



The University of Texas at Austin  
**Texas Education Review**  
College of Education

Journal Homepage: [Texas Education Review](#)

Published online: February 2020

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The 86th Texas Legislative Session  
and the Impact of Advocate Diversity*

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**To cite this article:** Craven, M. (2019). Skin in the game: The 86th Texas Legislative Session and the impact of advocate diversity. *Texas Education Review*, 8(1), 91-101.  
<http://dx.doi.org/10.26153/tsw/7049>

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## **Skin in the Game: The 86th Texas Legislative Session and the Impact of Advocate Diversity**

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Before each Texas legislative session, policymakers identify and shape themes, which dominate debates, hearings, and deal-making. Some of the major themes during the 86<sup>th</sup> Texas legislative session (2019) were property taxes, school finance reform, and school safety. In identifying these themes, lawmakers are responsive to a combination of factors, including polls, legal deadlines, personal interests, and crises. They are also responsive to a large group of advocates and lobbyists, some of whom have significant power to shape the laws that ultimately pass each session.

As the Director of Policy, Advocacy, and Community Engagement at the Intercultural Development Research Association (IDRA) I was among the group of non-profit advocates that worked to push forward research- and evidence-based policies that would create more equitable, excellent schools for all Texas students. IDRA's positions are based on our data analyses, research, and deep connections to educators and families with important real-world experiences and perspectives. We worked on several education issues during the 86<sup>th</sup> session, including how to achieve a fair school finance system and how to create safe schools for all students.

At the end of the legislative session, I felt a small bit of hope from the reforms that had passed, but I also continued to feel a significant amount of anxiety, not only about the state of public education in Texas, but about the make-up of the lobbyists and advocates who were influencing policymaking. I observed that most of the state-level lobbyists and advocates from non-profit organizations, unions, school districts, and other educational associations who were pushing for education policies and analyzing and interpreting data did not look like most of the students and families impacted by those decisions. The majority of Texas' public school students and families are people of color and most of the student population comes from families with limited financial means. I have observed that state-level lobbyists and advocates do not match this demographic make-up. This is a problem because for a governing system to be truly representative, there must be diversity among those who are directly elected *and* those who influence the elected. The lack of diversity in the state-level advocacy community hampers our collective ability to produce good, effective laws and may actually contribute to the passage of laws that harm students and school communities.

### **Struggling to Find Common Ground**

During the legislative session, IDRA partnered with another advocacy organization to co-convene a coalition of non-profit and union advocates, school district representatives, and regional leaders to try to identify common goals for the proposed school finance legislation. The group, optimistically called "Common Ground," sought to find a way to present a united front in defense of several core values upon which school funding legislation should be based.

Unfortunately, finding actual common ground among organizations with different core constituencies can be difficult, particularly with an issue as complex and divisive as school funding. The school funding system that we had, and the proposed changes debated being debated by legislators and policymakers, created divisions between groups with different priorities or fundamentally different visions of what education equity looks like in a state as vast and diverse as Texas. Several issues,

including: school district size, student population and density, levels of wealth and poverty, the cost of educating special student populations, even which data to use for the most basic calculations, drove tensions among organizations. Still, there seemed to be hope that the energy for change would spur a meeting of the minds.

But, at the start of the first Common Ground meeting, I noticed an issue that was as fundamental and problematic as the clear ideological differences about the funding of schools. There were probably about 30-40 people in the room, but very few were people of color. In fact, I appeared to be the only Black person at the first meeting and I could count the Latinx advocates on one hand. This Common Ground meeting was not the first time I was the only person of color in a room at the Texas Capitol. But, I found that moment particularly striking because the topic being discussed—school finance—is so tied to the lives of millions of Texans and to every other public education policy issue that *who* was in the room was as critical as *what* was being discussed.

Many of the first school finance advocates in Texas were the Latinx students and families who protested a system that allowed such extreme disparities in funding that many majority-white and economically-homogenous school districts were able to enjoy more funding per pupil at lower tax rates than many majority-Latino districts in the state (Cárdenas, 1997). Yet, as they fought for change, these students and families encountered a deep and persistent institutional disregard for the experiences of the people of color and poor people who made up a significant share of the Texas population. Decisions were made for them, not by and with them. This form of policymaking continues today and is inherently problematic and unsustainable.

### **Texas' Student Population vs. Texas' State-level Advocacy Community**

The Texas student population is far more diverse than the advocacy community at the state Capitol. For the most recently reported school year, 2017-2018, the Texas Education Agency (TEA) reported that there were nearly 5.4 million students in Texas public and charter schools. Latinx students made up approximately 53% of students, or about 2.8 million. Black students made up 12.6% of the population—over 680,000 students—while white and Asian students made up 27.9% and 4.4% of the population, respectively. TEA reports that 58.7% of students from the same school year were “economically disadvantaged,” 9.2% received special education services, and nearly 19% were English learners (Texas Education Agency, 2019).

The populations of Latinx and Black students dwarf those of many other states. Demographic analyses show these numbers are rising, making Texas public schools increasingly diverse—a fact that should certainly be celebrated. Unfortunately, I have observed that public education advocates at the Texas Capitol do not reflect the racial, ethnic, socioeconomic, linguistic, and other lived realities of Texas students.

Some state-level advocacy organizations have recognized the importance of having staff members who are able to authentically represent impacted communities. Yet, too often, their hiring practices only exacerbate long-standing inequities by prioritizing people with the skills and experiences that can only come from internship and employment experiences or academic institutions that have, historically, been closed to people of color and poor people. A failure to challenge these practices, build relationships with community-based organizations, and convene representative coalitions simply leaves us in the same poor policy-making space.

This problem is made worse by the well-documented lack of diversity among legislators themselves who, in Texas, are mostly white males (Ura & Cameron, 2019). Of course, legislators and their staff members hear from constituents. But, these constituents can be a self-selecting group, made up of the most vocal, well-resourced people in a district, not necessarily those who have endured systemic exclusion and invisibility for generations. Further, our political system allows groups that have financial resources to hire lobbyists and make campaign contributions in order to wield significant influence over legislators.

If representative voices are missing, then important perspectives from the people most impacted by the laws are missing. Students and families of color are doing critical work in their communities, schools, and school districts to drive policy change, but when they are excluded from conversations at the state level, we lose the deeper, richer understandings of issues that can lead to more meaningful, effective, and equitable laws.

### **Outcomes for Unrepresented Students of Color**

Perhaps having more advocates of color at the Texas Capitol would have had little difference in the substance of the laws that ultimately passed during the 86<sup>th</sup> session. At the very least though, many lawmakers would have considered issues differently and thought more carefully about potential unintended consequences. The record of witnesses and testimony would have more completely reflected public sentiments of Texans. Below, I describe two policy changes adopted during the 86<sup>th</sup> Texas legislative session that disproportionately impact students of color but that, I believe, were disproportionately influenced by other constituencies, partially because of the lack of advocate diversity in the Capitol: education of English learners, and school safety and discipline.

#### **English Learners**

House Bill (HB) 3 was the major school finance bill that passed during the 86<sup>th</sup> legislative session. While many lauded HB 3 as having achieved equity in the Texas school funding system, there was a glaring omission: funding for the majority of English learners (ELs) in the state.

There are more than one million ELs in the state—about one-fifth of the Texas student population. They are an asset, with the potential for bilingualism, biliteracy, and multiculturalism that can improve outcomes for themselves, their families, and their communities, and can serve our collective social, economic, and political interests.

ELs are one of the “special student populations” in Texas that receive additional funding through the school finance formulas. In our school finance system, a basic allotment—the amount the state determines it takes to educate the average student—is set in statute, then “weights” are assigned to the special student populations who require additional funding, including ELs, economically disadvantaged students, and students with disabilities. Since the mid-1980s, English learners have been given a 0.1 weight, meaning they receive an additional 10% of funding above the basic allotment (Robledo & Cortez, 2008).

Depending on their grade and the programs adopted by a school district, ELs will either receive instruction in an English as a Second Language (ESL) program or in a bilingual education program like transitional bilingual or dual language immersion. For example, school districts that have at least

twenty ELs in an elementary grade level that speak the same primary language must create a bilingual education for students to learn English.

The 0.1 weight has never been sufficient to cover the costs of providing an excellent education to ELs (Robledo & Cortez, 2008). In 1984, when the weight was adopted, research conducted by a school finance working group convened by the Texas legislature showed that it should have been 0.4, but that research was ignored (Hinojosa, 2017). State policies that underfund programs for ELs make it difficult for schools to provide the well-qualified educators, educational materials, and assessments that are needed to ensure student success (Cortez, 2012).

Because HB 3 did not increase the weight for ELs, significant numbers of ELs will continue to be denied opportunities for academic success, high school completion, and post-secondary access afforded to many of their peers. HB 3 did enact several changes that impact funding for this group of students. The new law increases the basic allotment for all students, creates a special allotment for ELs in Kindergarten through third grade and creates a new weight for students in dual language programs.

HB 3's increase in the basic allotment for all students means that the overall funding for special student populations also increases. However, when weights remain stagnant over time, allocations for special student populations are particularly vulnerable to financial and political fluctuations that often drive state investment in public education and result in decreases to the basic allotment. Additionally, HB 3's new funding for young ELs in Kindergarten through third grade does not necessarily go directly to those students because it can be used to support the pre-K programs now required, though not fully funded, by HB 3. The funds do not have to be used specifically for ELs' education, despite their different educational needs.

Finally, funding dual language *programs* rather than EL *students* means that only ELs whose schools have adopted this particular program will see any benefit from the new weight, resulting in inequitable outcomes for schools and students. IDRA's analysis of bilingual education and special language programs in Texas shows that only 20% of ELs in the state have access to dual language programs. This means that 80% of all ELs will receive no additional funding from the new dual language weight. Additionally, HB 3 adds a dual language weight for non-ELs (students whose primary language is English) who are in two-way dual language immersion programs in order to learn another language (IDRA, 2019).

While it is certainly important to encourage bilingualism for all Texas students, it is particularly vexing to see a policy that allocates funds to non-ELs while simultaneously continuing to underfund the majority of ELs in the state who do not have access to dual language programs. While one group is gaining an additional (albeit valuable) skill, the other is being denied the funding needed to secure a basic civil right. Research suggests that advocacy for students matters in these funding decisions. Students whose primary language is English often see more of a benefit with program expansion than ELs: when vocal parents of non-ELs who have social and political capital demand the adoption of dual language programs in *their* schools, the differences in achievement that programs like dual language immersion are designed to address may actually be exacerbated (Latham Sikes & Davies, 2019). Increasing the number of advocates of color who are connected to ELs and their families *and* ensuring those advocates have a meaningful role in shaping policies can potentially mitigate some of the harms associated with narrowly-focused, program-based interventions that fail to recognize the real-world challenges of schools and many students.

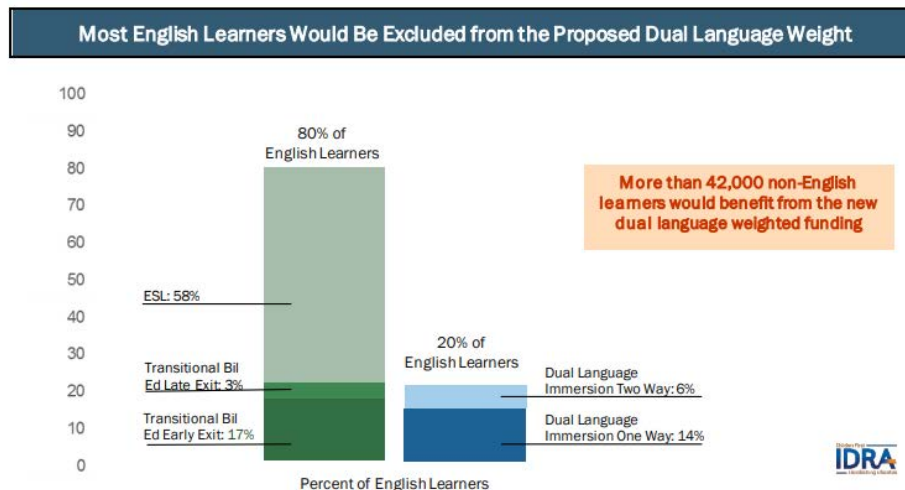


Figure 1. Data in the chart above were obtained from the Texas Education Agency and analyzed by IDRA. The data show the percent of English learners in each type of bilingual education (including dual language) and English as a Second Language (ESL) program offered in Texas schools.

### School Discipline and Safety

High-profile school shooting tragedies in Parkland, Florida, and Santa Fe, Texas, led to the creation of school safety-focused committees in the Texas House and Senate, tasked with developing policy recommendations to increase school safety in the 86<sup>th</sup> legislative session. Unfortunately, what we have seen across the country is that such policies can focus almost exclusively on hardening school facilities with overly-restrictive barriers and surveillance equipment, increasing the presence of armed school staff, and pouring money into school policing. Texas was no exception: the supplemental budget bill passed in 2019 included \$100 million dollars for school hardening and surveillance. The omnibus school safety bill (Senate Bill 11) created a “school safety allotment” that instituted per-student funding that districts can use each year for a number of purposes, including training staff to carry weapons and hiring school-based police officers. Unfortunately, these approaches are not based in reliable research and, in fact, can create schools that are *less safe* for students.

The term “school-to-prison pipeline” describes the process by which students are pushed out of their classrooms through exclusionary discipline and school-based policing. Students who are suspended, even once, are more likely to be held back, drop out of school, and have contact with the justice system (Fabelo, 2011). A recently-released working paper argues causation, not just correlation, between harsh discipline techniques and future justice system involvement and shows that entire classrooms of students – not only those who are themselves suspended – are negatively impacted by exclusionary discipline practices (Bacher-Hicks, Billings & Deming, 2019).

“School safety” policies and practices that harden physical spaces, bring weapons into classrooms, increase the presence of police officers inside schools, and take a harsh, zero tolerance approach to student behavior are bad for schools. They push students into the school-to-prison pipeline and create negative school climates in which adults and students do not feel comfortable building the

relationships that are necessary for the safety and success of every person on campus (Advancement Project, 2018).

Unfortunately, the students disproportionately and unfairly impacted by the school-to-prison pipeline are students of color, students with disabilities, and lesbian, gay, bisexual, transgender, and queer (LGBTQ) students. Black students, for example, are more likely than their peers to be suspended, placed in alternative schools, expelled, or referred to the police and juvenile court systems, even though they are not more likely to misbehave (Fabelo, 2011; Gilliam, Maupin, Reyes, Accavitti, & Shic, 2016; Skiba & Williams, 2014). Systemic discrimination and individual biases can often explain these differences in the perception of misbehavior and subsequent punishment (Okonofua & Eberhardt, 2015). Recent research has tied racial disparities in discipline to the racial achievement gap between Black and white students (Pearlman, Curran, Fisher & Gardella, 2019).

Measures that rely on exclusionary and criminalizing practices and punishments, even in the name of “school safety,” can unfairly target Black students. Additionally, the *adoption*, not just the implementation, of harsh school safety policies can be discriminatory. Following high-profile incidents of violence in schools, harsh security measures increased most dramatically in schools with higher proportions of Black and Latinx students, even controlling for factors like neighborhood crime and campus discipline rates (Nance, 2016).

While we want to create safer schools for all students, the calls for quick, ineffective, and reactionary security measures seem to be heard over the persistent pleas from many who understand that hard schools and regular policing will actually compromise the safety of many students by exposing them to harmful and unnecessary interventions. When certain families and communities demand harsh school security measures to quell fears of targeted school violence, wasteful and ineffective policies may be adopted quickly and without regard for the disproportionate and harmful impact they may have on the students of color, students with disabilities, and LGBTQ students in the same school. Intentionally increasing the presence of advocates from these communities would amplify a critical narrative about what safety truly looks like. This could lead to more policies that focus on the proactive creation of safe and supportive schools, not the costly and harmful reactions that have become commonplace following targeted school violence incidents.

### **Representation is Fundamental to Good Policymaking**

The policy changes detailed above demonstrate how some voices can drive policymaking, while others are ignored. Fortunately, in many other instances, we have seen the power of organized policy campaigns led by impacted communities: disability rights activists have long demanded “nothing about us without us,” and the LGBTQ community, foster care community, and people who were formerly incarcerated recently pushed for and celebrated huge legal and legislative wins.

An absence of state-level advocate representation for the students of color who make up a majority of the Texas public school population is inherently damaging to the policymaking process. Advocates of color can offer different policy solutions, developed from their own experiences and the particular lens through which they view existing research and data. They often maintain important connections to students, families, and community-based advocates who can share their own research, experience, expertise, and policy solutions. Additionally, many advocates of color are in a position to understand and recognize policies that may have unintended consequences on students

who live in the intersections of identities, including race, gender, ability, and sexual orientation (Crenshaw, 1991).

To be clear, an increase in the *number* of advocates of color alone will not lead to perfectly fair and democratic policymaking. There are many barriers, some deeply entrenched and systemic, that prevent all people from participating meaningfully in the legislative processes in this country. But, to address large systems that concentrate power among a few and exclude others, we must continue to encourage all families, students, and community-based advocates to be leaders in policy and practice in their schools and districts. And, their interests should also be represented by advocates of color in state-level policy conversations, where decisions, good and bad, can be far-reaching and long-lasting.

### **What Can be Done**

For many years, IDRA has engaged in family leadership work. Our Family Leadership in Education model was developed to support meaningful and lasting family involvement in campus communities and school districts (IDRA EAC-South, 2019). Instead of teaching parents to simply be volunteers in their schools or recipients of school services like an ESL or GED class, IDRA's model emphasizes leadership and true collaboration in local- and state-level educational policymaking. Through a network of Education CAFEs (Community Action Forums for Excellence) families have challenged and changed policies related to graduation requirements, the school-to-prison pipeline, and access to STEM (science, technology, engineering, and math) programs.

IDRA works to develop a two-way path of information— and support-sharing with the Education CAFE network. We provide technical support, issue briefs, and data analyses, and the families with which we work drive and inform our state-level policy making by providing the important perspectives and policy recommendations that can only come from those who are experiencing challenges in their schools firsthand.

To further achieve meaningful representation of Texas students and families at the state level, IDRA is developing a Policy Fellows of Color Program. Our fellows will work with students and families to craft and advocate for state-level policies that support excellent and equitable public schools. We urge others to recognize the importance of diversity in the advocacy community and insist on opening up the spaces that currently exclude the perspectives of all impacted communities. We all have a responsibility to contribute to policy-making that centers the perspectives, needs, and desires of the people who have too often been pushed to the periphery.

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