jesse Helms (R-NC) and Reps. Brian Bilbray (R-Calif.) and Charles Canady (R-Fla.). While these bills primarily focus on affirmative action practices in the workplace, their prohibitive nature will undoubtedly set the tone for national policy on minority admissions criteria for higher education.

**Bilingual Education and State Language Policy**

The issue of measures for bilingual education in Texas received some attention by legislators this session.

The first attempt was by state Rep. Charlie Howard (R-Sugarland) whose bill would have given districts the option of implementing an English language immersion method of teaching English to limited-English-proficient (LEP) students. Two other bills were related to the state's weighted system of funding programs for special populations, such as gifted and talented programs, compensatory programs and bilingual education programs. Freshman Rep. Domingo Garcia (D-Dallas) nobly introduced a bill that would have increased the weight allotted for bilingual education thereby increasing funding for the programs. Meanwhile, Rep. Harold Dutton, Jr. (D-Houston) introduced another measure to do away with the current weighted system, which could have meant serious de-funding of programs for special populations.

None of the three proposals was passed by the legislature. So bilingual education in

Texas remains intact.

In the February 1997 issue of the *IDRA Newsletter*, we outlined the education-related policy issues that would be dealt with by the state legislature. We also restated our belief that no issue is more critical to the well-being of Texas than public education. The Texas legislature, overall, however did not demonstrate that it had the same priority. IDRA will continue to monitor state policy efforts as well as community-led actions to achieve equity and excellence in education for the children of Texas.

**Resources**

Cárdenas, J.A. *Texas School Finance Reform: An IDRA Perspective* (San Antonio, Texas: Intercultural Development Research Association, 1997).

Cortez, A. "Immigrant Education Policy: Why Attempt to Fix What's Not Broken?" *IDRA Newsletter* (San Antonio, Texas: Intercultural Development Research Association, May 1996).

Legislative Study Group, *Progress Report* (Austin, Texas: Legislative Study Group, 1997).

*Texas Education News Reports*. "Public Education Spending to Increase by \$1.7 Billion in New Biennium" (June 9, 1997).

Texas Higher Education Coordinating Board Survey (May 27, 1997).

Unz, Ron. "English Language Education for Immigrant Children" (Initiative Number 743, 1997).

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members and superintendents to clerical staff and custodians.

The IDRA Desegregation Assistance Center - South Central Collaborative (SCC) provides various services to schools and districts for dealing with sexual harassment in public schools. These services include training in sexual harassment policies, creating a non-hostile environment and sexual harassment and the law. The Desegregation Assistance Center - SCC also provides assistance in selecting materials that are free of gender bias and in developing policies and procedures on sexual harassment. For more information, contact Bradley Scott, director of the Desegregation Assistance Center - SCC, at 210/684-8180.

**Resources**

Capitol Publications, Inc. *School Law News* (Alexandria, Va.: Capitol Publications, Inc., March 21, 1997), 25(6).

Larson, Marta. "Is Harassment a Problem in Your

School?" *Equity Coalition* (Ann Arbor, Michigan: Program for Educational Opportunity, University of Michigan School of Education, Spring 1996).

McGrath, Mary Jo. *Sexual Harassment Investigation Training Manual: Training for Administrators and Staff* (Santa Barbara, Calif.: Mary Jo McGrath, 1996).

Orenstein, P. *School Girls: Young Women, Self-Esteem and the Confidence Gap* (New York, NY: Anchor Books, 1994).

Penny-Velázquez, Michaela. "Combating Students' Peer-to-Peer Sexual Harassment: Creating Gender Equity in Schools," *IDRA Newsletter* (San Antonio, Texas: Intercultural Development Research Association, March 1994).

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# U.S. DEPARTMENT OF EDUCATION'S 1997 IMPROVING AMERICA'S SCHOOLS REGIONAL CONFERENCES

## A Call to Action: Working Together for Equity and Excellence

### General Assembly Sessions

Daily sessions will feature a variety of speakers, including officials from the U.S. Department of Education and educational leaders from across the nation.

### Education Reform Institutes

These half-day institutes will focus on key topics in education reform within the context of the conference's overarching themes of equity, excellence and collaboration. The format and content of the institutes will focus on three major elements: research, collaborative demonstration models and implementation strategies. Participants will have the opportunity to attend two institutes. Institute topics include:

- ◆ Setting and Reaching High Standards
- ◆ Creating a Better School Environment
- ◆ Assessing Student Achievement
- ◆ Mastering Reading
- ◆ Mastering the Foundations of Mathematics
- ◆ Exploring Public School Options
- ◆ Promoting and Managing Change in Schools and Communities
- ◆ Recruiting, Preparing and Retaining Excellent Teachers
- ◆ Involving Families and Communities in Education
- ◆ Using Technology as a Tool for Education Reform
- ◆ Facilitating Higher Education, Work Transitions, Lifelong Learning

### Technical Assistance Workshops

Each conference will offer a full day of technical assistance workshops for participants to learn more about how federal, state and local resources can be integrated to support education reform. Workshops will provide program-specific and cross-program technical assistance in the following areas: Title I, Goals 2000, Magnet Schools, Charter Schools, Homeless, Impact Aid, Bilingual Education, Special Education, Technology, Even Start, Migrant Education, Indian Education, Eisenhower Professional Development, Safe and Drug-Free Schools and Communities, School-to-Work, Adult and Vocational Education, Integrated Reviews, Cooperative Audit Resolution, Waivers and more!

### Who Should Attend?

- ◆ Federal, regional, state and local technical assistance providers
- ◆ Grantees, administrators and managers of programs administered by offices of the Department of Education
- ◆ Officials of state education agencies
- ◆ Officials of local education agencies
- ◆ School-based instructional leaders
- ◆ Teacher leaders and principals
- ◆ Officials of national and community-based educational organizations.

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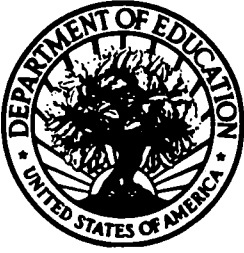
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