

2010 AMAE JOURNAL  
Volume 4 • Issue 1

AMAE

ASSOCIATION OF MEXICAN AMERICAN EDUCATORS



EL FUEGO NUEVO

CRITICAL ISSUES IN SCHOOL FINANCE AND  
MEXICAN-AMERICAN EDUCATION

ASSOCIATION OF MEXICAN AMERICAN EDUCATORS  
A M A E • 2010



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# **EDITORS' MESSAGE**

**Juan Flores**

**Antonio José Camacho**

## Editors' Note

The California Legislature recently authorized the establishment of Latino Education Advocacy Week for the last week in March. This is none too soon. We are all too familiar with the statistics regarding how schools have failed dismally in the education of Latinos and English learners. Our country is in great need of more advocates and champions for Latino education. The AMAE Journal has been published for over 23 years and has produced exceptional volumes that have focused on research and advocacy in the education of Latinos.

Previous editions of the Journal have addressed topics of such as Latinos and Higher Education. Our current theme issue addresses the topic of Latinos and School Finance, a topic of great importance in Latino education. In times of shortages of resources as well as times of plenty, philosophical and pedagogical differences in how we education children are reflected in the way we spend our monies. The articles included in this edition of the AMAE Journal address a topic that is seldom analyzed with such precision.

We are pleased to announce that the 2011 edition of the Journal will be addressing the topic of Latino education and immigration (see Call for Papers on page 67). The Central Valley of California has generated 48.9% of the state's agricultural jobs in 2006, including 44,300 migrant and seasonal farm workers. Hispanics made up 68.7% of California's overall agricultural labor force, and projections are that the Hispanic population will constitute the majority of Californians by the year 2042. This is our immigrant and migrant student population, with many educational needs, and many opportunities for us to collaborate in their service. We encourage all of our educators to submit manuscripts for our consideration of inclusion in this very special edition of our AMAE Journal. We are also fortunate to add as an AMAE co-editor, Oscar Jimenez-Castellanos from Arizona State University. He has served as co-guest editor for the past two issues and will take on his role as co-editor starting with the 2011 AMAE Journal issue. We welcome his expertise in issues related to the education of Latinos.

We are thankful for the commitment of national scholars in addressing topics of such importance to the education of our Latino youth, and we remind our colleagues that the AMAE Journal is one of the few journals consistently focused on the education of Latinos. We are proud to state that during the past two years we have taken steps to develop the AMAE journal from a regional journal to a national journal since we know that Latinos primarily concentrated in the Southwest have migrated throughout the nation. We greatly appreciate the advocacy of our scholars and request their continuing support in the publishing of the AMAE Journal, for the sake of our Latino youth and communities.

Gracias.

Juan M. Flores

Antonio José Camacho

## **GUEST EDITORS' MESSAGE**

**Oscar Jiménez-Castellanos**  
**Arizona State University**

**Ruben W. Espinosa**  
**San Diego State University**

It has been our pleasure guest editing the 2010 Association of Mexican American Educators (AMAE) Journal. During the last year we have collected what we feel are important contributions to the field of school finance related to Mexican American communities.

The lead article of this issue, Ochoa and Pearl examine seven maldistribution conditions that impact educational equity and resources to actualize equal educational access for Latino and low income communities. Maldistribution of resources is supported by critical race theory (Delgado, 1995) that examines the relationship between race and power and “interest-convergence” issues (educational, social, political, economic), in which one group profits or benefits over the other in society, Bourdieu and Passeron (1977), in their analysis of social reproduction and schooling, argue that schools reproduce class relations by accepting rather than reducing class based resource differentials.

In the second article, Jimenez-Castellanos provides a legislative overview of how the education of English Language Learners has been financed in California over the past 30 years. Further more, three salient issues are identified that undergird the contemporary implications in school finance for English Language Learners. The author concludes by suggesting that there needs to be policy, research, and practice based reengagement that links effective instructional programs for English Language Learners to adequate funding to produce high educational outcomes and standards

In the third article, Espinosa revisits the Rodriguez v. Los Angeles Unified School District case. Rodriguez v. LAUSD is a California Supreme Court landmark case in school finance that focuses on intra-district resources. It was initiated by Mexican American parents' concerns about their children's education and school inequities. The consent decree was filed in 1986 but was accepted by the court in 1992. This case was a 20 year experiment on equal opportunity that lasted from 1986 to 2006. The case was rescinded in 2006, and a filing in 2007 requesting an extension alleging continued intra-district inequities was denied by the courts.

In the fourth article, Rolle, Torres and Eason empirically examine levels of vertical and horizontal finance equity generated by the Texas' education finance system. They describe and discuss: (a) summations of the Texas Supreme Court decisions on K-12 education finance since 1989; (b) analyses of initial statistical results generated from efficacy analyses of the Texas Foundation School Program; and, (c) policy recommendations guided by the results.

In the fifth article, Barnett, Jensen and Ritter analyze performance trends over a five year period (2003-2008) for minority and low income students on the National Assessment of Education Progress (NAEP), the Arkansas Benchmark, and the American College Test (ACT) to examine whether increases in student performance, or the narrowing of achievement gaps, followed these targeted increases in financial resources. Results of this analysis of achievement gaps reveal that the gap between disadvantaged and advantaged students appears to be widening after the targeted increase in educational funding. The authors suggest more school and student level data need to be collected, as well as an examination of how resources are used to improve student learning.

In the sixth article, Vasquez Heilig, Williams and Jez examine the impact of financial expenditures, student demographics and teacher quality on student achievement in majority Latina/o schools. They found that increasing operating expenditures and decreasing student teacher ratio are associated with increasing math achievement scores, while increasing the percent of bilingual certified teachers and decreasing student teacher ratio is positively associated with reading achievement in urban Latina/o majority schools. The issue concludes with two powerful poems by Antonia Darder and a book review by Irina Okhremtchouk.

We encourage the readers of this journal to continue their journey in assuring equitable rights and learning opportunities for Latino youth. As can be read in these pages, it is apparently clear that the success of these children will not occur without an improved school finance system that funds schools equitably, adequately, and is focused on improving instructional programs to better meet that needs of Latino students.



## **FEATURED ARTICLES**

### **Understanding Resource: Maldistribution and Acting on Inequality of Resources**

**Alberto Ochoa**  
**San Diego State University**

**Art Pearl**  
**Professor Emeritus, University of California, Santa Cruz**

The United States is both morally and legally obligated to equally educate all of its students. As a nation, we have high expectations of our schools and invest in them to provide our children with the means to succeed in an increasingly uncertain world of work (Aronowitz, 2008). That would of course mean providing all students with equal access and equal resources. Historically and currently this goal has not been met. To truly provide all students with equal resources would require reformative action at many levels. Leveling the playing field is more than equally distributing monetary resources (Bowles & Gintis, 1976; Jones, 2003).

In this article we examine seven maldistribution conditions that impact educational equity and resources to actualize equal educational access for Latino and low income communities. Maldistribution of resources cuts across every educational activity and human development domain (Brofenbrenner, 1979). Maldistribution is defined as faulty distribution or apportionment of resources over an area such as a school, school community or a particular group. In the case of schooling, not only is less money spent on “at risk” schools, but students in such schools get less of their teacher’s time, fewer of their teachers are able or willing to be legitimate authorities, students receive a lower level of encouragement because of deficit thinking, and more of the teachers are not prepared to work in Latino and/or low income school communities.

Maldistribution of resources questions why we fail to fairly invest in all of our schools or school communities. Maldistribution of resources is supported by critical race theory (Delgado, 1995) that examines the relationship between race and power and “interest-convergence” issues (educational, social, political, economic), in which one group profits or benefits over the other in society. Maldistribution of resources is also supported by Bourdieu and Passeron (1977) in their analysis of social reproduction and schooling. They argue that schools reproduce class relations by accepting rather than reducing class based resource differentials in working class communities, producing poorly prepared students for academic work, which often leads to limited occupational choices. At the same time in middle and upper income communities students are prepared for a rich intellectual education and higher career opportunities.

In this article we examine seven maldistribution conditions that impact educational equity and resources to actualize equal educational access for Latino and low income communities, namely: (1) fiscal resource distribution between schools, (2) fiscal resource distribution and use within a school, (3) resource distribution reflected in teacher quality at the K-12 level, (4) resource distribution in time spent on teaching at the classroom level, (5) resource distribution as reflected by differences in teacher encouragement within a classroom, (6) resource distribution of classroom authority, and (7) resource distribution as a result of unengaging and mind numbing curriculum.

The first area of maldistribution is fiscal resource distribution between schools. Jonathan Kozol (1991, 2005) clearly delineates how brutally inequitable monetary resources are distributed. There are huge disparities by state and within states. Using U.S. Census Bureau (2008) data, school district spending per pupil was highest in New York (\$14,884), followed by New Jersey (\$14,630) and the District of Columbia (\$13,446). States where school districts spent the lowest amount per pupil were Utah (\$5,437), Idaho (\$6,440) and Arizona (\$6,472),

with California spending \$8,586 per pupil. In certain high Latino populous states, such as California and Texas, disparities are significant within a state. Kozol described in considerable detail the appalling conditions of schools and life in one of United States' poorest ghettos, East St. Louis, and contrasted it with school and life in wealthy suburbs. He documented that schools in affluent suburbs spent as much as five times more than schools in impoverished inner cities. In 28 states "high minority districts receive less state and local money for each child than low minority districts. . . . Across the country, \$908 less per student is spent on students in the districts educating the most students of color, as compared to the districts educating the fewest" (Education Trust, 2009). Inequities exist within schools districts.

. . . salaries are not the only problem: districts routinely assign a larger share of their unrestricted funds to lower poverty schools, as well. Although districts distribute earmarked funds such as Title I mostly to higher need schools, they undercut the purpose of those dollars to provide "extras" for low income students by sending a higher percentage of flexible state and local funding to lower poverty schools. (Education Trust, 2009).

Furthermore, Jimenez-Castellanos (2008) found that schools with a higher percentage of poor Latino immigrant students tend to be older, have less space per pupil, and have a higher percentage of portables. In comparison schools with more affluent White students tend to be newer, more spacious, and with a higher percentage of permanent classrooms. The remedy for unequal distribution of monetary resources should be obvious but also difficult to actualize. At a time when parents strive for competitive advantage for their children, the pressure is in the opposite direction from equality. Difficult or not, the struggle for equity must continue, and at the very least a minimum every school should receive what is necessary for a quality education for every child in the school. A beginning point are the demands under the California Williams case (2004), the landmark Superior Court case that calls for all students to receive equal access to instructional materials, safe schools, and quality teachers. To actualize the equity concerns under the Williams case, the use of the California School Accountability Report card (SARC) provides the school community with over ten dimensions to assess the quality of the use of resources between schools. The SARC, provides demographic school data, academic data, fiscal and expenditure data, as well as data on class size, teacher and staff assignment and specialization, curriculum and instruction, as well as safety, cleanliness, and adequacy of school facilities (<http://www3.cde.ca.gov/sarcupdate/clink.aspx>).

The second maldistributive condition is the resource distribution within a school – the amount of money and how it is spent within a school. While the dollar spent per student may be the same throughout a district, how that money is spent can be markedly different. Dollars spent in affluent and smaller schools go almost exclusively for academically rigorous curriculum, while many dollars in disadvantaged low income schools and schools with large numbers of students are deflected away from rigorous instruction and utilized for security and student control—the bigger the school the more security. Security is a major issue in high poverty schools with heavy concentration of students of low income students. Penton Media (2000) reports that it's easy to understand the steps that are being taken to ensure personal and facility security. Three important questions are raised: What is the ultimate cost to school systems' budgets and students' personal freedom? Does the cost outweigh the benefits? And how much of it is a reaction to the outcry generated by political opportunists and the media frenzy that is sure to follow any school tragedy?

In any large urban community, schools with heavy concentration of poor and underserved students tend to look more like prisons, with students required to pass through metal detectors and otherwise be subjected to invasions of privacy than students in affluent suburbs do not have to endure (Kozol, 2005; Orfield, 2001). The expenditure of resources on security devices changes the atmosphere and the social climate of the school and, in subtle and not so subtle ways, undermines instruction. The remedy here is to transform schools into an inclusive and supportive community. This requires that the schools and community establish a mutually respectful partnership with bicultural parents, develop student leadership and school ownership, introduce



peer counseling, nurture an effective student government, and recruit a culturally competent administration and faculty (Lindsey, Robins, & Terrell, 1999). In addition one needs to question the allocation of resources within the school (authentic assessment, personnel addressing the needs of students, culturally relevant and rigorous curriculum and programs, support personnel, and parent engagement) to assure that they are student centered and advocate for the development of students to access rich intellectual opportunities and careers.

The *third maldistribution* condition is resource distribution reflected in teacher quality. Jimenez-Castellanos (2008) affirms that school achievement seems to be positively related to fully credentialed teachers and with teachers with more experience. At the same time school achievement is negatively correlated to the percentage of emergency credential teachers. Regardless of how teacher quality is measured, poor and low income Latino children get fewer than their fair share of high quality experienced teachers (Peske & Haycock, 2010). Peske and Haycock also make a powerful case for the importance of quality teachers. Teacher quality turns out to matter a lot. In the highest poverty high schools that had high teacher quality indices (TQI), for example, one will find about twice as many students meeting state proficiency standards as compared to similarly poor high schools that had low TQIs. In elementary and middle schools, when the TQI increased, so too, did the percentage of students who met or exceeded state standards, even after controlling for students' background characteristics (Peske & Haycock, 2010).

Peske and Haycock generate a series of long and short term proposals for more equitable distribution of teacher resources. These include: finding ways to get more high quality teachers in low performing schools; connecting measures of student performance to individual teachers; paying teachers in low income schools more; reducing their work loads and provide time off for professional development (such as specialized training, peer coaching, sabbaticals to upgrade skills); rethinking tenure; attracting the best principals; “ramping up” teacher education programs in the supply of “teachers in shortage areas, like math, science, special education and bilingual education” (Peske, & Haycock, 2010). Of importance at the university level is to hold teacher preparation programs accountable for what they produce, and rethinking teacher compensation and pay for performance not years of experience (Peske, & Haycock, 2010). None of these are remarkable recommendations and none are new. All are based on student performance on standardized test scores not changes in life conditions. Yet, missing from those recommendations is cultural relevance, cultural competence, and markedly increasing underrepresented teachers. Of importance is that presently in California (2010) over 72% of its K-12, 6.25 million students are Latinos and non-white, while over 70% of teachers are white. Cultural competence is superficially or indirectly addressed through one or two courses in multicultural education or diversity in our teacher preparation programs—understanding the sociocultural complexity and backgrounds of our students matters (Kozol, 2005; Lindsey et al., 1999; Ochoa, 2009; Valencia, 1997).

The *fourth maldistributive* condition is associated with resource distribution of time spent on teaching. One significant factor that creates sociocultural dissonance is the demographic gap between teachers of color and students of color (National Center for Education Statistics, 2007) - at the national and state levels. In the major urban communities of our nation, over 70% of the teachers are Euro-American while 70% of the students are ethnically and linguistically diverse. Garcia, Arias, Murri, and Serna (2010) and Gay (2010) point to the sociocultural dissonance that creates student resistance or disciplinary attention based on misperceptions of respect and appropriate ways of acting out, which leads to inappropriate use of classroom instruction or time spent on teaching. One impact on time spent on teaching is time that is lost because students are removed from classrooms.

A large body of evidence shows that Black students are subject to disproportionate amount of discipline in school settings and a smaller and less consistent literature suggests disproportionate sanctioning of Latino and Native American students in some schools..... , in 2003 . . . , almost 1 in 5 Black students were (19.6%) were suspended, compared with fewer than 1 in 10 White students (8.8%). A nationally representative survey of 74,000 tenth graders found that about 50% of Black students reported that they had been suspended or expelled compared with about 20% of White

students. (Gregory, Skiba, & Noguera, 2010, p.59)

In the case of Latino students, a large majority of students are placed in compensatory programs that are guided by a cognitively undemanding curriculum. Often less prepared teachers dedicate more instructional time to classroom discipline less to teaching, that equates to students receiving less time spent on learning. Jimenez-Castellanos (2008) reports that schools with more poor Latino immigrant students tend to receive a higher percentage of teachers on emergency credential with fewer years of experience while schools with more affluent White students tend to have more experienced teachers and fewer emergency credentialed teachers. What is needed in low income school communities is a significant presence of fully credential, dedicated and professional staff, who recognize and address the particular needs of Latino and low income students and who can be helpful mentors. To increase time spent on teaching, schools need teachers who provide opportunities for small group work, self directed learning, peer group activities and leadership opportunities. There is also a need for teachers who integrate the culture and cultural awareness into services and programs to help Latino students navigate cultural differences between their home, community, and school. To increase academic rigor, schools need personnel who can provide bicultural and bilingual services that include parents in educational development and school professionals and capable leaders who develop strong networks with other stakeholders – including schools and colleges, clinics, other community based organizations, practitioners, and professionals (Ochoa, 2009; Santiago & Brown, 2004).

The *fifth maldistribution condition* is resource distribution as reflected by differences in teacher encouragement within a classroom. Perhaps the greatest discrepancy in distribution of teaching encouragement as a resource comes in teacher perception of student capabilities. Throughout the 20th and 21st century there has been systematic race, ethnic and class bias that has resulted in differential encouragement of students. For much of this period the differences in ability had been “proven” by science. Beginning with Darwin’s cousin Sir Francis Galton who developed statistical measures that provided the “evidence” that mental capacity was inherited.

. . . man’s natural abilities are derived by inheritance, under exactly the same limitations as are the form and physical features of the organic whole. Consequently, it is easy, notwithstanding these limitations, to obtain by careful selection a permanently breed of dogs or horses gifted with peculiar powers of running, or of doing anything else so it would be quite practicable to produce a highly gifted race of men by judicious marriages during several consecutive generations (Galton, 1869, p. 1).

Although continually challenged, and in some instances withdrawn, the insistence that there was an inherited difference in the capacity to learn continued to be promoted. Arthur Jensen (1969) and Richard Herrnstein and Charles Murray (1994) made similar arguments for race and class limitations on the capacity to learn. The drum beat for inherited intelligence has been muted, but deficit thinking –the legacy of justifications for slavery, colonization and decimation are very much alive, although in recent years it has taken on different forms – an unwholesome environment, and anti-intellectual culture. Deficit thinking, the insistence that students come to classrooms with limited ability to learn - “genetics, culture and class, and familial socialization have all been postulated as the sources of alleged deficits expressed by the individual student who experiences school failure” (Valencia, 1997, p.2) - is very widespread. As a result of it, a large number of students are shortchanged. Deficit thinking undermines any effort to close the achievement gap and deprives a sizeable number of students of the full value of the teacher resource. All of the above means a wide range of resource utilization within a classroom and more specifically where some students are encouraged to succeed while others are discouraged to achieve their potential (Orfield, 2001).

In a single classroom, the teacher teaches to some students more than to others, and some are virtually ignored. The students singled out for teacher attention are more likely to be advantaged by how they are perceived by the teacher or by how the student perceives the teacher. In either instance attention given to equalizing teaching in the classroom will provide far more benefits than trying to raise standardized test scores.

A possible solution is creating a pedagogy of equal encouragement that seeks to examine the “teacher student contradiction, by reconciling the poles of the contradiction so that both are simultaneously students and teachers” (Freire, 1970, p. 72). Yet, Freire points out that the educator and the student, though sharing democratic social relations of education, are not on an equal footing. The educator must be humble enough to be disposed to relearn that which he/she already thinks s/he knows, through interaction with the learner (Freire, 1970).

The *sixth maldistribution* condition is resource distribution of classroom authority. Often another resource loss at the classroom level is an unwillingness of students to accept classroom authority—the ability of the teacher to persuade and negotiate with her/his students the relevance and application of their learning. Gregory and Weinstein (2008) found African American and Latino students more defiant than White students. They suggest that defiance may not be an attribute of the student but the student’s perception of the teacher. Far more students in disadvantaged schools encounter illegitimate authority, that is an imposed authority without the consent of the governed than do students in advantaged schools. Here the resource is wasted on teachers who are unable, or unwilling, to develop positive relationships with a large percent of their students (Ochoa, 2009). Since teachers are not elected by those they will teach, how they are perceived is critical to their legitimacy as classroom authorities. Teachers have legitimate authority only when the student accepts that authority. Legitimacy is a function of persuasiveness and negotiation (Pearl & Knight, 1999). In classroom where the vast majority of students are students of color and the overwhelming majority of teachers is Euro-American, the legitimacy may be challenged on the basis of race or ethnicity. The defiance may well be the result of an unwillingness or inability of the teacher to persuade and negotiate with a student rather than a student’s propensity for defiance.

By far the largest complaint about teacher authority is “fairness.” If the teacher is perceived as unfair, teaching as resource is seriously compromised. The unfairness is perceived in classroom management, while race, class and ethnicity become factors that filter how the student is treated. In his thirteen years on the Santa Cruz School Board, Art Pearl heard numerous complaints by mostly Latino students of unfairness in disciplinary action. Valdez (1996) also documents teacher and school authority through the existing distances between culturally diverse families and schools with regard to lack of respect and belongingness. Fairness has also been documented as a significant factor in student perceptions of classroom humiliation and grading. (Cullingford, 2002; Freidel, Marachi & Midgley, 2002; Wendorf & Alexander, 2005). Once again, the authority, which the educator enjoys, must not be allowed to degenerate into authoritarianism; teachers must recognize that their fundamental objective is the recovery of the student’s stolen humanity and support their academic development (Freire, 1970). From the outset, her/his efforts must coincide with those of the students to engage in critical thinking and the quest for mutual humanization. His/her efforts must be provided with a profound trust in abilities and their creative power. To achieve this, they must be partners of the students in their relations with them (Freire, 1970).

The *seventh maldistribution* condition is resource distribution as the result of unengaging and mind numbing curriculum. For nearly three decades, since *A Nation at Risk*, a report issued by President Reagan’s Commission on Excellence (National Commission, 1983), public education has been hammered for its inability to produce workers capable of competing in the global economy. As a result over the years, first at the state level and with No Child Left Behind (NCLB) in 2001 at the national level, public education has come under corporate control and contorted and reduced to preparing docile workers for alleged competition with workers in other countries for preeminence in the global economy - a claim made by President Obama in every speech he makes about education (Obama, 2008). In reality, more and more high tech jobs are being outsourced, not because foreign workers are better educated but because they work for less money. What such changes do is undermine teaching as a resource. No Child Left Behind has not focused on the kind of higher order thinking and performance skills needed in the 21st century. These include the abilities required by social and democratic life to apply knowledge to complex and novel problems, to communicate and collaborate effectively, and to find, manage, and analyze information. Instead, federal policy under NCLB has encouraged schools to focus on a narrow band of knowledge, exhibited in ways that are not applied to important tasks in the real world

(Darling-Hammond & Wood, 2008).

Perhaps an even more devastating criticism of current approaches to what is called school reform comes from one time advocate and Assistant Secretary of Education, Diane Ravitch, who has done a complete turnabout about her views of NCLB. She states

On our present course, we are disrupting communities, dumbing down our schools, giving students false reports of their progress, and creating a private sector that will undermine public education without improving it. Most significantly, we are not producing a generation of students who are more knowledgeable, and better prepared for the responsibilities of citizenship. That is why I changed my mind about the current direction of school reform (Ravitch, 2010a, p. 1).

Public education would be better served if the federal role was severely restricted and teachers liberated to work with local communities (Ravitch, 2010b; Meir & Wood, 2004). What is needed is culturally responsive teacher education programs that can increase the pool from which teachers are recruited (Amram Flax, Hamermesh, & Marty, 1988). Also needed is a culturally relevant curriculum that is negotiated at a local level and that is not distorted by a mythical global competition. While math and science, now overemphasized at the expense of the arts and citizenship preparation will remain important, they need to be organized for meeting citizenship and other real life challenges.

In conclusion, equalizing education resources is difficult and complex and will not be solved with simple minded approaches - i.e., equalizing dollar distribution (which is probably the most difficult and yet, perhaps not the most important). The seven resource maldistribution conditions impacting negatively against the principle of equal access and equalization need to be addressed at every level (local, regional, state, national) and equalization manifested. What is clear is that progress made at any level will facilitate progress at other levels. When our national and state commitment becomes a priority to provide fiscal and people resources for developing the minds of children and youth—such actions will influence the local or micro levels of education. Conversely, when local school districts engage with their school community to campaign for quality education and democratic schooling for all, fiscal reallocation of resources should become a priority. Of interest is the fact that when our nation invests in the protection of other countries or engages in warfare—the nation seems to find billions of dollars to support such efforts. Our priority should be in supporting the development of children and youth for civic engagement and democratic participation!

Other remedies for changing how resources are used within a school include changing the climate and culture of the school. At the heart of the remedy is a culturally responsive teacher – a teacher who understands the students they teach. That teacher has to be of the community, not an outsider. Also necessary is the serious consideration that should be given to student voices and grievances (Mintra, 2004). Accusations of unfairness should not be summarily dismissed, nor are charges of unequal access and practices of racism. These concerns should be used to construct changes in school policies and practices that create equal encouragement and access. The more the school is a community center, the more parents are welcomed, the more an effort is made to recruit and prepare students and families to be members of a mutually supportive community. Enabling students to have equal availability to the teaching and instructional resources creates access to opportunities. Special attention should also be given to deficit thinking. A teacher who believes a student cannot learn for whatever reason will not be much of a teacher. Special effort has to be made in teacher preparation institutions and in teacher evaluations to help teachers guard against believing that some students cannot learn and as necessary to intervene when such sentiments become apparent. A beginning intervention in each school community is by monitoring teacher preparation programs, school conditions, and the support climate and culture of our schools—with a focus on investing in the support and development of all children and youth.

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# **School Finance and English Language Learners: A Legislative Perspective**

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The state of California educates over six million or twelve percent of the nation's student population. Of the six million students, over three million of California students are enrolled in free/reduced lunch programs. Approximately three million are Latino and 1.5 million are classified as English Language Learners (ELLs). Of these, eighty-five percent are Spanish speaking (CDE, 2009). The clear demographic trend in California is an increase of students in poverty, of Latino students and of Spanish speaking English Language Learners (ELL), at the same time that we are experiencing a decrease in White students (CDE, 2009). For example, the White student population was forty percent in 1995 and dropped to thirty percent in 2005, while the Latino population increased from thirty-eight percent to forty-seven percent during this same time period.

English Language Learners are significantly underperforming in math and reading compared to White students in all grade levels (CDE, 2009). The achievement gap actually continues to increase the longer that students are in school. The U.S. Census data (2000) reveals that only approximately 50 out of 100 Latinos graduate from high school, only 10 out of 100 graduate from college, a mere four out of 100 receive a graduate degree, and less than a half percent graduate with a doctorate.

These trends create major challenges for policy makers and advocates. Most critical is examining the potential causes of the achievement gap. Consequently, we need to understand the school finance policy that has most affected English language learner students if we expect to improve the educational opportunity and attainment of this growing community. Most scholarly articles related to California school finance and English Language Learners focus on court cases (i.e. *Serrano v. Priest* ; *Rodriguez v. LAUSD* ), propositions (i.e. Prop. 13 ; Prop. 98 ) and/or budget revenue/expenditure analysis (i.e. local property taxes and fees; state general purpose revenue).

Notably missing from the scholarship is a historical legislative overview to understand entitlement funding earmarked to target ELLs in California. The author focuses primarily on categorical entitlement funds because entitlement resources are more stable since the funding source is guaranteed to renew each fiscal year, and, due to a long history of availability, we know more about these funds. Currently, only two significant entitlement categorical funds designated for ELLs in California exist. They are State Economic Impact Aid (EIA) and Federal Title III funds (formerly Title VII). The former allocation accounts for the majority of the funds provided to directly serve ELLs. In addition, other key legislation (e.g. AB 1329. AB 507) related to English Language Learners is often cited in the bilingual education literature but without an emphasis on the fiscal impact including AB 2284 (1972), the first legislation that provided funds for bilingual education in California. This article provides (1) an overview of the major legislative actions affecting entitlement funding for California English Language Learners since 1968 and (2) a discussion of the current salient issues to improve education for ELLs related to school finance. The next section will outline germane legislation that has impacted the K-12 school finance for ELLs.

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1. *Serrano v. Priest* (1976) The *Serrano II* decision also held that the legislative response to *Serrano I* was insufficient, and affirmed the trial court's order requiring that wealth based funding disparities between district be reduced to less than \$100 by 1980
  2. *Rodriguez v. LAUSD* (1992) California Supreme Court Case related to intra-district inequities
  3. Proposition 13 (1978) lowered property taxes by rolling back property values to their 1975 value and restricted annual increases in assessed value of real property to an inflation factor
  4. Proposition 98 (1988) requires a minimum percentage (39%) of the state budget to be spent on K-14 education.

## Historical Legislative Analysis

As shown in Table I, the first contemporary federal piece of legislation that provided entitlement funds to educate English Language Learners was in 1968 with the passage of the Title VII Bilingual Education Act. This was added during the 1967 reauthorization of the Elementary and Secondary Education Act (ESEA, 1965). “The passage in 1968 of the Title VII Bilingual Education Act as a new provision of the Elementary and Secondary Education Act of 1965 authorized funds for local school districts” (Escamilla, 1989, p. 1). Title VII introduced bilingual education and was originally intended for Spanish speaking students, but in 1968 merged into the all encompassing Bilingual Education Act or Title VII of the Elementary and Secondary Education Act.

In its first year, the act provided funding for 76 Bilingual Education programs and served students who spoke 14 different languages (Blanco, 1978). In 1969, only 7.5 million dollars was approved for spending on bilingual education programs. The act encouraged instruction in English and multicultural awareness in the wake of the Civil Rights movement although it did not require bilingual programs. The act also gave school districts the opportunity to provide bilingual education programs without violating segregation laws. The federal funding provided by this act to school districts was used for resources for educational programs, teacher training, development of materials and parent involvement projects. Title VII encouraged the development of bilingual education in general. By 1968, 14 states had enacted statutes that permitted bilingual programs, and 13 others passed legislation that mandated them (National Clearinghouse, 1986).

As shown in Table I, prompted by the federal Bilingual Education Act legislation, California Assembly Bill (AB) 2284 (1972) also known as the Bilingual Education Act was the first piece of state legislation in California that pertained to funding school districts for services provided to English Language Learners. It funded 69 districts (125 schools) and served 20,216 students during the 1974-75 school year. Assembly Bill 2284 funds for 1974 totaled \$4 million. The legislative intent of this bill was to provide supplemental financial assistance for school districts to meet extra costs of phasing in bilingual education programs. Because classroom instruction for all subjects must be conducted in both English and the primary language of the limited-English-speaking children, the act excludes financial support for ESL programs. Assembly Bill 2284 provisions require that the State department of education administer all the provisions of the Bilingual Education Act (California Advisory Committee to the U.S. Commission on Civil Rights, 1976). Ultimately, this piece of legislation was quite open and permissive. It did not require districts to provide bilingual education services to English Language Learners (ELLs), but merely allowed them to compete amongst themselves in applying for funds to develop bilingual programs (Hakuta, 2007).

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5. Title VII was replaced with Title III with NCLB (2001)





# Table I

## Chronological Timeline of ELL School Finance Legislation

Legislation	Year	Focus
<b>ESEA Title VII Provision</b>		
“Bilingual Education Act”	1968	The act provided federal funding to encourage local school districts to try approaches incorporating native language instruction. This was the first time U.S. Congress had endorsed funding for Bilingual Education.
California AB 2284	1972	It was the first piece of state legislation in California that pertained to funding school districts for services provided English Language Learners (ELLs). It did not require districts to provide bilingual education.
California AB 1329	1976	Replaced AB 2284. Established the legal Framework for a mandatory bilingual education program.
California AB 65	1978	Consolidates existing state funding sources for compensatory and bilingual education into a new economic Impact Aid allocation formula.
California AB 507	1980	Replaced AB 1329. This Act mandated that districts provide bilingual instruction for every LEP student in California. It strengthened the former act in several ways including expanding the use of students’ primary languages in classroom instruction.
NCLB Title III	2001	Replaced Title VII. The purpose of the Title III LEP Student Program is to ensure that all English Learners, attain English proficiency. The focus became English proficiency and not biliteracy.
California AB 1802	2006	Revised the funding formula for EIA for both school districts and charter schools, and requires the use of different data in the new formula.

A few years later, California Assembly Bill 1329 (1976) also known as the Chacon-Moscone Bilingual Bicultural Education Act, which essentially replaced AB 2284, was the first state legislative act that mandated school districts to provide language minority students with equal educational opportunities despite their limited proficiency in English which established the legal framework for a mandatory bilingual education program (Jepson & De Alth, 2005). This act was a response to the *Lau v. Nichols* 1974 Supreme Court decision (Jepson & de Alth, 2005; Wiley, 2002).

Unlike the federal legislation, which left decision making regarding program type for ELLs to localities, AB 1329 explicitly proclaimed bilingual education as a right of English language learners (Hakuta, 2007), trying to make a direct link between funding and instructional program type for students learning English as a second language. More specifically, it established transitional bilingual education programs to meet the needs of ELL students. Program requirements follow federal guidelines for identification, program placement and reclassification of students as fluent English proficient (FEP). Given the broad nature of the federal guidelines, the program specifics were omitted, thus leading to inconsistent program implementation. Another key issue at the time was the diluted compliance mechanisms in place to hold school districts accountable. This was done as a part of negotiated politics that favored local control versus state mandates. Again, the consequences of the laissez faire approach resulted in many inconsistent, low quality programs that went unaccounted for and “promising” programs were not readily identified and replicated.

After passing AB 1329, California Assembly Bill 65 (1977) attempted to equalize California school finance and fund school programs for English Language Learners. The school finance portion of the bill arose as a response to the 1976 *Serrano v. Priest II* decision in which the California Supreme Court said that the existing school finance system was unfair to both students and taxpayers. AB 65 provided additional state assistance to increase per pupil expenditures in low wealth districts and imposed new limits on the growth of expenditures in districts with high per pupil property values.

As shown in Table I, the bill merged state funding of separate programs for compensatory and bilingual education into a consolidated system called Economic Impact Aid (Chaffee, 1979). It guaranteed a dollar amount for each English Language Learner originally set at \$300 per student. The significance of this bill was that funds were now targeted by number of ELLs and not urban concentration of AFDC defined poverty. The result was categorical funding to provide support and experimentation with program approaches to support ELLs. Not until AB 65 did substantial state funds begin to be allocated to service English Language learners by creating an Economic Impact Aid formula (EIA funds) that more fairly provided resources to this growing community. The reason for the dramatic increase is that the formula is based partly on the R-30 language census data, which has shown a dramatic increase in students learning English as a second language since 1977. In addition, the money now followed the ELL student and contained instructional program language that supported previous laws.

As shown in Table I, California Assembly Bill 507 (1980) also known as the Bilingual Education Improvement and Reform Act was designed to update and strengthen AB 1329. This act gave the goal of developing fluency in second language as effectively and efficiently as possible to bilingual programs. It listed programs that are available and variations of those programs. It listed teacher qualification requirements. It required bilingual classes at schools where there were more than 10 students in the same grade that spoke the same primary language. It was the most significant bill in terms of articulating bilingual instructional programs for English Language Learners but it never reached a critical mass above thirty percent of all ELLs in bilingual programs (Crawford, 1991). However, in 1986, the Governor of California allowed the (Bilingual Education Act, 1980) sunset provisions to take effect by refusing to sign AB 2813 that would have extended the Bilingual Education Act. Although some school districts voluntarily continue to enforce the provisions of Chacón-Moscone, it is done without a clear mandate to do so and without direct funding or bilingual programmatic guidelines.

As shown in Table I, not until No Child Left Behind (NCLB) (2001), 20 years later, did any significant legislative change related to entitlement categorical funds for English Language learners occur. The revamping of the ESEA (1965) brought about significant changes to Title II, not in terms of funding allocation but in terms of philosophical perspectives. NCLB replaced Title VII (the Bilingual Education Act, 1968) with Title III “Language Instruction for Limited English Proficient and Immigrant Students”. The major philosophical and pedagogical shift was that the USDE no longer supported bilingual education. It now favored an English Only approach .

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6. *Lau v. Nichols* (1974) is a U.S. Supreme Court case that addressed issues of language minority students

The California Department of Education (2007) synthesizes the fiscal impact of Title III on their website with the following statement:

*The United States Department of Education allocates Title III funds to state educational agencies, such as the California Department of Education, to provide subgrants to eligible local educational agencies based on the number of LEP students enrolled. All school districts, county offices of education, direct funded charter schools, juvenile/hall court schools, and California Department of Youth Authority institutions that report the enrollment of one or more LEP students on the R30-Language Census are eligible to participate in the Title III LEP Program.*

*Funds must be used for the following supplementary services as part of the language instruction program for LEP students:*

- *English language development instruction*
- *Enhanced instruction in the core academic subjects*
- *High quality professional development for teachers...*

As shown in Table I, the only other significant state legislative change related to entitlement categorical funds targeted for ELL students was AB 1802 (2006). In a 2007 letter, California Deputy Superintendent, Susan Lange, provides the following overview of Assembly Bill 1802 (Chapter 79, Statutes of 2006).

This bill revised the funding formula for EIA for both school districts and charter schools, and requires the use of different data in the new formula...A district's EIA eligible pupil count is the sum of the following:

- Number of economically disadvantaged (ED) pupils...
- Number of English learners (EL), as reported in the prior year R30-LC Language Census.
- A calculated number for each district that has a combined ED and EL pupil count (or concentration) greater than 50 percent of the district's total pupil enrollment, as reported in the prior year California Basic Educational Data System (CBEDS)...

Even though new data is now required for the EIA formula, the impact is undeniable in that the funding for ELLs has increased significantly from 62 million in 1978 to over a billion dollars allocated in 2009 (CDE, 2010; Chaffee, 1979). These funds continue to be the only earmarked state funding source for English Language Learners in California, albeit a significant amount.

### ***Salient Issues to Address***

The historical legislative overview highlights that there was originally a strong link between funding the education of English language Learners and bilingual education in California. This strong link between funding and bilingual programs was weakened by the sunset of the Chacon-Moscone Bilingual Bicultural Education Act in 1986 followed by Proposition 227 in 1998. It was further weakened by NCLB (2001) at the federal level when Title VII was replaced with Title III. However, once we go beyond the legislation and examine the scholarship and the practice in schools, it becomes very clear that many important school finance issues need to be addressed to better meet the needs of ELLs. They primarily revolve around concepts of equity, adequacy and social justice. Due to the limited space, the author will briefly focus on three of the most salient issues to improve the education of ELLs as they relate to school finance.

The first salient issue is that there is limited public transparency and accountability for resource allocation (Espinosa & Ochoa, 1992; Jimenez-Castellanos, 2008) within school districts. The focus of accountability seems

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7. The Obama administration (2008) favors returning to the pre-NCLB support for transitional bilingual programs. NCLB has not been reauthorized as of this writing.

to be on minimal compliance not on improving equity or student outcomes (Adams, 2007). For example, the fiscal mandate is to use state EIA funds and other categorical funds to support low income and EL learners in order to eliminate the achievement gap. However, there is no credible state or county oversight to assure that districts allocate resources equitably. Initial research findings by Espinosa (1985), Odden (1992) and Ladd, Chalk and Hansen (1999) assert that the direction of financial reporting needs to move from state compliance to a more localized, intra-district and schoolbased school finance analysis. In 1995, Hertert posited that “school level differences were generally greater than those measured at the district level” (p.78).

Although in existence, the state’s monitoring structure, the Categorical Program Monitoring (CPM), has been criticized heavily in the past. In California, as Timar (1994) and Jimenez-Castellanos and Rodriguez (2009) point out, the categorical programs are rarely (if ever) under any kind of review or scrutiny with regard to equity standards. Moreover, Timar (2007, p. 17) states that in reality and practice “there is little evidence by which to conclude that the present system of categorical funding is equitable, efficient, or rational”. And, “Economic Impact Aid, one of the oldest and largest programs, flows only marginally to those for whom it was intended” (Timar, 2007 p. 29). Additionally, the California Legislative Analyst’s Office found that, due to discretion measures that districts choose to exercise, some of the largest categorical programs available “do not follow students to school site level” (California LOA, 2003).

The second salient issue is that EIA funds are related to low achievement for ELLs (Jimenez, 2010). Many educators might assume that the previous statement is obvious since schools with more ELLs receive more EIA funds, at least in theory, and ELLs tend to be low performers on most academic achievement instruments, in particular standardized tests. However, these categorical funds are provided to eliminate the achievement gap, not to institutionalize such a gap. The key question becomes, why would these types of funds be negatively correlated to school achievement?

To be clear, EIA funds are provided to districts in order to supplement the learning opportunities for low income students and EL learners. However, in practice, compensatory funds seem to be used to remediate education for ELL’s and low income students. Consequently, a school’s curriculum and instructional programs are impacted by the amount of compensatory funds that suggests a low expectations model of education (Rodriguez, 2007; Jimenez-Castellanos, 2010). Remedial education, by traditional and popular definition, will not be designed to promote high achievement but instead will provide low rigor, typically one or two standard deviation below the mean (Espinosa & Ochoa, 1992). This remedial perception and use of discretionary funds may institutionalize a low quality instructional program for schools with low income, and English learner students exemplifying the equity and social justice issues embedded in the allocation of resources (Espinosa, 1985; Jimenez-Castellanos, 2008). We must go beyond the low expectations and self-fulfilling prophecy notions of educating ELLs.

The third salient issue is that there is a lack of understanding regarding the cost of effective programs for English Language learners in California. This requires for us to account for not only categorical funds but also base funds. There have been cost studies for ELLs conducted in several states including: Arizona (NCSL, 2005), Pennsylvania (Augenblick, 2007), New York (NYIC, 2008), Colorado (Augenblick, 2003), New Jersey (Dupree & Augenblick, 2006). All of which conclude that the current funding for ELLs is inadequate to a varying degree.

In California, Gandara and Rumberger (2007) focus on the issue of what is an adequate education for ELLs and what should be the adequate funding for this population. They also found the current funding for ELLs to be inadequate. One of the major findings articulates the complexity of cost studies to get at the adequate funding necessary for ELLs to reach state benchmarks. According to the authors this depends on the outcome sought by policy makers—this ranges from “reclassification to Reclassification to English proficiency, proficiency in academic subjects, and biliteracy” (p. 2-3).

As previously stated, the issue is not just about the amount of funds but how you use those funds. From their full review, Gandara and Rumberger (2007, p. 3) conclude that “little consensus exists on either the amount or type of additional resources needed to educate English learners above and beyond those needed for low income students generally”. Therefore, they conducted five school case studies, which revealed among other things the following:

- Additional time (e.g., a longer school day/year) is critical.
- Non cognitive goals, such as learning to navigate U.S. culture, are very important but receive relatively scant attention because of lack of funding.
- Computers are critical resources, especially for EL pupils, because they allow students to move at their own pace and provide the opportunity to help them catch up outside of class or school; but funding to update and maintain computers is a drain on a school’s core budget.
- Schools serving EL students need libraries and materials that span more than one language and often many grades.
- Communication with parents is critically important, and almost all strategies require extra resources.
- Professional development needs to be focused on collaboration, but there is not enough time available because of the cost of providing substitutes for teachers.
- Independent of the instructional strategies offered, every school needs bilingual personnel because students and families need to be communicated with and understood in order to support student learning.
- Close collaboration and positive feelings among faculty, both related to staff stability, are important factors in the relative success of these schools.

## **Conclusion**

The first objective of this article was to provide a historical legislative overview of the entitlement categorical funding for English Language Learners in California. After reviewing legislative and scholarly records, the first federal entitlement funds designated to ELLs was developed in 1968 via the Title VII provision of ESEA the “Bilingual Education Act” and replaced in 2001 with the Title III provision in NCLB. In California, the first entitlement funds were EIA funds developed through AB 65 in 1977 and revised in 2006 with AB 1802. These two pots of monies continue to be the only federal and state entitlement funds for ELLs. The amount of EIA allocations in particular have increased exponentially due to a formula based on the number of ELLs identified using the R-30 language census data and low income students. The Title III funds (previously Title VII) do not have a formula attached to them as do Title I funds, therefore; Title III allocation amounts have not seen the same increases.

The second objective of this article was to identify and discuss the salient contemporary issues related to school finance and English language learners in California. The author identified three salient issues that should continue to be explored to improve school financing to better educate ELLs:

- (1) There is limited public transparency and accountability for resource allocation. In other words, we do not know exactly how districts allocate funds among individual schools and how they are spending.
- (2) EIA funds are misused at the school level to such a degree that they are highly related to low achievement.
- (3) We need to understand the cost of effective programs for English Language learners, which include both base funds and categorical funds.

In conclusion, there has been an increase in ELL funding over the past 30 years in California mostly due to the increased number of ELLs and the EIA formula based on student counts. Unfortunately, these funds have

not produced the desired results due to a lack of transparency and accountability and ineffective use of EIA funds. In the end, there needs to be a policy and practical reengagement to link effective instructional programs for English Language Learners to adequately fund these effective programs using both base funds and categorical funds. It is unfair and unwise to propose that entitlement categorical funds be reduced or eliminated since costing out effective programs for ELL's has not been accurately done since we do not know if the current amount provided to ELLs is adequate to achieve high academic outcomes. However, it is clear that districts and schools must utilize categorical funds in a much different manner than currently employed to assure success for ELLs.

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# ***Revisiting Rodriguez v. Los Angeles Unified School District: A Case of Intra-district Inequities***

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The educational community and the courts continue to struggle with the challenges of intradistrict resource inequality revealed by the California Supreme Court landmark case *Rodriguez v. Los Angeles Unified School District* (1992). Intra-district school resource inequality is one of the remaining bastions of major inequalities in the United States. Academic researchers and school districts have yet to develop and examine current intra-district frameworks and models for effectively implementing and monitoring equality of resources. In short, this area that affects the quality of education for our children in schools should be a priority for our nation. This is especially true in LAUSD.

The purpose of this article is to revisit not only the consent decree, but also a comprehensive timeline of the *Rodriguez* case (1980-2007). Surprisingly, very little has been published on this important case especially regarding the actual results and basis for this case. More specifically, the author examines the pre-consent decree era (1980-1986). This pre-consent section reveals that Mexican American Parents initiated the consent decree, and the Espinosa LAUSD Study (1985) results provided the research basis for the consent decree. The second section includes the timeframe between 1986 and 1992 regarding the negotiations and the agreed upon consent decree framework. The third section examines the post-consent decree era (1992-2007) with a focus on the implementation of the consent decree. The final section is a discussion on the *Rodriguez v. LAUSD* case.

## **Pre-Consent Decree Era (1980-86)**

In the early 1980's, Mexican American parents from LAUSD initiated the *Rodriguez* case. The author received a phone call one afternoon from a Mexican American parent organization from LAUSD. The researcher was told that the Mexican American parents had a gut feeling and perception that their community schools were treated unequally and that the facilities clearly revealed part of the problem. They asked the author if he could do a study to test their perceptions since no one else would conduct such a study. The author agreed to conduct the study but many challenges were involved in such an endeavor. First, the LAUSD Office had no public studies available on resource allocations. Second, a literature review at the time also revealed no research on the facilities inequity that the parents were raising. No study had ever been done in the southwest to answer the kind of questions the Mexican American Parents were posing. Third, no major studies were found in the literature that was related to the parents' concerns on school finance resources and facilities to inform the methodology. Lastly, the parents had no funds or funding source for the study but they were hoping it could still move forward. The researcher met with the parent representatives a number of times and also conducted site visits to see what challenges they perceived. The Mexican American Legal Defense and Education Fund (MALDEF) and the Rosenberg Foundation eventually provided some financial support for the study. *Espinosa LAUSD Study (1985)*

The purpose of the Espinosa (1985) LAUSD Study was fourfold: (1) to describe and compare the distribution of fiscal resources, achievement scores, poverty, language classifications, percent and number of students, and school size using 86 randomly selected schools within the Los Angeles Unified School District during 1985-86 school year, and (2) to analyze the relationship between fiscal and school environmental resources and achievement data using a stratified sample based upon ethnicity of the student population, (3) to create, a technical research study that was required as part of the formal complaint process that included the US Justice Department and (4) to present to twenty legal organizations to determine the feasibility and legal challenges possible in LAUSD. In order for the *Rodriguez v. LAUSD* case to move forward, the legal community had to be convinced there were causes of action and that there was data to support the concerns of the parents. The

United States Justice Department had to be convinced, based on technical data results that the concerns of the parents were not only blatant, but also substantiated with systemic means results and specific examples of gross inequalities.

Most of the research focuses on all the cases, for example 375 elementary schools. Stratified samples were used to demonstrate the ethnic differences in school size, resources and facilities as well as almost all other variables. Eighty-six elementary schools (20%) were randomly selected to serve as the district sample in this study and data from these schools have provided findings illustrating district patterns and trends in the data results. Thirty-four schools were randomly selected to represent the stratified sample. The Statistical Packages for the Social Sciences (SPSS) was used to conduct the analysis. Descriptive, analytical and path analysis was conducted to summarize the results. Some key study results were the following:

### **Achievement**

Students in predominately Hispanic schools scored significantly lower in math and reading achievement than students in predominately White schools. An analysis of the data reveals a clear positive relationship between fiscal resources, school facilities, and achievement; all favoring White schools. Higher achieving schools were also smaller and had less categorical funding and fewer Hispanic, Limited English Proficient (LEP) and poor students.

### **School Facilities**

Facility resources increased and decreased according to concentrations of Hispanic and LEP students in school sites. This finding supports the claim of Hispanic parents in the district who alleged there were racially related resource disparities, which results in “separate and unequal” education for their children. The data in this study show that students in White schools consistently received more library, cafeteria, multipurpose, landscaped, garden, playground, and restroom space per pupil than did students in Hispanic schools.

### **Fiscal Expenditures**

LAUSD spends less on a per pupil basis on schools that have concentrations of poor, Hispanic, and LEP school children, as well as larger schools, than on schools that have wealthier Non-Hispanic White children. The former receive less general, total, and instructional funds. Furthermore, these schools also receive a low level of base funding and a high level of categorical funding that may cause institutionalization of remedial curriculum and standards that work against achievement gains. Categorical funding is not supplemental in this study. These lower levels of resources provide poorer and fewer facilities in schools with concentrations of Hispanic and LEP children. The minimum total expenditures per pupil for the schools in this sample were 1,029 dollars per pupil while the maximum was 3,117 dollars per pupil, a 2,088 dollar per pupil difference between the minimum and maximum.

### **School Size**

Hispanic schools were shown to be the most heavily populated when compared to White schools across the district. Average Daily Attendance (ADA), an indicator for school size, was revealed to have a strong negative relationship to school facility space per pupil, base funding, and achievement. These variables all impacted more heavily upon students in Hispanic schools than upon students in the White schools. To compound this disparity, Hispanic schools were built on fewer acres and planned to accommodate more students than White schools. Size had a strong negative relationship to reading achievement. For the 86 cases in the district sample, size related to third grade reading achievement at  $r = -.53$  and to fifth grade reading achievement at  $r = -.60$ . The percent Whites was negatively related to size at  $r = -.65$  respectively, while percent of Hispanics related to size at  $r = .66$ . Size also related positively to LEP students ( $r = .71$ ) and with percent of poverty ( $r = .63$ ). As disclosed by

these data, reading achievement was lowest for students in schools with a Hispanic majority and schools, which had high rates of poverty and LEP students.

### **Negotiated Consent Decree (1986-1992)**

The Espinosa study was distributed to the United States (US) Justice Department as part of the complaint process. The study supported the plaintiffs' concerns that Mexican Americans were in fact being treated inequitably based on legal standards guided by the United States and California Constitutions. The Espinosa study found both systemic and specific examples of inequalities at the elementary, middle and high school levels. In order to verify the inequalities found in the Espinosa 1985 study, Dr. Espinosa was hired as a consultant by the United States Justice Department to disprove his own results to determine if the results were valid and reliable. Numerous studies were conducted to see if the inequalities could be dismissed based on different types of statistical analysis. Since Dr. Espinosa was the only researcher at that time with a comprehensive database on LAUSD and had developed the research methodology to conduct the original study and results, this was most likely the reason. In fact, LAUSD did not have such a database at that time.

It turns out that no matter what statistical tools were applied, the inequalities remained. In some respects, this was a turning point for the case. At this point the US Justice Department agreed that the plaintiffs had legal cause for action based on the Espinosa 1985 study. As a result, the LAUSD was required to take assertive action to address the inequalities and causes of action presented in the original 1986 consent decree filing that included a requirement for the LAUSD to develop a plan of action. For example, the US Justice Department agreed that schools in LAUSD should have caps that were substantially lower than what was standard practice for elementary schools, 20 of which were over 1,000 and built for 500.

However, the author was disappointed that the Justice Department did not support viable solutions or provide sanctions to support the intent of the case, which was to support the concerns of the growing Mexican American community. More importantly, the Justice Department ignored the larger issue, which was that inequitable fiscal resource allocation is a national problem. It remains a mystery to the author, why the US Justice Department did not intervene in a more assertive role to support and protect the 13th and 14th amendments of the US Constitution in such a high profile case.

The Rodriguez v. LAUSD Consent Decree was originally filed on July 22, 1986 in the Superior Court of the State of California for the County of Los Angeles. Basically, the Consent Decree was a complaint for injunctive and declaratory relief for violations of Article I, Section 7(a) and Article IV, Section 16 of the California Constitution. The consent decree (also referred to as a consent order) is a judicial decree expressing a voluntary agreement between the Plaintiffs, Ron Rodriguez et al. all and LAUSD parties to avoid a suit. It is also a legal document, approved by a judge that formalizes an agreement reached between the Plaintiffs Ron Rodriguez et al. al and the Responsible Parties Defendants LAUSD.

The original consent decree filing during 1986 and the 1992 final version evolved substantially. The 1986 version focused on defining and clarifying the legal causes of action, which were nine areas. The nine areas focused on allocation of resources based on race, ethnicity, wealth, and general disparities; allocation of facilities by ethnicity and wealth disparities; allocation of instructional staff by race, ethnicity and wealth; allocation of instructional staff general disparities; finally illegal use of public funds. The LAUSD was required to develop a master plan to alleviate the gross inequalities. The systemic inequalities found in Espinosa 1985 turned out to be the tip of the iceberg. In the beginning, the gross inequalities were great in scope and challenge. However, the closer one looked there were more and more inequalities. The inequalities were so gross and systemic that this remains an unprecedented challenge, especially once politics enter into the equation. The small elementary schools around 300 are primarily White, while all of the schools over a 1,000 are Mexican American or Hispanic. The schools without credentialed teachers were Mexican American. Mexican Americans and English Learners

shared the lowest achieving schools. Most of the Mexican American high schools had no Advanced Placement (AP) classes programs or prerequisites for AP. Very few Mexican Americans were eligible for entrance to local universities. There was as much as 2,000 dollars per pupil difference between fiscal resources for Mexican Americans at a school when compared to a high spending white school. The low base funds represented lower average teacher salaries or less experienced teachers. Originally, it was thought that per pupil costs could be reallocated to make the system fairer.

Once the Justice Department was supportive of the complaint, LAUSD was required to make a good faith effort to address the parent complaint. As a result, the negotiations were focused on clarifying the definitions, setting the standards, requesting a plan, requesting reports, and requiring infrastructure support to comply with the on going monitoring proposed. According to the LAUSD legal department, there was no requirement to keep the LAUSD school board updated with progress or monitoring of the Rodriguez case. As a result no reports were provided and as a result none are available to the public. There appears to be an informal policy that separates the legal issues from the board in terms of legal documents and district progress. This is really quite an amazing informal policy where the people in charge do not know what is going on in their own district and community. Interestingly, LAUSD has increased their legal department dramatically since the beginning of the consent decree. However, the focus appears to be on protecting the district from legal liabilities versus addressing the educational needs of the children.

The court officially accepted the Rodriguez v. LAUSD Consent Decree in 1992. The Consent Decree is an agreement by the LAUSD to implement a court ordered directive to evaluate and implement short and long term plans for intra-district violations. The LAUSD through the Consent Decree agreed to find relief to the plaintiff's legal concerns, which are summarized below. It is important to note that each of these areas were supported by the original Espinosa 1985 study and that the major results have never been disputed by LAUSD, the courts or other researchers.

Some salient excerpts from the 1992 Consent Decree are the following:

1. Resources – One of the major goals of the Consent Decree focused on fiscal resources to Equalize Norm Resources, teacher experience, and teacher training among schools operated by the district. A related goal was to provide all students with maxim access to teachers with experience and training. A third goal related to resources was to mitigate the consequences of limited teacher experience and training wherever equalization cannot be achieved. Equality was defined to exist at any school where the actual expenditures of basic norm resources differs from the allocation figure calculated for that school by less than \$100 per enrolled student.
2. Facilities—One of the major goals was to provide a classroom seat for all students in their local resident schools, consistent with sound educational policy for school size and density and recognizing that the total number of students to be served by the district may increase by as many as 200,000 students by the year 2000. Another related goal was to further the construction and maintenance of schools with smaller enrollments, again recognizing that the district's total enrollment is increasing.
3. Density standards were created to support elementary, middle and high schools. For elementary schools— 1.4 playground acres for up to 500 students, 1.7 playground acres for up to 750 students, 2.0 playground acres for up to 1000 students. For middle schools— 2.3 playground acres for up to 1,250 students. For high schools— Six playground acres for up to 2,400 students and 9 playground acres for up to 3,600 students. Of course, there was an escape clause that allowed a school to opt out of the standard.

Beginning in 1992-93 annual reports to the board of education would focus on the following:

- Need for new construction
- Status of pending construction
- Plans for future construction
- Funds available to addressing immediate needs
- The district will recognize the agreed upon density enrollment goals
- Enrollment reports are to be made available to all parents with attending schools at the time of the report
- Internal Transparency Requirements—A minimum of 13 annual reports were agreed upon and two biannual reports, to document progress and documentation for the main focus of the consent decree as listed above.
- Infrastructure Goal Changes—The district shall retain an independent accountant who shall examine whether the district is making allocations of basic norm resources as required by this agreement. The accountant shall prepare annual reports for school years 1997-98 and 1998-99, and biannual reports for school year 2000-02 and 2002-004. None of these reports as well as other required reports is available to the public. A computer system was to be fully operational in 1995-96 to provide each school with an accounting of actual expenditures of base norm resources compared with average expenditures of basic norm resources.
- Independent account to be hired to examine allocations and prepare annual reports.
- Supplanting of Categorical Funds—The basic norm resources shall not be supplanted by any categorical funds allocated to the district's schools.
- Annual Reports—Annual reports are to be made of basic norm resources, categorical funds, schools exceeded the norm expenditures, schools unable to use their full allocation of basic norm resources, those schools with additional basic norm resources, number of teachers and administrators by step, schools identified and directed to take interim steps toward reducing their expenditures of basic norm resources, standards and criteria for implementing teacher assignment provisions, racial and ethnic enrollments, currently approved construction projects.
- Process for Disagreement—In disputes regarding application, implementation or interpretation or compliance parties will first attempt to resolve dispute within before submitted dispute to the court.

### **Lack of Implementation (1992-2007)**

The consent decree provided a seemingly workable framework to collaborate on change that could support the joint goal of equal opportunity for Mexican American students. According to Roos (2000), Sugarman (2002), and Bradley (1994), progress has been made regarding the equalization of fiscal resources in LAUSD. According to Roos (2000), the Rodriguez v. LAUSD consent decree did not impose forced teacher transfers. However, the LAUSD district provided each school with a dollar budget with which to hire teachers. The Decree also forced cuts in schools with per-pupil spending well above the district average. Sugarman (2002) reports that the district has substantially equalized spending across schools, though high poverty schools continue to have lower proportions of more experienced teachers and additional money for non-teacher spending. According to Bradley (1994) as part of the consent decree, the LAUSD agreed to equalize non-categorical per-pupil spending in 90 percent of schools to within \$100 of the district average.

However, no transparency or accountability exists regarding progress made by LAUSD in published reports or research documents for public consumption. As a result, there is no verification that there has been any progress. The issue of transparency and accountability remains a LAUSD and national legal issue that is troubling to concerned taxpayers, parent advocates and educational organizations. While the plaintiffs provided an equitable plan, the district receives an “F” for transparency and implementation of effective changes for supporting the 14th amendment of the US and equal opportunity rights of Mexican Americans.

The largest escape clause turns out to be pitting teaching equity against student equity. The teacher union focus on teacher equity provided the ideal escape clause for the district by arguing that fiscal equity is not possible since 80% of the funds required for equity are related to teacher costs, and the majority of teachers have no interest in being forced to equalize expenditures by moving to overcrowded Mexican American schools. While there was a most inspiring plan and hope for a growing Mexican American Community, it was short lived and progress was basically lost in the implementation and escape clauses. The additional 200,000 students in the growing Mexican American community contributed to the reality of trying to fix a system that had systemic problems when the consent decree started. In 2005-06 during the consent decree, Miles Elementary, a Mexican American school, was identified in an article as being the 2nd largest elementary school in the nation. Related to density and size, the district is now ignoring the original caps. The cap for elementary schools was set at 1,200. Miles Elementary was originally at 2,400, the web site as of today reports 2,700 for 2005-06 during the consent decree. For a school that was originally built for 500, this is truly a new level of inequity. Most disconcerting is that Ed-Data a national database, reports 1,772 students for 2008-09. The school is currently on 4 tracks and is ranked at the 3rd percentile, one of the lowest in the state. This means that 97% of schools in California are above this school in average achievement. Yet, this school has been identified as exemplary. How is this possible to receive such a high rating with such inequitable and poor results by any standard?

Base funds remain inequitable since experienced and more competent teachers do not wish to work in the high density Mexican American city schools. In fact, teachers continue to leave because of the issues related to overcrowding and density as well as facilities. Miles elementary in 2005-06 was still on 4 tracks and at 2,700 students with an increase of 300 since the 1986 consent decree started. Currently Miles Elementary is at 1,700 and is identified as exemplary though it is at the 3rd percentile in student achievement. On July 11, 2007, a legal Appeal was filed in the 2nd Appellate District, Div. 2, by Law Office of Lew Hollman, Lew Hollman; Peter Roos; et. al. By its own terms the Consent Decree expired in 2006. The Appeal was a request for an extension of 5 years to implement the Consent Decree goals of reducing the inequalities in school funding. The trial court denied the plaintiffs' request for an extension. The appeal supports the assertion that the consent decree goals were never met and as results an extension was requested. How much progress was made is speculative since the facts are not available to the public. Supposedly millions were reallocated and spent on implementing the consent decree goals.

## Discussion

The 1992 consent decree version focused on a good faith master plan with assumptions about transparency and implementation of change, which would turn out to be the major weaknesses. The allocation of resources was operationalized and defined in a manner that could allow identification, tracking and research as well as discussion. A standard taken from the Serrano v. Priest cases of \$100 per pupil difference was used to gage implementation of the different fiscal resources, such as base and instructional funds. Ethnic schools as well as poverty and wealthy schools were also operationalized including over enrolled schools. What are missing are yearly studies to monitor the progress in the key areas identified in the consent decree to determine school change and systemic change.

The advocate legal approach was flawed in approach for the following reasons:

- The major components of an effective program should have been defined and identified to determine the cost by resource type to close the achievement gap at the beginning. This would have allowed for implementation of change with potential for positive goals.
- Schools and district should have run simulations for the entire district with current and proposed changes to determine exact negotiations.
- Expert researchers and school finance experts should have been used as consultants to conduct the simulations for exact costs and estimates and yearly studies monitoring progress.
- Projections should have been included in the simulations using the projected 200,000 district projections

to project demographic growth and impact of facilities.

- Major changes in resource allocations, staff development and training cannot be assumed.
- Sanctions were not applied as is evident since the district has not honored the school density caps.
- Issues with the teacher union need to be addressed early since this could affect feasible solutions.

The findings of this article raise a number of equity issues that go beyond the scope of *Serrano v. Priest* that focused on inter-district disparities. According to the findings in this research study, it is of little use for the state legislature to distribute funds equitably among districts if the districts do not distribute their funds in a like manner among schools. Eventually a new finance formula must be devised in the state which will equalize the distribution of base funds, instructional dollars, and total expenditures between schools. In addition, it is recommended that a more advanced monitoring system be used by the state on a regular basis to see that an equal distribution of resources does occur. Lack of Transparency of fiscal resources at the school site level belittles any accountability.

In accordance with the Fourteenth and Fifteenth Amendments, every person is entitled to equal protection of the laws regardless of race or color. The ruling *Lau* decision and statements made in the equal opportunity Act of 1974 declare that states have a responsibility to provide a meaningful and fair education to children. Los Angeles appears to be in non-compliance with these statutes and decisions through its fiscally unsound practices and unfair distribution of resources. The high likelihood of supplanting, coupled with the above mentioned resource disparities, lead to the conclusion that the district's policies have been ineffective in promoting equity.

The persistence of inequality in the distribution of resources stands as a paradox to America's egalitarian philosophy and principles. The continued tolerance of this discrimination by leaders, stakeholders and political leaders is a shameful reflection of social institutions' lack of commitment in providing equal education opportunity. It is time for change to occur before another generation of students is lost.

One of the most important lessons the author has learned is that even when gross inequality problems are well documented, this does not encourage any stakeholders, such as, the 30% of legislative districts cutting across LA to support the constitutional equal education rights of Mexican Americans. The implementation practices by the city planning and LAUSD district are so inequitable that the problems they have created cannot be resolved as agreed upon in negotiations. Thousands of inequitable leadership decisions have been made to get us to the current policies and practices as well as inequitable resources.

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# Los Elefantes Rosas en las Cúpulas en la Legislatura: An Empirical Analysis of the Texas Education Finance Mechanism with Special Emphasis on Bilingual Education

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The State of Texas' education finance mechanism – known as the Foundation School Program (FSP) was challenged in a series of litigation known as *Edgewood v. Kirby I - IV* and *West Orange Cove I- II*. Though the state Supreme Court's holding ultimately moved the Texas Assembly to make changes in the funding mechanism, not since the 1980s has there been a systematic evaluation of the fiscal efficacy of the State of Texas' FSP. Therefore, the purpose of this article is to examine empirically levels of vertical and horizontal finance equity generated by Texas' education finance system. Information will be presented in five sections that describe and discuss: (a) summations of the Texas Supreme Court decisions on K-12 education finance since 1989; (b) analyses of initial statistical results generated from efficacy analyses of the Texas Foundation School Program; and, (c) policy recommendations guided by the results.

## ***Edgewood I and II: "A Remedy is Long Overdue"***

*Edgewood v. Kirby I* (1989), the first in a series of legal challenges co-sponsored by the Mexican American Legal Defense and Education Fund (MALDEF) and the American Civil Liberties Union (ACLU) that questioned the constitutionality of funding methodologies for Texas public schools, sought resolution as to the extent Texas was bound legally to provide an efficient system of education. The original asserted that a system of public school finance heavily reliant on property wealth violated the Texas Constitution's equal rights guarantee of Article I, Section 3, the due course of law guarantee of Article I, Section 19, and the "efficiency" mandate of Article VII, Section 1. For example, per *Edgewood I*, indicators presented at the trial level revealed stark contrasts in funding availability between property wealthy and property poor school districts. As an example, property value in the wealthiest school district rose to a value of \$14,000,000 per student while property value in the poorest school district fell to \$20,000 per student, a ratio of 700 to 1. Additionally, evidence presented during the trial phase showed that the 100 wealthiest school districts had more than 20 times the average property wealth than the 100 poorest school districts. And, it was in these types of counties that large proportions of Mexican Americans – some who needed bilingual services – resided.

The State of Texas claimed that efforts were made to mitigate the disparities generated through the then current funding mechanism by providing supplemental and categorical funding to property poor school districts. The trial court ruled that these legislative efforts fell short of funding mandated basic educational requirements. Ultimately, the Texas Supreme Court affirmed the trial court decision that the FSP system violated Article VII, Section 1 of the Texas Constitution, which provided:

A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

The Court concluded that the Texas funding system, in effect, perpetuated disparities and provided districts "no opportunity to free themselves" (*Edgewood I*, p. 393). Further, the Court concluded that the high tax rates utilized in low property wealth school districts – while inevitable – produced "typically inferior" educational programming.



The Texas Supreme Court also disagreed with the state's contention the state funding system was solely a political matter necessitating the legislature to provide an "efficient" system of public education by creating a "simple and inexpensive system" (*Edgewood I*, p. 394). Supported through various historical accounts regarding the term's contextual meaning, the Texas high court concluded "efficiency" never was intended to be interchanged with terms such as "economical" or "cheap system." In the court's estimation per the historical review, efficiency meant "effective or productive of results" (*Edgewood I*, p. 395). The court further noted the framers never would have permitted such "gross inequalities" (*Edgewood I*, p. 395) neither in school funding nor in educational programming. As the court asserted, for the State of Texas, "[w]ealth, in its many forms, has not appeared with geographic symmetry. The economic development of the state has not been uniform. Some cities have grown dramatically, while their sister communities have remained static or have shrunk" (*Edgewood I*, p. 396).

In the end, the Texas Supreme Court ruled the then present K-12 education finance mechanism was "inefficient" as it failed to meet the constitutional standard of "general diffusion of knowledge" set forth in Article VII, Section I of the state constitution. In a clear and resounding ruling, the court stated that "tax effort" should be rewarded in a funding scheme. In other words, districts should have access to similar amounts of per student funding at similar tax effort. Although the court offered no guidance to the legislature in terms of funding system design, it did emphasize the legislature carried the "primary responsibility" for reforming the system and that a "remedy was long overdue" (*Edgewood I*, p. 399).

As a response to the *Edgewood I* ruling, the legislature enacted Senate Bill I. The intent of the legislation was to improve the efficacy of the Foundation School Program by providing "roughly the same" tax revenue power to 95 percent of districts in Texas. The new formula had three parts: (a) Tier I distributed funding utilizing a basic foundation funding formula adjusted by specific categorical components (e.g., percentage of bilingual or economically disadvantaged students in a district); (b) Tier 2 distributed funding utilizing a guaranteed tax yield formula; and, (c) Tier 3 allowed non-formula driven (i.e., district wealth-based) revenue to be generated for capital and debt services. And, respect the spirit of local control, the legislation also allowed individual districts to supplement these operational (Tiers I and II) and non-operational (Tier III) revenues through a variety of sources. Legal issues would ensue for Senate Bill I. In *Edgewood v. Kirby II* (1991), school districts appealed to the Texas Supreme Court to readdress the constitutionality of a funding model which would at its core make all locally generated property tax wealth eligible for state recapture in *Edgewood v. Kirby IV*. And, the Court would concur with the plaintiffs again emphasizing that the "inefficiency" of the Senate Bill I that draws considerable support from "unequalized" local funding sources.

### **Edgewood III: Constitutional Constraints to Pursuing Efficiency**

*Edgewood III*, or more specifically *Carrollton-Farmers Branch ISD, et al., v. Edgewood ISD and Alvarado ISD, et al.* (1992), addressed the legal viability of the Foundation School Program funding system which appellants alleged violated Article VIII, § 1-e of the Texas Constitution prohibiting state *ad valorem* taxes levies on local property. The specific legislation in question, House Bill 351, represented the second attempt by the Texas legislature to ameliorate deficiencies first detailed in *Edgewood I*. Similar to Senate Bill I, House Bill 351 also contained two separate funding tiers but reduced the approximately 1200 independent school districts to 188 county education districts (CEDs; i.e., consolidated districts). In addition, a specified tax rate was "required" – and tax limitations imposed – on CEDs to generate a mandated "local share" and to reduce variation in discretionary revenue amounts between districts.

The Court recognized that these prior legislative efforts attempted to create a "suitable" and "efficient" system for funding schools. Nonetheless, it "[could not] brush aside the serious constitutional infirmities that

affect House Bill 351 in the interest of expediting necessary changes in public school finance” (*Edgewood III*, p. 494). The court’s ruling rested on two key elements. First, the power to regulate and control tax rates was accorded almost entirely to the state through House Bill 351, not CEDs. Such a finding, the court held, unequivocally created a state *ad valorem* tax system in violation of Article VIII, § 1-e of the Texas Constitution. Second, in accordance with Article VII, Section 3 of the Texas Constitution, the Court ruled that any such *ad valorem* tax in CEDs may not proceed without approval of the voters within the jurisdiction. As a result, the Texas Supreme court again demanded that the legislature make changes to the Foundation School Program system in order to meet constitutional requirements.

#### **Edgewood IV: “All Things to All People?”**

The arguments raised in the 1995 Texas Supreme Court case of *Edgewood et al. v. Meno et al.* (i.e., *Edgewood IV*, 1995) addresses the constitutionality of efficiency and revenue distribution within Senate Bill 7, passed in 1993 as a response to *Edgewood III*. Similar to previous school funding legislation, SB 7 included the Foundation School Program and its three tiers of funding. Where the legislation departed from its predecessors came through the integration of \$280,000 taxable limit on property wealth per student. School districts whose assessed valuation per student was above the cap were required to choose among five options (i.e., district consolidation; detaching territory; purchasing attendance credits; servicing nonresident students; or, consolidating tax bases other districts) that would allow the state to recapture – and redistribute – revenues to less affluent districts.

After a series of appeals, The Texas Supreme Court upheld Senate Bill 7 as constitutional. The Court first pointed to a diminished ratio in taxable property wealth per student (i.e., a reduction from a ratio of 700-to-1 down to 28-to-1) between property wealthy and property poorest school districts; and, a guaranteed yield system that minimized the disparities in revenue yields. Another issue addressed by the Court regarded a \$600 per student difference in yield between the wealthiest and poorest districts when tax effort for both groups is maximized at \$1.50 per \$100 of assessed valuation. The difference, appellants argued, would greatly disadvantage the education of students in poorer school districts. The court viewed “the State’s duty to provide districts with substantially equal access to revenue applies only to the provision of funding necessary for a general diffusion of knowledge” (p. 465). Efficiency, according to the court, was sufficiently met even though gaps persisted and tax efforts varied.

For the property rich districts like the property poor districts, Senate Bill 7 symbolized a dysfunctional system that unfairly penalized their schools. At issue for wealth districts concerned the inefficiency of the system. In those instances when district property wealth per student exceeded the cap of \$280,000, the state was permitted to capture a portion of the surplus yield. Any such cap, in the district’s view, was unconstitutional and fell short of meeting the “suitable provision” requirement in the Texas Constitution. The court concluded differently relying on the following:

The present record...does not reflect any such abdication. Total state aid has risen dramatically since 1988-89, from \$ 4.9 billion to over \$ 7 billion; and while the wealthiest districts are now receiving substantially less from the State than in 1988-89, total state and local revenue has grown significantly for all districts (*Edgewood IV*, p. 470).

Property wealthy appellants again accused the state of operating an unconstitutional *ad valorem* tax system. While the appellants characterized the system as “rigid and inflexible” and afforded school districts “no meaningful discretion” (p. 471), the court recognized the bill’s flexibility in tax rates and incentives, which the court believed distinguished it from the former unconstitutional bill (i.e., Senate Bill 351) requiring uniform tax rates. In the end, the court was not persuaded by the challenges raised by the wealthy districts. Two general legal explanations emerged. First, the legislature’s intention was never to directly burden districts administratively

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8. See <http://ritter.tea.state.tx.us/school.finance/index.html> for a complete description of the Texas FSP.

and financially, but rather to pursue efficiency. Second, the bill contained provisions that gave districts various options to comply with the law (e.g., alternatives handed to districts that exceeded per student property value of \$280,000 such as consolidation and detaching territory).

### **West Orange Cove I and II: The More Policies Change, The More They Stay the Same**

For the fifth time, the Texas Foundation School Program funding system was challenged in *West Orange Cove Consolidated I.S.D. et al. v. Alanis* (i.e., *West Orange Cove I*, 2003). Because the appellant districts were taxing at the maximum allowable rate, the districts claimed the imposition of a cap equated a state income tax, which permitted no “meaningful discretion” to school districts. The court disagreed. The court further concluded “the concern is not the pervasiveness of the tax but the State’s control of it” (*West Orange Cove I*, p. 578). To further make the delineation between legal from illegal state taxes, the court made reference to the “spectrum of other possibilities” that exist which are far more difficult to discern when the question arises as to whether the State has “[denied] a taxing authority “meaningful discretion” (*West Orange Cove I*, p. 579), which the court surmised imposed a burden on school districts. The court furthermore dismissed the State’s claim that a district’s decision to tax itself at the maximum rate could be only interpreted as a local choice to offer “enhanced educational opportunities and not merely to maintain accreditation” (*West Orange Cove I*, p. 581). According to the court, such a rationale was inconsistent with the current legislative aim in providing the children of Texas “a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation” (*West Orange Cove I*, p. 581).

Inasmuch as the Texas judicial system has attempted on prior occasions to establish legal contours governing school finance, a blend of new and old issues invariably emerges when “defects” are “exposed” (*West Orange Cove I*, p. 754). This most recent case is no different. The Texas Supreme Court was again asked in the consolidated case *West Orange II* (2005) to review the constitutionality of the state funding system (Neeley, et al. v. *West Orange Cove, et al.*; *Alvarado ISD, et al. v. Neeley et al.*; Appellees consolidated with *Edgewood ISD v. Neeley, et al.*, 2005). The suit was brought by three discrete groups of plaintiffs – first, *West Orange Cove I.S.D.* along with 47 other school districts, which represented above a quarter of the state’s student population; second, *Edgewood I.S.D.*; and third, *Alvarado I.S.D.* For *West Orange Cove*, the issue once again was whether the effect of legislative control over local property taxes created an unlawful state ad valorem tax under article VII, section 1-e of the Texas Constitution. The plaintiffs for *Alvarado* and *Edgewood* claimed the present funding system fell short of providing the necessary funding for impoverished school districts.

Despite contrasting claims, all three groups argued that the current system failed to meet the standards of efficiency (i.e., “substantially equal opportunity to have access to educational funds,” p. 753), adequacy (i.e., “achieving the general diffusion of knowledge,” *West Orange II*, p. 753), and suitability (i.e., “funded so that it can accomplish its purpose...” p. 753) under the “general diffusion of knowledge” articulated in article VII, section I of the Texas Constitution. The Texas Supreme Court once again ruled the present system violated the state tax prohibition and went to great length to justify its decision. In the end, the Texas high court partly affirmed, modified, and reversed a prior district court ruling. The court further noted that “The public education system need not operate perfectly; it is adequate if districts are reasonably able to provide their students the access and opportunity the district court described” (*West Orange II*, p. 787).

In spite of the record which revealed gaps and disparities in academic productivity by race, ethnicity, and wealth, the court could not “conclude that the Legislature [had] acted arbitrarily in structuring and funding the public education system so that school districts [were] not reasonably able to afford all students the access to education and the educational opportunity to accomplish a general diffusion of knowledge” (*West Orange II*, p. 789). Acknowledging changes in accreditation demands and funding necessities described earlier, the court disagreed and affirmed the district court’s finding. With no “meaningful discretion” available to even some school districts, the funding system, in the court’s view, failed to account for changes in context such as more

investment in discretionary programming “important to keeping students in schools” (*West Orange II*, p. 796). Hence, for some school districts, there was no alternative but to tax at the maximum rate, the court concluded. In the end, the district court’s injunction over the current system was extended to the summer of 2006 but with no political compromise in sight.

### ***FSP Efficacy Analysis: Methodology, Data, and Analysis<sup>9</sup>***

Despite the number of legal challenges to the constitutionality of the Texas School Foundation Program, the basic structure of the funding mechanism has remained unchanged for nearly 20 years. Consisting of two primary funding tiers, the funding formula originally was designed to generate substantially equal revenues for school district daily maintenance and operation – not capital or debt servicing – expenses. Tier I is structured as a basic foundation formula. Consisting of a basic allotment per student and a series of weights adjustment that account for differences in student and district characteristics (e.g., the percentage of students receiving bilingual services within a district) (see *Table 1*). In addition, each district also qualifies for transportation allotments based on the number of students riding buses divided by the approved route miles



# Table I

## Texas Foundation School Program Funding Formula Adjustments for District and Student Characteristics

Classification	Description	Weight
Bilingual/ESL	Based on the number of students that participate in programs, additional funds are used for salaries and instructional resources.	0.1
Career and Technology	Based on the amount of time students spend in eligible career technology courses, additional funds pay for salaries and instructional resources. Education	1.35
Compensatory Education	Based on the number of students that are eligible for free or reduced price lunch, additional funding assists students performing below grade level.	0.2
	An additional component is utilized for program serving pregnant students.	2.41
Cost of Education Index	Accounts for differences in resource costs that are beyond the control to 1.20 of the district. The five components are the: (a) average beginning salary of teachers in contiguous school districts, (b) percent of economically disadvantaged students, (c) district size, (d) location in a rural county with less than 40,000 people, and (e) district classified as “independent town” or “rural.”	1.02
Gifted/Talented	Based on individual district requirements, additional funding pays for salaries and instructional resources. State funding is capped at 5% of each district’s ADA.	0.12
Small and Mid-Sized	Designed to supplement higher fixed costs of operating districts in less Districts populated areas. “Small” is less than 1,600 ADA. “Mid-sized” is between 1,601 to 5,000 ADA.	1.0 to 1.61
Sparsity Adjustment	Based on the number of students in district, range of grade levels available, and distance to a district with a high school if necessary.	Enrollment increased by 60, 75 or 130
Special Education	There are 12 special education instructional arrangements with varying weights based on duration of the daily service and location of the instruction.	1.7 to 5.0

As such, the basic allotments plus the district, student, and transportation adjustments sum to provide a district's per student state allocation within Tier I. This amount is adjusted by a district's Local Fund Assignment (i.e., revenue generated through local taxation at a specific rate). Consequently, adjusted state aid equals the Tier Entitlement minus the Local Fund Assignment. Tier II operates as a guaranteed yield funding mechanism. Unlike Tier I, Tier II state revenue is generated based on the Maintenance and Operations (M&O) tax rates set by local districts. For example, every cent of tax the district levied is guaranteed to receive a specified dollar amount per weighted student. Revenues for capital and debt services (i.e., Interest and Sinking, or I & S, rates) are unadjusted formulaically.<sup>10</sup>

### **Data Collection and Analytical Techniques**

Data analyzed were obtained, defined, calculated, and reported from one primary source: The Public Education Information Management System (PEIMS) managed by the Texas Education Agency (TEA). The data elements are: a) Combined state local expenditures per student; and, b) Student and district characteristics defined by the FSP (e.g., maintenance and operations taxing effort). Statistical analyses will focus on these data elements because state funding mechanisms generally are in place to distribute resources equitably and to reduce the influence of district wealth and various student needs. Multivariate statistical analyses were conducted to examine operationalized variables and efficacy relationships for Texas school districts during the 1994 to 2007 academic years. Standardized beta coefficients from ordinary least squares (OLS) regression analyses are used to make inferences about the effects of various district characteristics on spending; and, their influence on levels of combined state and local expenditures per student.

These analytical methods improve on previous equity analyses of Texas school districts in three important ways:

- Using a longitudinal approach analyses allow trends to develop and be assessed over time recognizing that educational change is both continuous and incremental; and does not assume that cross sectional data analyses provide sufficient policy explanations.
- Using multiple equity measures allow empirical evidence to be interpreted and assessed recognizing that numerous educational objectives are pursued simultaneously; and does not assume that individual objectives are pursued specifically.
- Using vertical equity measures recognizes specifically that demographic differences among communities affect educational processes; and does not assume that all public schools have the same expenditure priorities.

Ultimately, the goal of this research is to help create a common understanding about the equitable distribution of public education dollars in Texas. With this increased level of understanding, policy makers and the public can begin to address the more complex issue of improving levels of equity in the distribution of public resources that produce higher levels of student learning outcomes.

### **Analytical Results**

From 1994-2007, the strongest predictor of combined state and local expenditures per student is local assessed property value per student. The standardized beta coefficients ranged from 0.322 up to 0.684; and, were statistically significant for all 14 years examined (see Table 2V). The second strongest predictor of combined state and local expenditures per student – percentage of students utilizing special education services – had coefficients ranging from 0.054 up to 0.325; and, were statistically significant for 13 of the 14 years examined.

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10. Again, see <http://ritter.tea.state.tx.us/school/finance/index.html> for a complete description of the Texas FSP.

Next, both attendance rate and transportation expenditures per student were statistically significant predictors of combined state and local expenditures for 11 of the 14 years examined – the standardized beta coefficients ranged from 0.057 up to 0.313.

## Table 2

*Vertical Equity Analysis for Texas Independent Public School Districts Combined State and Local Education Expenditures per Student 1994-2007*

Year	Tax Rate	Assed Value	Bilingual Need	Income Disadvan	Gifted & Talented	Special Needs	Vocat. Services	Teacher Salary	Student Attend	Transpo Allotment	F-Score	Adj. R-Square
1994	0.117	0.682	---	0.682	0.053	0.054	---	-0.078	0.109	N/A	107.517	0.521
1995	0.100	0.684	---	0.684	---	0.099	---	-0.120	0.122	N/A	152.846	0.575
1996	0.166	0.511	---	0.511	0.067	0.082	---	-0.142	0.145	N/A	89.213	0.435
1997	0.114	0.419	---	0.419	0.060	0.121	0.097	-0.057	0.181	0.313	123.823	0.543
1998	0.077	0.461	---	0.461	---	0.162	0.171	-0.061	0.084	0.273	111.474	0.512
1999	-0.085	0.387	---	0.387	---	---	---	-0.061	0.179	0.140	39.708	0.268
2000	-0.074	0.641	---	0.641	---	0.166	0.102	-0.105	0.102	0.133	110.373	0.534
2001	-0.131	0.455	---	0.455	---	0.325	---	---	---	0.147	60.282	0.374
2002	-0.072	0.322	---	0.322	---	0.168	0.055	0.016	---	0.717	252.332	0.716
2003	---	0.642	---	0.642	---	0.213	0.092	---	0.057	0.147	122.631	0.541
2004	---	0.511	---	0.511	0.294	0.294	0.117	---	0.130	0.205	115.761	0.530
2005	0.110	0.402	---	0.402	0.202	0.202	---	---	---	0.184	50.657	0.315
2006	0.071	0.466	---	0.466	0.223	0.223	0.076	0.064	0.105	0.179	78.237	0.419
2007	0.067	0.444	---	0.444	0.228	0.228	---	0.063	0.110	0.149	64.920	0.374

There were mixed analytical results for M&O taxing efforts and average beginning teacher salary. In fact, even though it was a significant predictor for 12 of the 14 years examined – taxing effort exhibited five years of positive beta coefficients, four years of negative beta coefficients, and two years as an insignificant predictor before returning for three years as a positive predictor of combined state and local expenditures per student. Similarly, average beginning base salary was a statistically significant predictor of combined state and local expenditures per student for nine of the 14 years examined. But, for six of the nine years, average beginning base salary was negative predictor.

There were no consistent statistically significant relationships between combined state and local expenditures per student and percentages of students classified as economically disadvantaged, percentages of student participating in vocational education programs, percentages of students participating in gifted and talented programs, and percentages of students receiving bilingual services. In fact, the percentage of students receiving bilingual services was not statistically significant for any of the 14 years examined. Overall, the magnitude of local property wealth per student at least twice as strong as all other significant predictors – and as much as six times as strong as the significant predictors with the least magnitude – in its influence on combined state and local expenditures per student.

## Summary and Recommendations

At this point, it is important to remember that the function of the Texas FSP is to distribute dollars *equitably* based on student district need characteristics and fiscal capacity. In essence, the state allocation of dollars is intended to “counter balance” the effect of local spending efforts in order to improve levels of equity overall. Unfortunately, when examining combined local state expenditures, levels of inequity remained constant or worsened slightly depending on the measure analyzed. In fact, evidence examined shows that disparities in per-student funding – and ultimately access to a variety of educational services – are driven primarily by the ability of school districts to generate revenues from local property wealth. Four findings are of particular note: (a) The FSP components representing percentages of students receiving bilingual services is an insignificant predictor of expenditures per student; (b) The FSP components representing percentages of students receiving gifted and talented services is an insignificant predictor of expenditures per student; (c) The influence of maintenance *and* operations taxing effort is a positive and negative predictor of expenditures per student; and, (d) The influence of average teacher beginning teacher salary is a positive and negative predictor of expenditures per student.

As such, in its efforts to improve levels of equity in Texas, the state’s distribution formula is failing to “counter balance” the effect of local spending efforts. Moreover, given that the magnitude and influence of local expenditures is the primary predictor for expenditure levels across multiple spending categories, it can be inferred that general levels of equity are dictated specifically by levels of local property values. Of particular note is the effect the influence of local expenditures also is having on one specific demographic subgroup: students receiving bilingual services. Therefore, if education finance equity and equality of educational opportunity is to remain a policy goal for the State of Texas, the Foundation School Program – and its structural components – needs to be reconceptualized and restructured to alleviate fiscal inequities. In particular, attention needs to focus on:

- 1) *Fiscal capacity index*: The structure of the regression used to calculate the index needs to be evaluated to determine its efficacy. Due to model specification errors, collinearity of independent predictors, or data errors, estimators – and the predictions based on them – may be producing spurious equalization results.
- 2) *Community complexity*: The current fiscal capacity index does not (nor does the Foundation School Program for that matter) alleviate negative – or reward positive – community characteristics; as a result, school districts with differential school climates are being underfunded (or over funded) by the state.

The fiscal equity and educational opportunity debate was summarized most appropriately by Coons, Clune, and Sugarman (1970) near its inception:

*Whatever it is that money may be thought to contribute to the education of children, that commodity is something highly prized by those who enjoy the greatest measure of it. If money is inadequate to improve education, the residents of poor districts should at least have an equal opportunity to be disappointed by its failure (p. 30).*

Now, forty years later, this study reiterates the same message: *Reasonable people almost always will agree that the distribution of resources available to public schools affects their level of performance.* But still, the question that



remains is a political one: How? The moral imperative that all children can succeed may be far more elusive than previously thought. As the protracted Texas school finance battle illustrates, the hearts and minds of legislators will not be won over easily. Perhaps, as Welner (2001) suggests, “equity driven, top down mandates should be viewed not so much as attempts to mandate what matters as attempts to change the pre-existing mandates of what matters” (p. 234). It is the pre-existing mandates, Welner argues, that are culturally constructed and provoke people implicitly and explicitly to “act, react, or perceive” in particular ways.

As to perception, Ruiz (as cited in Baker, 1994) suggests political posture toward bilingualism seems to play within and across three general categories: language as a right, language as a resource, and language as a problem. The latter of course is most troubling if the ultimate goal of educational finance and economic research is to improve the quantity and quality of educational opportunities provided to all children. Given that approximately 15% of the roughly five million K-12 students in Texas receive bilingual services, it seems that correcting the primary funding component designed to provide resources for these types of services needs is a good place to begin.

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# ***Dollars for Sense: Assessing Achievement Gaps in Arkansas in the Context of Substantial Funding Increases***

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Forty-four of the fifty states have experienced school finance lawsuits as a consequence of funding gaps between rich and poor districts (Rebell, 2001). In some states, such as Kentucky, lawsuits brought about by property poor districts have resulted in a statewide remedy that reforms the property tax system and seeks to provide every child with an adequate education. In other states, such as New Jersey, lawsuits brought about by poor districts resulted in legal decisions and legislative responses that attempt to match the lowest wealth districts with the spending levels of the highest wealth districts. Throughout the litigation across the country and the respective judicial and legislative responses to those cases, the motivation for the cases is uniform – some individuals within the state contend that their students are being presented inferior educational opportunities compared to other students in the state.

As a result of this inferior opportunity, legal action is used to leverage more resources for students (Monk, Pijanowski, & Hussain, 1997; Monk, Roellke, & Brent, 1996; Odden, Monk, Nakib, & Picus, 1995; Odden & Picus, 1992). However, these conversations are generally about all of the students in a particular district or school being underfunded. This finance conversation is occurring at the same time that the achievement gap debate continues to occur across the nation (Education Trust, 2005; Hertert, Busch, & Odden, 1994), especially in light of the 55th anniversary of the *Brown v Board* decision and the inauguration of America's first minority president. While achievement gap conversations can quickly expand to include every group of students, we focus on actual impact of policy decisions targeted to decrease the achievement gap in one state by providing categorical funding for certain students. Thus, in this paper, we respond to the nexus of the school finance discussion and achievement gap discussion by examining the performance trends for Hispanic and low income students on the National Assessment of Education Progress (NAEP), the Arkansas Benchmark, and the ACT. This analysis allows us to examine whether increases in student performance, or the narrowing of achievement gaps, followed these targeted increases in financial resources. Specifically, we examine two related, but different, achievement gaps: the white-Hispanic gap and the gap between those students eligible for free and reduced lunch and those students not eligible. Before responding to these questions, we briefly present the context of our data to explain the school finance situation in the state of interest.

## **The Policy Context: The School Finance Climate in Arkansas**

For Arkansas, the school finance legal challenges began in 1983, when the Arkansas Supreme Court initially found the state's school funding system unconstitutional under the equal protection clause of the state constitution (*Dupree v Alma School District No. 30*, 651 S.W.2d 90). The court found "no legitimate state purpose" and "no rational relationship to educational needs" in the state's method of financing public schools. The state responded with minor changes to the finance formula, but no substantive changes were required by the court or implemented by the state for nearly a decade.

In May 2001, an Arkansas trial court declared the state's education funding system "inequitable and inadequate" under the state constitution and requested an adequacy study be conducted (*Lake View School District No. 25 v. Huckabee*, No. 1992-5318). In November 2002, the state Supreme Court affirmed the lower

court's finding and gave the state until January 1, 2004, to improve the system (*Lake View School District , No. 25 of Phillips County , et al. v. Mike Huckabee, Governor of the State of Arkansas, et al. No 01-836*). In response to the Supreme Court ruling, Arkansas increased the total state appropriation for elementary and secondary education by \$400 million to \$1.84 billion—a 24 percent increase over the previous year. Additionally, the state now provided categorical funding for students with alternative learning environments, English language learners, free and reduced lunch students, as well as providing professional development money for teachers and special appropriations for facilities, debt service, student growth, catastrophic occurrences, and isolated districts.

Not with standing these increases, the state decided that it would make no further increases to public education funding for the following year, 2004-05, which led to further litigation. Ultimately, the Supreme Court declared that the state had neglected its obligation to adequately fund public education (*Lake View Sch. Dist. No. 25 v. Huckabee, 355 Ark. 617, 142 S.W.3d 643*) and that the state “grossly underfunded” education. After further increases in funding, the Court decided in May 2007 that the state had met its constitutional mandate and closed the case. However, several questions remain in the background to the constitutionality discussion of Arkansas’ educational spending. First, although the emotional appeals of district officials seemed to sway the Supreme Court, all of the discussion centered on district level allocation. There was an attempt to provide targeted resources to the highest need students in these decisions; however, the state has not followed up to measure these impacts. Therefore, we determined that such an investigation was necessary to discover ultimately if these additional resources are positively impacting students.

This work is important because each state has the constitutional responsibility to educate students and ensure that all students are given an equal educational opportunity. Most states have faced lawsuits contending that they have not provided all students with an equal opportunity. One often sought answer, especially in Arkansas, to the threat of more litigation was to increase district level resources with the idea that more money will make the system more adequate and equitable. However, we believe that Arkansans, and the citizens of other states, are more concerned with whether those resources are reaching the students and resulting in student achievement improvements. With the policy stage set, we now turn our attention to examining the methods, results, and implications of this work.

## Research Questions & Methodology

### *Student Performance and Achievement Gaps*

Research Question: How has student performance changed over a five year period from 2003 to 2008 as more resources have been put into the education system?

- A. Has the white-Hispanic gap decreased on the NAEP, the Arkansas Benchmark, and the ACT examinations?
- B. Has the poverty gap decreased on the NAEP?

To respond to these questions, we assessed the extent to which these targeted increases in resources were followed by improvements in academic performance for the targeted groups of students. We assessed academic performance on three indicators of achievement: the National Assessment of Educational Progress (NAEP) exam, the Arkansas Benchmark exam, and the ACT exam. The NAEP is administered to a national sample of students in grades 4, 8, and 12, and assesses student performance in four major subject areas: reading, mathematics, writing, and science. The Arkansas Benchmark exam, which is administered to students in grades 3-8 in April of each school year, assesses student performance in the areas of math and literacy. Finally, the ACT (formerly referred to as the American College Testing program) measures college readiness in four areas: English, mathematics, reading, and science (with an optional writing test).

For the NAEP and the Benchmark Exam, student performance is reported in four different categories:

Below basic, basic, proficient, or advanced. For these comparisons, we choose to focus on the percentage of Hispanic and white students scoring in the proficient and advanced range. For the ACT, we report average scores compare the change in white and Hispanic scores. The purpose for these comparisons was to determine if the gap in achievement levels between these two groups of students was narrowing, which would lend support to the efficacy of increased financial resources on a per-pupil basis for minority students.

NAEP scores for low and high income students (as measured by free and reduced lunch eligibility) were also compared to determine if the achievement gap between these groups of students has narrowed since 2003. However, performance on the Arkansas Benchmark exam for FRL eligible and non eligible students was not included in this report due to the differences by how students are categorized. For example, on the Benchmark, achievement levels are not reported for non eligible students; data are only reported for FRL eligible students. Similarly, ACT scores for FRL eligible students are not available.

Testing data for the NAEP exam were obtained directly from the NAEP website. Data for the Arkansas Benchmark exam were obtained from two different websites: The National Office for Research on Measurement and Evaluation Systems (NORMES), and the Arkansas Department of Education (ADE). A breakdown of achievement levels by student sub-groups on the Arkansas Benchmark exam for the 2008 school year was only available on the ADE website. Therefore, for continuity purposes, ADE data on the Benchmark exam were used for 2006-2008, and NORMES data was used for 2004 and 2005. ACT data were also obtained from the ADE website.

Not included within the analysis are the number of test takers for each examination. NAEP does not report this information, and the ACT data are reported by the districts to the state and no statewide database of test takers is maintained. The state testing office does provide summary reports for the benchmark exams by grade and district; however, the number of test takers is not consistently maintained at the state level. Through our efforts to ascertain the impact of the additional categorical funding on achievement, information was also gathered and recommendations were offered (discussed in the conclusions section) regarding why these, and other, data should be maintained by the state department of education

For all three exams, achievement gaps were compared starting with the 2003-04 academic year, which allowed for a comparison prior to and after the implementation of the categorical funding (which began in the Fall of 2004). After 2003-04, data for every available school year was incorporated into this report.

In an effort to maintain consistency with NAEP, we examined only the 4th and 8th grade achievement levels for the Arkansas Benchmark exam, as those are the only grade levels tested on the NAEP exam. By using these grades, as well as including ACT results, we were able to compare achievement gaps at the elementary, middle, and high school level. Additionally, we were able to base our findings on multiple examinations, rather than only a state or nationally administered exam. Furthermore, we contend that each of these tests (NAEP, Benchmark, and ACT) may have methodological and cultural issues, but we believe our analysis is strengthened by the triangulation approach to respond to our research question regarding the impact of additional resources to targeted populations.

In the following section, we provide a comprehensive assessment of changes in student performance and achievement gaps during a five year period following the infusion of additional resources (2003 through 2008).

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11. <http://nces.ed.gov/nationsreportcard/>

## Results

Before looking at the student performance data, two previous points need to be reiterated. First, test data is limited. In Arkansas, as in nearly all other states, policymakers can opt to change the statewide test offered to students. For example, Arkansas students took the Stanford Achievement Test, Ninth Edition (SAT-9) prior to 2003, took the Iowa Test of Basic Skills until 2008, and students from 2008 until the next change will take the Stanford Achievement Test, Tenth Edition (SAT-10). Therefore, while the Arkansas exams are useful, they are Arkansas specific and change over time. For this reason, we also examined data from consistent and national assessments such as the NAEP and ACT standardized college entrance exam.

The second important point to reiterate is that the achievement gap data below are discussed in terms of percentage of students scoring proficient or advanced. We recognize that using this measure comes with some limitations, and using scaled scores might be preferable; however, it is used in this paper for two key reasons. One, proficient and advanced percentages are recognizable and discussed by school officials and policymakers. That is, these numbers are generally not confusing or created by complex statistical formulas that need expansive explanations. The purpose of this paper is to explore the trends in resources alongside trends in performance; therefore, we use the most straightforward data possible to encourage a straightforward discussion with school officials and policymakers. Two, both the NAEP and Arkansas Benchmark exams provide percentages of students scoring proficient and advanced data, which means we can be consistent across tests. These two reasons led us to employ a comparative percentages analytic strategy. More sophisticated analysis could and have been employed for this work; however, this research responds directly and, we contend, straightforwardly to the research question regarding the influence of additional resources on achievement with easy to digest findings. The remainder of this section explores the achievement gaps between Hispanic and white students and FRL and non-FRL students.

### *White-Hispanic Achievement Gap*

Outlined in Table I are the percentages of Hispanic and white students that perform at the proficient or advanced level on NAEP exams. Again, white students have shown consistent improvement in math since 2003 in both the 4th and 8th grade. However, Hispanic students demonstrated growth from 2003 to 2005, but then regressed in 2007. That trend is reflected in the math performance gap, which narrowed in 2005 (16 percentage points for 4th grade, 13 percentage points for 8th grade), and then grew wider in 2007 (24 percentage points for 4th grade, 23 percentage points for 8th grade).

Hispanic student performance in reading follows a pattern similar to math performance for 4th graders, where growth is observed between 2003 and 2005, with a decline in performance in 2007. However, from 2003 to 2005, 8th grade student performance showed a significant decline (12 percentage points), with only slight improvement in 2007. Because white student performance in reading remained relatively stable, the reading performance gap varies from year to year, although the current performance gap is wider across both grades than it was in 2003. Compared to the national average, Arkansas' white-Hispanic achievement gap is smaller in all four comparisons of data from the NAEP – 4th and 8th grade math and reading.

**Table 1****Comparison of White & Hispanic Student NAEP Performance from 2003-2007**

	<b>Math</b>			<b>Reading</b>		
	2003	2005	2007	2003	2005	2007
<b>4th Grade</b>						
Hispanic % Proficient & Advanced	15%	25%	22%	18%	21%	16%
White % Proficient & Advanced	34%	41%	46%	35%	37%	36%
Arkansas White-Hispanic Gap	-19%	-16%	-24%	-17%	-16%	-20%
US Average Gap	-27%	-28%	-29%	-25%	-24%	-25%
<b>8th Grade</b>						
Hispanic % Proficient & Advanced	7%	15%	8%	25%	13%	15%
White % Proficient & Advanced	24%	28%	31%	33%	32%	32%
Arkansas White-Hispanic Gap	-17%	-13%	-23%	-8%	-19%	-17%
US Average Gap	-25%	-24%	-26%	-25%	-23%	-24%

The comparison of Hispanic and white students on the Benchmark exam, as shown in Table 2, reveals similar performance trends for students in 8th grade in both math and reading, as well as students in 4th grade reading. In the 8th grade, both Hispanic and white students have demonstrated consistent improvement for both math and reading. While there was a decline in performance from 2006 to 2007 in 8th grade reading, students in 8th grade math have made steady progress in each of the previous five years. However, because the white students in 8th grade still outperform Hispanic students in both subjects, the achievement gap between the two groups has persisted (19 percentage points in math, 21 percentage points in reading).

The performance trends for students in 4th grade have shown less stability from 2004 to 2008. In math and reading, both student groups declined after 2004, increased after 2005, and then decreased again in 2007 (with the lone exception of white students in math). However, since 2004, white students have shown an increase of 8 percentage points in the proficient to advanced range, compared to an increase of only 3 percentage points for Hispanic students. As a result, this achievement gap has widened in the last five years, with only a recent narrowing occurring between 2007 and 2008.

A comparison of the average ACT performance for Hispanic and white students is highlighted in Table 3. Since 2003, the average score for Hispanic students has largely remained unchanged, decreasing from 18.9 in 2003 to 18.8 in 2007. As noted earlier, in the same time period, the average ACT score for white students has risen by 0.3 points. As a result, the achievement gap between the two student groups has widened from 2.2 points in 2003 to 2.6 in 2007.

In summary, the three areas evaluated (the NAEP, Arkansas Benchmark, and ACT), the achievement gap has either remained stable or widened since 2003. While there are a number of instances of Hispanic students showing increases in performance levels, white students continue to demonstrate higher levels of achievement, which has led to the persistence of the achievement gap. These trends also challenge the efficacy of the funding increases, and support the need for further action to be taken to ensure that the educational needs of Hispanic students in Arkansas are being met.

**Table 2****Comparison of White & Hispanic Student Benchmark Performance from 2004-2007**

	<b>Math</b>					<b>Reading</b>				
	2004	2005	2006	2007	2008	2004	2005	2006	2007	2008
<b>4th Grade</b>										
Hispanic % Proficient & Advanced	64%	47%	57%	55%	67%	64%	44%	52%	44%	54%
White % Proficient & Advanced	74%	59%	68%	74%	82%	76%	60%	69%	67%	75%
Arkansas White-Hispanic Gap	-10%	-12%	-11%	-19%	-15%	-12%	-16%	-17%	-23%	-21%
<b>8th Grade</b>										
Hispanic % Proficient & Advanced	25%	25%	32%	39%	46%	40%	46%	57%	50%	54%
White % Proficient & Advanced	41%	43%	53%	57%	65%	62%	66%	73%	71%	75%
Arkansas White-Hispanic Gap	-16%	-18%	-21%	-18%	-19%	-22%	-20%	-16%	-21%	-21%

**Table 3****Comparison of Hispanic & White ACT Performance 2003-2007**

	2003	2004	2005	2006	2007
Average Hispanic ACT Score	18.9	18.6	18.6	18.9	18.8
Average White ACT Score	21.1	21.2	21.2	21.5	21.4
Arkansas White-Hispanic Gap	-2.2	-2.6	-2.6	-2.6	-2.6

**Poverty Achievement Gap**

The final analysis of performance trends compares students eligible for free and reduced lunch to students not eligible for the program, as outlined in Table 4. In math, eligible students in both 4th and 8th grade have shown consistent improvement in performance on NAEP examinations from 2003 to 2007. However, in reading, those same students have steadily declined in performance since 2003, with decreases of 3 percentage points in 4th grade and 4 percentage points in 8th grade.

The performance trends for non-eligible students have shown consistent improvement since 2003 across both subjects and grade levels. As a result, the performance gap between FRL non-eligible and eligible students consistently widened each year, with the largest gap evident in 4th grade math performance. Compared to the national average, Arkansas' poverty gap is smaller in all four comparisons of data from the NAEP – 4th and 8th grade math and reading.

**Table 4****Comparison of FRL Eligible & Non-Eligible Student NAEP Performance from 2003-2007**

	<b>Math</b>			<b>Reading</b>		
	2003	2005	2007	2003	2005	2007
<b>4th Grade</b>						
FRL Eligible % Proficient & Advanced	18%	22%	24%	20%	19%	17%
Non-Eligible % Proficient & Advanced	37%	48%	54%	39%	43%	44%
Arkansas Poverty Gap	-19%	-26%	-30%	-19%	-24%	-27%
US Average Gap	-30%	-31%	-31%	-26%	-27%	-27%
<b>8th Grade</b>						
FRL Eligible % Proficient & Advanced	12%	13%	14%	19%	16%	15%
Non-Eligible % Proficient & Advanced	25%	30%	35%	34%	35%	36%
Arkansas Poverty Gap	-13%	-17%	-21%	-15%	-19%	-21%
US Average Gap	-26%	-26%	-27%	-24%	-23%	-24%

The performance trends on the NAEP exam highlight the discrepancy between FRL eligible and non-eligible students. In the four NAEP exams, the achievement gap has widened by a sizable margin since 2003 as a result of diminishing achievement levels in reading for eligible students, or greater performance increases by those students not FRL eligible. When taken in context with the performance of Hispanic students, it appears that improvements for key sub-groups have not followed the targeted increase in financial resources.

## Gap Summary

Table 5 presents a summary of the achievement gaps for each of the previously analyzed student sub-groups. The figures reflect the change in achievement levels from the first available testing period prior to the increase in targeted financial resources to levels of student achievement five years after the infusion of resources. In this table, a negative figure denotes an achievement gap that is growing wider, whereas a positive figure reflects that the gap has narrowed. In total, the achievement gap widened by more than 1 percentage point in 12 of the 13 student achievement comparisons.

**Table 5**

*Summary of Achievement Gaps among Arkansas Student Sub-Groups*

	White-Hispanic Achievement Gap	FRL/Non-FRL Achievement Gap
<b>NAEP</b>		
4th Grade Math	-5 pts.	-11 pts.
4th Grade Reading	-3 pts.	-8 pts.
8th Grade Math	-6 pts.	-8 pts.
8th Grade Reading	-9 pts.	-6 pts.
<b>Arkansas Benchmark</b>		
4th Grade Math	-5 pts.	*
4th Grade Reading	-9 pts.	*
8th Grade Math	-3 pts.	*
8th Grade Reading	+1 pts.	*
ACT	-0.4 pts.	*

Note. NAEP and Arkansas Benchmark achievement gaps represent percentage point differences of proficient and advanced scores. The ACT achievement gap reflects differences in composite scores.

\*Data not available

As discussed previously, the motivation for using three different tests, including the NAEP and statewide exam, was to triangulate the story. We want to know if the achievement gaps are changing. The results of our analyses presented in Table 5 (above) show that the NAEP and Arkansas statewide exam are generally consistent – with only 8th grade reading white-Hispanic gap presenting positive results.

## Conclusions

Arkansas policymakers have achieved a great deal since 2003, increasing overall funding substantially statewide, particularly in districts with high percentages of disadvantaged students. At the same time, Arkansas has made considerable strides in improving the educational opportunities for all students. For instance, the number of Advanced Placement courses offered to students have steadily risen across the state. Furthermore, the state recently implemented Smart Core, a rigorous secondary level curriculum with the ambitious goal of ensuring that all high school graduates are prepared for higher education. As if to reinforce such improvement, former U.S. Secretary of Education Margaret Spellings praised Arkansas and Massachusetts as the two states leading the way in setting new standards in their respective educational systems.



Nevertheless, it is also apparent that disadvantaged students are still not receiving the academic support they need. The fact that performance increases have not boomeranged funding increases is disappointing, but not altogether surprising. While we realize that long term changes take time to take hold, we also fear that the targeted funding is not being employed effectively for the targeted students. Indeed, current data provided by the state do not allow us to examine whether targeted funds reached specific students in a district because public school funding data are only available at a district level. State policies also do not require districts to track how those resources are being used within the district or school, which hinders intelligent evaluation of such an investment. So, while we know that certain districts are receiving more resources, we cannot say that the schools – much less the students – are truly receiving these additional resources.

We encourage state policymakers to reconsider the reporting of school expenditures at a school level, which would allow an exploration of where resources are being used effectively and ineffectively. Perhaps the first step to ensuring that these targeted resources are being used to help the students most in need is to hold schools and districts more accountable for the ways in which this money is being spent. In this way, policymakers can ascertain whether or not these resources are actually reaching the target students, and determine if changes need to be made to how these resources are allocated.

Further, and perhaps more importantly, by holding schools more accountable (and ensuring transparency in how these resources are used), policymakers can begin to identify the schools that are the most effective at educating these minority and low income students. Once these schools are identified, policymakers may well encourage other schools to implement similar programs or strategies to help replicate the success demonstrated by these schools. By building on this success, these additional resources can be used to more effectively reach the targeted student populations.

In the end, Arkansas policymakers should feel encouraged, yet unsatisfied, by their funding reform efforts. Indeed, Arkansas' attainment of educational adequacy should be hailed as a long overdue achievement but should not be viewed as an ending point. Much work remains. Too many of our high school graduates require remediation when they reach college. Fewer than one in four 8th grade students scored at proficient or above in the most recent administration of the NAEP. Most importantly, the analyses presented here emphasize that stubborn gaps in achievement persist between groups of students across the state, even with the additional resources in place. It is imperative that policymakers and educators find effective ways to use the newly allocated resources to help all students, including Hispanic and FRL-eligible students, meet challenging standards, rather than be content simply to provide such resources.

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# ***Inputs and Student Achievement: An Analysis of Latina/o-Serving Urban Elementary Schools***

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One of the most pressing problems in the United States is improving student academic performance, especially the nation's burgeoning Latina/o student population (Rumberger & Anguiano, 2004). According to the federal mandate of No Child Left Behind, all children must test at a proficient level by 2014 (Darling-Hammond, 2007). This goal may prove to be elusive for Latina/os, many of whom struggle academically (Crosnoe, 2005). The achievement gap on some tests is as high as 30 percentage points between Latina/o and White students (Torres, 2001).

In an effort to understand what influences student achievement and the gap between ethnic minority and White students, many variables have been analyzed, such as student, teacher, community, and school characteristics as well as financial expenditures. However, there is a dearth of research on variables associated with student achievement in Latina/o majority schools in urban districts. As the majority of Latina/o students are segregated into central cities (Arias, 1986) and Latina/o achievement issues tend to start in the first three years of school (Espinosa & Ochoa, 1986), a study focused on urban elementary schools would help decipher what variables affect Latina/o student achievement during the first few years of school.

Considering the continuing challenge of the Latina/o achievement gap, an analysis to understand the relationship between key inputs and Latino/a student achievement is important. The purpose of the research was to better understand the association between financial resources, student demographics, school capacity, and student achievement in majority Latina/o schools. This study asked the following questions: What inputs are related to school level status and growth of mathematics and reading achievement? Do these inputs differ for achievement growth in majority Latina/o elementary schools?

## **Inputs and Student Achievement**

Prompted by decades of litigation, many states have changed how they distribute resources—moving from local to state based distribution schemes (Kirst, Goertz, & Odden, 2007). Over the past several decades, school finance reform has been litigated in 45 states (Dunn & Derthick, 2007). Since 2002, the struggle over inadequacy and inequity of resource inputs for schools has led to litigation in 32 states (National Access Network, 2010). Texas was similarly challenged to craft school finance legislation that would survive the state's Supreme Court.

The systems to distribute financial resources to schools are decided by judicial enactments and statute. State and local policy makers seek to use these resources to improve student performance (Dee & Levine, 2004). It is assumed that financial resources impact student achievement and success. However, researchers have debated this relationship. Whereas some studies have demonstrated a relationship between school expenditures and student achievement (Archibald, 2006; Ram, 2004; Roscigno, 2000), others have disagreed (Grubb, 2009; Hanushek, 1997; Okpala, Okpala, & Smith, 2001).

Large disparities in the distribution of school expenditures are evident in many states. Darling-Hammond (2007) reported that U.S. public schools spend \$3,000 to \$30,000 per pupil—with urban schools tending to be on the lower end of this spectrum—leaving inadequate resources for majority minority schools. Texas has

a codified, statewide school funding equalization scheme, but there is still within district variation. Jimenez-Castellanos and Rodriguez (2009) argued that this inequality in resource allocation within districts affects Latina/o student achievement.

What constitutes teacher quality also has been debated in the literature (Rivkin, Hanushek, & Kain, 2005). Teacher experience is an important input for student achievement (Darling-Hammond, 2007; Nye, Konstantopoulos, & Hedges, 2004). Research has shown a positive relationship between teacher certification and student achievement (Darling-Hammond, Berry, & Thoreson, 2001; Darling-Hammond, Holtzman, Gatlin, & Vasquez Heilig, 2005; Lankford, Loeb, & Wychkoff, 2002), but other researchers have not viewed teacher certification as a significant variable (Boyd, Grossman, Lankford, Loeb, & Wyckoff, 2005; Kane, Rockoff, & Staiger, 2006). More specifically, for Latina/o students, bilingual teachers improve achievement for Spanish speakers (Gersten, 1984) and are important for urban student success (Torres-Guzmán & Goodwin, 1995). Bachelors and graduate degrees also have been identified as a factor in making a teacher “highly qualified” (Bolyard & Moyer-Packenham, 2008).

Further debate in the literature is whether student–teacher ratio is associated with student achievement. The student teacher ratio can be similar to class size, but is usually a more conservative estimate (Lewit & Baker, 1997). Hanushek (1999) argued that reducing class sizes does not increase student achievement. Proponents of reducing student teacher ratios have found a significant relationship between increased test scores and reducing class sizes, especially in the first years of school (Achilles, 2001; Haenn, 2002). Notably, minority and disadvantaged students experience larger and lasting achievement gains from reduced class sizes (Haenn, 2002; Nye, Hedges, & Konstantopoulos, 2004; Pate-Bain, Boyd-Zaharias, Cain, Word, & Binkley, 2007).

Student achievement is also associated with socioeconomic characteristics (Woolley, Grogan-Kaylor, & Gilster, 2008). For example, students who live in low income areas often start school with a smaller vocabulary range than their more affluent peers (Krashen, 2005) and underperform on standardized tests (Cunningham, 2006; Kinnucan, Zheng, & Brehmer, 2006). Schools with high concentrations of low income students are more likely to be low performing (Krashen, 2005), and their growth lags behind that of schools in wealthier areas (Lyons, 2004).

Considering the variety of inputs purportedly related to student achievement, this study examined what readily available, observable inputs in the large scale datasets held by the state of Texas are associated with student achievement in schools that are majority Latina/o. We examined input variables in three large, urban school districts in Texas over 4 years (2005–2008). The school districts included in the study are three of the four largest urban school districts in Texas: Austin, Houston, and Dallas. We evaluated variables such as school funding expenditures, tests scores, ethnicity, and teacher certification and degree obtainment to identify any impact on student achievement in urban elementary schools.

## **Methodology**

### *Overview of Data Set*

We constructed a school level dataset of publicly collected Public Education Information Management System (PEIMS) variables for 419 schools from three urban Texas districts over 4 years (2005–2008). Houston, Dallas, and Austin are fairly typical urban school districts, serving mostly low income students who are predominantly Latina/o and African American. In 2007–2008, all of the urban districts enrolled large proportions of students of color, bilingual learners, and low income students (see Table 1).

**Table 1****Percentage Student Demographics for Texas Districts and Large Urban U.S. School Districts (2007–2008)**

Demographic	Houston	Dallas	Austin	Los Angeles	Chicago	New York City (Geographic District 1)
African American	28.5	28.7	12.1	9.6	46.5	19.0
Latina/o	60.3	65.3	58.0	62.4	39.1	48.0
White	8.0	4.8	26.4	15.4	8.0	13.0
Asian/Pacific Islander	3.2	1.0	3.3	8.2	3.3	*
Native American	0.1	0.2	0.2	0.3	0.2	1.0
Econ. disadvantaged	79.5	84.7	60.8	68.0	83.6	58.0
Bilingual learners	29.5	32.5	28.3	34.7	14.8	12.0

Note. Sources include *Popular Annual Financial Report for the Year Ended June 30, 2008*, by Chicago Public Schools, 2008, Chicago, IL: Author, and *The New York State District Report Card Accountability and Overview Report 2007–08*, by New York City Geographic District 1, 2008, New York City, NY: Author.

The PEIMS data include school level demographic characteristics (percentages of students by ethnicity; income; language status; special education status; and at risk status, defined by a multifaceted state index and student teacher ratio), school capacity (percentages of teachers who are novice, have advanced degrees, and are bilingual certified), and Texas Assessment of Knowledge and Skills (TAKS) math and reading achievement scores for each year linked to school level financial variables.

All school level PEIMS financial variables were adjusted from total expenditures by school to a per student basis. Operating expenditures is the most comprehensive financial input variable, as it is composed of instruction, instructional resources and media, curriculum and staff development, instructional leadership, school administration, guidance and counseling services, social work services, health services, transportation, food, co-curricular activities, general administration, plant maintenance and operation, security and monitoring, and data processing services. The instruction variable addresses activities that deal directly with the interaction between teachers and students. The curriculum variable includes money used by instructional staff to plan, develop, and evaluate the process of providing learning experiences for students. Instructional leadership includes financial resources allocated to managing, directing, and supervising staff that provides instructional or instructional related services (Texas Education Agency, 2006).

## Analysis

Our analyses were designed to address many of the questions raised in the literature about the effects of student inputs on student performance. We used generalized least squares (GLS) regression models to examine what input changes were associated with TAKS math and reading test score growth (see Appendix for descriptive statistics for variables used).

Using school level data, we examined pass rates on each of the elementary tests over time in relation to changes in financial, school capacity and school demographic inputs. We used a set of GLS regressions to consider the statistical relationships between year-to-year changes in school expenditures (operating, instructional, curriculum, leadership) and changes in school test scores, controlling for changes in the school's teaching capacity and changes in the school's student demographics. The GLS regression models tested the relationship between school level changes in average TAKS exam scores and changes in student progression trends, demographics, and teacher capacity split by a Latina/o majority grouping variable. We analyzed achievement trends for the population of 419 elementary schools arranged in a panel format with school and years as the units of analysis. The model is  $Y_{it} = b_0 + \sum b_k X_{kit} + e_{it}$ , where  $e_{it} = u_i + v_t + w_{it}$ . GLS regression coefficients are denoted by  $b$ ,  $k$  indexes measured independent variables,  $i$  indexes elementary schools,  $t$  indexes school years,  $e$  is the error term,  $u$  is the school component of error,  $v$  is the error across years,  $w$  is the random component of error,

and  $b_0$  is the intercept. The dependent variable,  $Y$ , is measured as year-to-year changes in percent proficient on TAKS mathematics and reading scores for each school 2005–2008.

To predict changes in school level TAKS scores, we estimated both random effects and fixed effects models. A school fixed effects model is often used to remove bias created by the inability to include controls for unmeasured school characteristics, for example, unchanging aspects of school culture, school staff capacity, parental involvement, and other characteristics that have additive effects (Vasquez Heilig & Darling-Hammond, 2008). In this case, effects were fixed for schools and years. We compared the results of the two models and conducted a Hausman test to determine whether the coefficients estimated by the efficient random effects estimator were the same as those estimated by the consistent fixed effects estimator (Stock & Watson, 2003). The Hausman test found no significant difference, suggesting that the use of fixed effects was not necessary in this case.

The random effects equations used controls for changes in school level demographic variables and measures of teaching capacity, including year-to-year changes in student characteristics (percentage White, bilingual learner, special education, and at risk students) and teacher characteristics (percentage teachers bilingual certified, with fewer than 3 years of experience, and with master's degrees). The dependent variable in the random effects regressions considered change in TAKS reading and math scores for each elementary school. Each year-to-year change represented a separate observation in the random regression models. Year-to-year change variables for school expenditures, school capacity, and student demographics, as well as school-level TAKS proficiency, were calculated as  $\Delta V_t = V_t - V_{t-1}$ . Together, these analyses helped us to understand the relationship between inputs and student achievement for Latina/o majority schools in large urban districts.

## Findings

### *GLS Regressions: Inputs and Student Achievement*

We conducted GLS regression analyses to evaluate whether inputs raised test scores in majority Latina/o schools. Tables 2 and 3 show the results of analyses examining predictors of changes in reading and mathematics scores, using random effects for year and school with a filtering grouping variable for Latina/o majority schools. In each case, we added school expenditures—changes in operating expenditures and then curriculum, leadership, and instructional as separate blocks—having controlled for changes in student characteristics and school capacity (teacher bilingual certification, experience, and advanced degree).

**Table 2**

*Changes in Percentage of Students Passing Texas Assessment of Knowledge and Skills Math:  
GLS Regression With Random Effects*

Variable	Random effects		
	Model A	Model B	Model C
Constant	1.047*** (.227)	.878*** (.271)	.920*** (.277)
<b>D school expenditures</b>			
Operating	.001*** (.000)	.001*** (.000)	—
Curriculum	—	—	-.001 (.004)
Instructional	—	—	-.001 (.004)
Leadership	—	—	-.007 (.004)
<b>D school capacity</b>			
% novice	—	-.004 (.028)	-.003 (.028)
% with master's	—	.058 (3.404)	.021 (.012)
% bilingual	—	-.034*** (.012)	-.035*** (.012)
<b>D school demographic</b>			
% White	—	.110 (.113)	.112 (.113)
% bilingual learners	—	.045 (.045)	.050 (.045)
% special education	—	-.028 (.124)	-.038 (.125)
% at-risk	—	-.001 (.020)	-.002 (.021)
Student-teacher ratio	—	-.260* (.136)	-.304* (.138)
R <sup>2</sup>	.019	.034	.031
N	1,169	1,118	1,118

Note. Standard errors are in parentheses. \* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

**Table 3****Changes in Percentage of Students Passing TAKS Reading: GLS Regression With Random Effects**

Variable	Random effects		
	Model A	Model B	Model C
Constant	2.206*** (.200)	2.632*** (.265)	2.609*** (.270)
<b>D school expenditures</b>			
Operating	-.001 (.001)	-.001** (.001)	—
Curriculum	—	—	-.007 (.004)
Instructional	—	—	-.001~ (.001)
Leadership	—	—	-.001 (.009)
<b>D school capacity</b>			
% novice	—	-.045* (.024)	-.055~ (.027)
% with master's	—	2.545 (2.905)	1.923 (3.321)
% bilingual	—	-.023* (.011)	-.020* (.011)
<b>D school demographic</b>			
% White	—	.229** (.096)	.217* (.110)
% bilingual learners	—	-.171*** (.038)	-.152*** (.044)
% special education	—	.149 (.105)	.170 (.122)
% at-risk	—	-.007 (.017)	-.018 (.020)
Student teacher ratio	—	-.332*** (.116)	-.363*** (.134)
R <sup>2</sup>	.001	.050	.059
N	1,169	1,118	1,118

Note. Standard errors are in parentheses. ~p < .10. \*p < .05. \*\*p < .01. \*\*\*p < .001.

We found that increases in operating expenditures were significant for predicting increases in math scores and reading scores when controlling for changing teacher quality and demographics. Adding the more specific vector of finance variables (instruction, curriculum, and leadership) increased the proportion of explained variance in math and reading TAKS scores. Increased spending on instruction was significantly related to increases in math scores, whereas a modest decrease in curriculum spending was related to increases in reading scores. (This might be because increases in operations overshadowed curriculum spending.) Some changes in school level variables influenced changes in TAKS scores: For example, the change in the percentage of bilingual certified teachers significantly impacted both math and reading achievement on the TAKS. However, the direction of association was positive for reading scores and negative for math scores. A decrease in the percentage of novice



teachers was also associated with an increase in math scores. In terms of student demographics, an increase in the proportion of White students concurrent with a decrease in bilingual students marginally improved reading scores.

After controlling for these changes, the most powerful predictor of changes in reading and math in all models was decreasing the student teacher ratio. In terms of effect size, a decrease of third of a percentage point and a fourth of a percentage point in the student teacher ratio predicted a 1 point increase of percentage proficient in reading and math, respectively. Essentially, decreasing the student teacher ratio by 1 percentage point would increase the percentage of students proficient on the TAKS by 3% for reading and by 4% for math. Not surprisingly, the addition of school capacity and school characteristics increases the variance predicted for both math and reading achievement. Breaking out school expenditures into more detailed categories led to a slight decrease in the R-squared for the math model (from 0.034 to 0.031) but an increase in the reading model (from 0.050 to 0.059).

## Discussion

This study breaks new ground by focusing on urban Latina/o majority elementary schools to understand student achievement in relation to inputs. We examined trends in student performance while investigating inputs identified in previous studies: teacher quality, school expenditures, and student demographics. We conducted GLS regression “change” models (which measure the growth) to understand the relationship between inputs and reading and math achievement in urban elementary schools.

As might be expected, the GLS regressions show an influx of White students and bilingual learners have positive and negative associations, respectively, with reading scores. There was no significant association with changes in student populations and math scores. This finding suggests that policy makers and district and school staff should be mindful and proactively develop strategies to address possible shortfalls in reading achievement as student populations change in Latina/o urban schools. Districts can focus resources on inputs such as increasing the numbers of bilingual teachers and reducing the number of novice teachers, as these variables showed a significant relationship to increasing reading scores. A concurrent effect of increases in bilingual teachers appears to be a modest reduction in math scores. Perhaps the proportion of bilingual teachers simply matters less in elementary level math; this might not be the case if the data were focused on middle or high schools, where subject matter competency in math has stronger links to instructional quality and student achievement (see e.g., Clotfelter, Ladd, & Vigdor, 2007).

In the GLS regression models, when controlling for student background and teacher quality, increases in instructional, curriculum, and leadership spending do not appear to increase reading scores in majority Latina/o schools. Yet, we found a statistically significant relationship between increases in instructional spending and mathematics scores. Overall, a more promising input for improving test scores appears to be increasing overall operating expenditures. This calls into question the policy strategies codified in Texas House Bill 3 (2009) that focus mainly on increasing instructional expenditures. Operating expenditures is an all encompassing PEIMS financial category that includes line items such as social work services, health services, transportation, and co-curricular activities. Thus, more work is necessary to understand what specific components of operating expenditures in schools that serve racially and linguistically diverse students that are not typically treated in the research literature and school finance policy are important for increasing student achievement in majority Latina/o schools in urban areas.

These findings do highlight how nuanced educational policy should be and how difficult it is to measure the impact of school finance on student achievement in urban Latina/o majority schools. As more and more scholars are noting, it may not be so much how much money is spent (past a certain minimum threshold) but how the money is spent. While this study is able to delve deeper into how money is spent, we are still

bounded by broad categories such as instructional spending. Instructional spending is loosely defined by TEA as including “all activities directly related to the interaction between teachers and students.” Moreover, a savvy administrator could likely spend money more effectively in a category that generally leads to less productive gain, which would muddy results in any analysis of spending. Finally, schools spend money in a given area for a reason and this reason likely influences student achievement. For example, a school that is struggling may decide to throw a significant amount of resources into their curriculum. The impact of the new curriculum may take years to appear— after teachers gain experience using it. Until the impact is seen in the classroom, the data show a school whose performance is lagging and is spending a lot on curriculum— which may lead one to incorrectly draw the conclusion that spending on curriculum relates to lower achievement. This, of course, would be the wrong conclusion, but the example does demonstrate how tricky the understanding of school spending relationship to achievement can be in schools that serve large numbers of racial/ethnic and language minority students.

Another interesting finding is that reduction in the student teacher ratio, controlling for changes in other inputs, was the largest predictor of increases in student achievement. A long running debate in the literature regards the efficacy of class size reduction (CSR). California and Tennessee have served as the gold standard for research on CSR in the empirical literature. However, the contexts in these states are somewhat different than Texas. Tennessee does not have the same demographic composition and thus likely has other contextual differences and social history. In California, the statewide implementation of CSR began in the late 1990s; an unfortunate by product on the California teacher labor market was decreased teacher quality in majority minority schools (Jepsen & Rivkin, 2009). In Texas no statewide CSR policy was enacted, and for urban majority Latina/o schools, investments in reducing the student teacher ratio can have the largest effect of all inputs available in Texas data.

In conclusion, for urban Latina/o majority schools that serve large numbers of ethnically and linguistically diverse students, if the reauthorization of the No Child Left Behind Act focuses on teacher quality inputs such as decreasing the number of novice teachers and increasing the number of bilingual teachers to address the influx of bilingual learners, it could be a boon for majority Latina/o schools. Further, funding increases, whether federal, state, or district, may be best spent on operating expenditures, rather than pigeonholing financial resources into curriculum, leadership, or instructional line items. Although not on the top of the current educational policy agenda, reductions in the student teacher ratio appear to yield the most benefit for increasing both math and reading scores. These findings may not be ubiquitous for schools and students of all types, but boutique finance policy solutions for urban, majority Latina/o elementary schools may be more fruitful for increasing achievement rather than the current one-size-fits-all school finance environment in Texas and elsewhere.

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**Appendix A:****Summary of Variables Used in School-Level Regression Analyses (2008)**

<b>Variable</b>	<b>N</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Mean</b>	<b>SD</b>
<b>TAKS scores</b>					
% proficient reading	419	61	99	85	8
% proficient math	419	26	99	83	10
<b>School capacity</b>					
% with 3+ years experience	413	20	100	72	12
% with master's	407	3	54	24	8
% with doctorates	115	1	10	3	2
% bilingual	413	0	77	14	21
<b>School expenditures</b>					
Operating	419	101	22,507	7,097	1,506
Curriculum	419	1	628	128	88
Instructional	419	87	16,232	5,135	1,048
Leadership	419	0	725	94	52
<b>School demographics</b>					
% White	419	0	84	9	17
% bilingual learners	413	0	77	14	21
% special education	419	0	34	7	3
% at risk	418	14	94	65	18
<b>ΔTAKS achievement scores</b>					
% proficient reading	1,170	50	-23	27	2
% proficient math	1,170	53	-23	30	2
<b>Δ school capacity</b>					
% novice	1,167	59	-27	31	-1
% master's degrees	1,142	1	0	0	0
% bilingual	1,166	137	-74	63	-6
<b>Δ school expenditures</b>					
Operating	1,169	11,413	-3,109	8,304	461
Curriculum	1,169	572	-233	339	5
Instructional	1,169	8,268	-1,891	6,377	341
Leadership	1,169	546	-273	273	5
<b>Δ school demographics</b>					
% White	1,170	32	-10	21	0
% Bilingual learners	1,170	47	-15	32	2
% Special education	1,170	17	-10	7	-1
% At risk	1,144	144	-73	70	3

1. The PEIMS was created in 1983 to provide a uniform accounting system for Texas to collect all information about public education, including student demographics, academic performance, personnel, and school finances.

2. Bilingual learners has emerged as a more accurate term to denote English language learners or limited English proficient students

3. Retrieve at <http://www.ritter.tea.state.tx.us/school.finance/forecasting/summaries/definitions.doc>

# POEMS

## The Great Mother Wails

**Antonia Darder**  
**University of Illinois**

The Earth extends her arms to us;  
Revealing through her nature the  
changing condition of our existence.

She bends and twists,  
Deflecting the swords of  
Our foolishness,  
Our arrogance,  
Our gluttony,  
Our deceit.

Unbridled by red alerts or amber warnings,  
Her ire gives rise to monsoon winds,  
Jarring us from the stupor of  
Our academic impunity;  
Our disjointed convolutions,  
Our empty promises; our  
black and white dreams.

Filled with unruly discontent,  
we yearn to dominate her mysteries;  
reducing her to microscopic dust,  
we spit upon her sacredness,  
tempting the fury of her seas.

We spill our unholy wars  
upon her belly's tender flesh,  
blazing dislocated corpses,  
ignite her agony and grief.

Still, in love with her creations,  
she warns of our complacency  
to cataclysmic devastation,  
rooted in the alienation of  
our disconnection  
our rejection,  
our oppression,  
our scorn.

And still, we spin ungodly  
tantrums of injustice  
against her love,  
against ourselves,  
against one another.

When will we remove blindfolds from our eyes?  
When will we stretch our arms—to her?  
When will the cruelty of our  
Hatred cease; teaching us to  
abandon the impositions of  
patriarchy and greed?

Oh! that we might together renew  
Our communion with the earth,  
She, the cradle of humanity;  
She, the nourishment of our seeds;  
She, the beauty of the song within;  
She, the wailing that precedes.

-Antonia Darder (2008)



## **El Amor está Llamando**

**Antonia Darder  
University of Illinois**

La luz de la esperanza nubla  
in la oscuridad de la miseria,  
mientras niños olvidados  
sufren la codicia del mercado.

Los pueblos gritan encerrados  
en la prisión de mil angustias,  
mientras jóvenes se desquitan  
la rabia torcida de su furia.

La impunidad crece dentro  
las entrañas de la malicia;  
mientras pobres se desgastan,  
los ricos bien que se aprovechan.

La tiranía oculta lo falso  
con encantos fabricados,  
mientras mujeres se fracturan  
persiguiendo el patriachado.

Los corrompidos lamentan  
el despojo de sus industrias,  
mientras la gente se degenera,  
mecanizada por sus locuras.

Salgamos hoy de este camino;  
el nuevo mundo está esperando;  
Solo requiere un compromiso  
de corazón que va luchando.

¡Hay urgencia! ¡Hay urgencia!  
La justicia está tocando;  
La consciencia ya despierta  
El amor está llamando.

-Antonia Darder (2004)



## BOOK REVIEW

**To what ends & by what means? The social justice implications of contemporary school finance theory & policy by Gloria Rodriguez and Anthony Rolle (Eds.) (2007)**

**Irina Okhremtchouk  
University of California, Davis**

*To What Ends and By What Means? The Social Justice Implications of Contemporary School Finance Theory and Policy (2007)* presents an unprecedented perspective on the issues of school finance by engaging its readers in how the school finance theory and policy can aid in eliminating existing inequalities and support democratic participation by all members of the society.

Both editors, Gloria M. Rodriguez and R. Anthony Rolle, are scholars in the area of education leadership, finance, and policy. The forward to the book, authored by Patricia Gándara, provides a good lead for this piece by highlighting the contextual, theoretical and policy significance this timely collection of scholarly work offers. An introductory chapter presents editors' definitions for social justice in the context of school finance and invites the readers to take initial an step forward envisioning new possibilities for social justice frameworks in school finance.

The collection of work presented in this volume draws on critical discussions as well as advances a number of established prominent theories and policy views. Such discussions continue to build upon and support a foundation for piecing together novel contextual frameworks to understand how contemporary school finance policies might better support changes needed to improve the educational conditions faced by those individuals and groups who have been traditionally underrepresented in economic, political, and social policy arenas.

In constructing this piece of literature, the editors are very cognizant of how the information is presented by showcasing an array of critical debates on theory and policy. This volume highlights not only conventional but widely debated issues involving equity and adequacy in education finance – a more traditional approach, but takes its readers one step further through an examination of fiscal issues from a social justice perspective.

In all, the book has successfully incorporated the concept of social justice into the field of school finance – a much needed framework that has been underutilized in the field. Discussions exploring normative political theory, critical race theory, school improvement factors, current views on adequacy, community strength framework, resources and policies necessary to provide high quality instruction for English Learner students, eliminating poverty in our local communities, and achieving social justice on an international level, have explored the issues from a socially just perspective as it relates to school finance and how we fund schools.

This timely piece continues to challenge traditional views and established perceptions in the area of school finance in its feat toward a more socially just society – a much needed change that, in the end, affects us all. The book, however, introduces only two sections for readers' deliberation – theory and policy. Thus, making this book more accessible to readers who are academicians or policymakers in the field and less accessible to those who are school and district practitioners. The volume could have been strengthened in its design by including a section on contemporary empirical research in the field in order to make it accessible to a wider scope of audiences.

As I conclude this review, I highly recommend Rodriguez and Rolle's book. This book has not only brought to light a subject that has been widely overlooked, but also managed to incorporate social justice framework in a multitude of discussions pertaining to various aspects of school finance. As a practitioner, policymaker, and an academician, I can truly say that this book has stimulated and challenged my thinking as it

relates to various aspects of school finance and social justice. I am confident that this book will continue to promote a more contemporary outlook on how we perceive school finance and the lens through which we conduct our scholarly writings and analysis.



## AUTHOR BIOGRAPHIES

**Joshua Barnett** is an Assistant Professor of Education Policy and Reform in the Mary Lou Fulton Teachers College at Arizona State University. He also serves as a co-principal investigator of the Partnership Office for Research on Teaching, Assessment, and Learning (PORTAL). His research interests include educational policy, education reform, and teacher quality. He has worked to improve teacher quality and student achievement in Arkansas, Arizona, New Jersey, and Pennsylvania, as well as internationally in New Zealand and the United Arab Emirates. He earned his Ph.D. in public policy in 2007 from the University of Arkansas.

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**Irina Okhremtchouk** is a doctoral candidate and an Associate Instructor at the University of California – Davis. Her research interests focus on issues pertaining to English language learners, categorical school finance, underrepresented student populations, and educational policy. Irina also serves as a trustee on the Dixon Unified School District Board of Education in California.

**Art Pearl** is Professor of Education, emeritus, University California—Santa Cruz where he served from 1972-1991 and is currently adjunct professor Washington State University Vancouver and University of Oregon. He was an invited speaker at the only White House Conference on Teaching of the Disadvantaged 1966, a member and chair of the National Institute for Teaching of the Disadvantaged 1967-69. He is the author of dozens of articles and books including: *The Democratic Classroom* (with Tony Knight) 1999, *Systematic and Institutional Factors in Chicano School Failure* in Richard Valencia (Ed.), *Chicano School Failure: Research and Public Policy Agendas*, 2002, (co- editor with Carolyn Pryor) *Democratic Practice* 2006.

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**R. Anthony Rolle**, Professor and Chair of the Department of Educational Leadership and Policy Studies at the University of South Florida, conducts research that explores and improves relative measures of economic efficiency for public schools. Concomitantly, his research explores and applies measures of vertical equity to analyses of state education finance mechanisms. His work is published in books, journals, and monographs such as *To What Ends and By What Means? The Social Justice Implications of Contemporary School Finance Theory and Policy*, *Modern Education Finance and Policy*, *Measuring School Performance and Efficiency*, *Journal of Education Finance*, *Peabody Journal of Education*, *School Business Affairs*, *School Administrator*, and *Developments in School Finance*.

**Mario S. Torres, Jr.** is an Associate Professor within the Educational Administration program at Texas A&M University, obtained his Ph.D. in Educational Administration from Pennsylvania State University in 2003. His research interests include elementary and secondary school law and policy. Much of Dr. Torres' legal scholarship examines administrative, demographic, and political dimensions associated with students' Fourth Amendment rights. Concomitantly, his policy research focuses largely on the ethical and political implications of school reform. Dr. Torres has published in premier academic journals including *the Educational Administration Quarterly*, *Journal of Educational Administration*, *the Journal of School Leadership*, and *Education and Urban Society*.

**Julian Vasquez Heilig** obtained his Ph.D. in Education Administration and Policy Analysis and a Masters in Sociology from Stanford University. He also holds a Masters in Higher Education and a Bachelor's in History and Psychology, cum laude, from the University of Michigan. He is currently an Assistant Professor of Educational Policy and Planning at the University of Texas at Austin. His research considers how high-stakes testing and accountability based reforms and incentive systems impact urban minority students. Additionally, his work considers the sociological and economic mechanisms by which achievement and progress occur in districts and schools for students of different kinds.

**Amy R. Williams** is a doctoral student in Educational Policy and Planning program at the University of Texas at Austin. She holds a Masters degree in Business Administration and a Bachelors degree in Management from Texas State University - San Marcos. Amy is currently the fundraising chair for an educational non-profit organization. Her research uses business concepts in an educational context to improve school practices. She has focused this research on urban school districts in the areas of school finance and the policy decision making process.





## Association of Mexican American Educators (AMAE), Inc.

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### AMAE Co-Editors:

Juan Flores, California State University, Stanislaus  
Oscar Jimenez-Castellanos, Arizona State University  
Antonio José Camacho, Los Angeles Unified School District

## **CALL FOR SUBMISSIONS FOR THE AMAE Journal 2011** ***Educational Opportunity for Immigrant Children: From Preschool to Higher Education***

### Guest Editors

James L. Rodríguez, California State University, Fullerton  
William Pérez, Claremont Graduate University  
Patricia A. Pérez, California State University, Fullerton

The *Association of Mexican American Educators Journal* is currently soliciting manuscripts for a special theme issue on *Educational Opportunity for Immigrant Children: From Preschool to Higher Education*. Given the current political state of our country as it relates to immigration reform, we welcome submissions that focus on the array of access, equity and social justice issues embedded in theory, research, policy and practice on the education of Latina/o immigrant children and families, both documented and undocumented, in pre-K through postsecondary educational settings. Submissions suitable for publication in this special issue include empirical papers, theoretical/conceptual papers, essays, book reviews and poems. Submissions may address a broad range of topics emphasizing the educational opportunity of Latina/o immigrant children, adolescents, families, and communities including:

- Family and/or community engagement and involvement in educational processes
- The preparation and ongoing professional development of teachers
- Sociopolitical factors that shape the educational context, opportunities, and experience
- Social and cultural factors impacting the educational context and experience
- Culturally sensitive initiatives that promote educational success
- Work that highlights successful educational programs and/or models
- Programs and/or curricula that promote bilingualism, biliteracy, and biculturalism
- Challenges and successes of attainment of a higher education
- Programs and/or curricula that promote social justice
- Research and theoretical perspectives that demonstrate and/or promote academic achievement



### The selection of manuscripts will be conducted as follows:

1. Manuscripts will be judged on merit and relevance to the theme of the issue.
2. Manuscripts should not have been previously published in another journal, nor should they be under consideration by another journal at the time of submission.
3. Each manuscript will be subjected to a blind review by a review panel with expertise in the area treated by the manuscript. Those manuscripts recommended by the panel of experts will then be considered by the AMAE guest editors and editorial board, which will make the final selections.

### Manuscripts should be submitted as follows:

1. Submit via email both a cover letter and copy of the article in Microsoft Word to James L. Rodríguez (jamesrodriguez@fullerton.edu).
2. Cover letter should include name, title, short bio and institutional affiliation; indicate the type of manuscript submitted and the number of words with references. Also, please indicate how your manuscript addresses the call for proposal.
3. Manuscripts should be no longer than 4,500 words (including references). The standard format of the American Psychological Association (APA) should be followed. All illustrations, charts, and graphs should be included within the text. Manuscripts may also be submitted in Spanish.

### **Deadline for submissions is April 1st 2011.**

For further inquiries please email one of the guest editors.

James L. Rodríguez (jamesrodriguez@fullerton.edu)  
William Pérez (william.perez@cgu.edu)  
Patricia A. Pérez (pperez@fullerton.edu)

# AMAE Journal Rubric

The following is the rubric to be used for the evaluation of manuscripts considered for the 2011 AMAE Journal.

To the Reviewer/Evaluator: please feel free to make embedded changes to the article to improve the quality and/or the delivery of the message. Please do not change the message that the author intended, however. The edited piece will be forwarded to the original author for final acceptance. The name of the reviewer/evaluator will remain anonymous to the original author.

Reviewer/Evaluator \_\_\_\_\_

Date \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

## Article:

Article addresses the call for a critical issue in school finance and Mexican American Education 1 2 3 4 5

Timeliness and relevance to current school finance scholarship and issues 1 2 3 4 5

Article is well focused, concise and has few or no deviations from topic. 1 2 3 4 5

Article is accessible and valuable to practitioners. 1 2 3 4 5

Clarity, Style, organization and quality of writing 1 2 3 4 5

Overall Score on the Rubric: \_\_\_\_\_/25

Do you recommend inclusion of this article in 2011 AMAE journal?

Yes, as submitted

Yes, but with minor revisions

Yes, but would need significant revisions and another review

No

Comments/ suggestions to improve the article (for the author):

Comments/ suggestions about the article (for the guest editors) (these comments will not be shared with the author):



# APPLICATION TO JOIN AMAE

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Local Chapter: (Check One)

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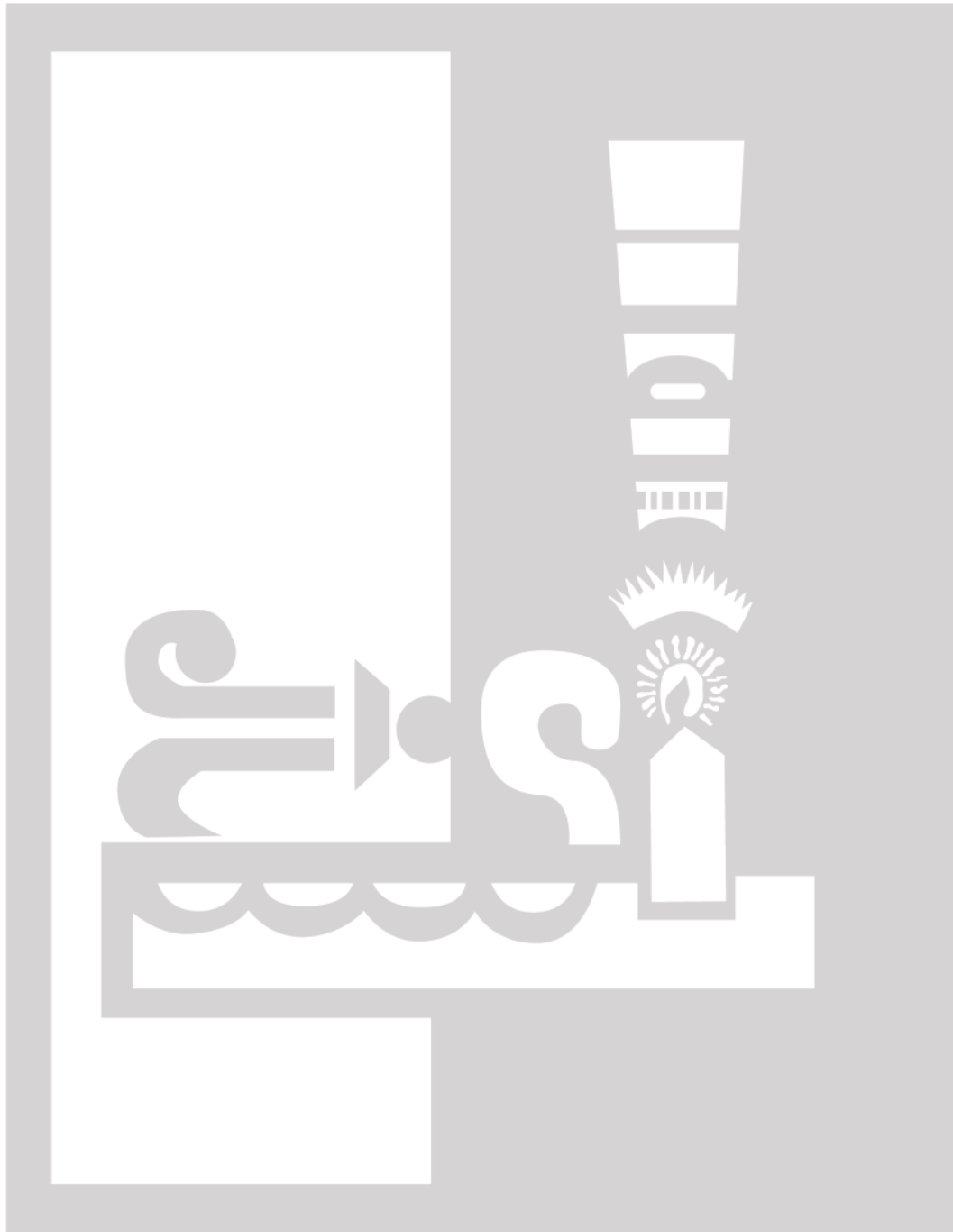
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**Notes:**

# AMAE

ASSOCIATION OF MEXICAN AMERICAN EDUCATORS



# EL FUEGO NUEVO

## MISSION STATEMENT

The mission of the Association of Mexican American Educators, Inc. is to insure equal access to a quality education at all levels for the Mexican American/Latino students where cultural and linguistic diversity is recognized and respected. We advise state/local boards and legislators, administrators and faculty and work in partnership with the community and parents for the benefit of our students. We advocate the immediate recruitment, training, retention, support, and professional development of Mexican American/Latino educators and others committed to the education of our students.



