

MALDEF TESTIMONY
SENATE BILL 1506

Chairwoman Shapiro and Members of the Senate Education Committee, I am Luis Figueroa, Legislative Staff Attorney of the Mexican American Legal Defense and Educational Fund, a non-partisan organization founded in Texas in 1968 to defend and protect Latino civil rights. I am here to advise you of MALDEF's opposition to SB 1506, because it fails to provide a meaningful alternative to the inequitable public school system. The Latino parents and school children who MALDEF represents have real and substantial objections to the quality of their public schools. Overcrowding and deteriorating conditions, for example, have become the norm in the schools that serve the Latino community – hindering the learning of students who face great obstacles in gaining a quality education and achieving their life's ambition. The effects of these and other inequities are devastating. MALDEF cannot ignore this harsh reality. Indeed, our past litigation against the state sought to remedy many of the conditions that yield these unacceptable results. MALDEF opposes HB 1506 not because we find the current system acceptable, but because HB 1506 fails to provide a meaningful alternative to the failing public school system and is, quite simply, a false hope. Specifically, HB 1506

1. Rubber-stamps the demise of our public schools by ignoring the continued under-funding of our public schools. The low-performance of our public schools is often related to the grossly insufficient funding of our schools and funding private schools will not serve the betterment of our Texas schoolchildren.
2. Provides alternatives to only a small segment of the population. Existing private schools in Texas have little capacity to absorb a substantial number of students, HB 1506 would do little to nothing to address the vast majority of public school students in the pilot program counties.
3. Further depletes public school districts, placing a greater strain on their resources, while holding them to the rising state accountability standards. Meanwhile, the private schools are not mandated to teach the curriculum, and there is no sanctionable conduct against the private schools for failure to perform.
4. Lowers accountability standards at private schools, which will not be subject to the increasing number of state mandates: average daily attendance, class size, building standards; nor the adequate yearly progress measures of NCLB.
5. Fails to list a child's language proficiency as a protected measure for admissions enrollment. A large percentage of Limited English Proficiency students though eligible for the funds may remain in low-performing public school districts with less resources.
6. Fails to address a student applicant who was wrongfully expelled from a public school in the admissions process; or in the course of the school year or define what constitutes a criminal record possibly resulting in a disparate impact on minority and low-income children.
7. Allows a private school to expel a student for a minor infraction without a review process. Private schools may circumvent the admissions criteria and limitations by unfairly disciplining children for improper reasons such as refusing to attend a religious service.
8. Provides government funds to religious schools, allowing them to advance their religious objectives, and therefore likely violates the Establishment Clause. No one stands to benefit if an initiative, as crafted, is likely to be struck down by the courts.

There is no credible evidence that SB 1506 will improve the educational achievement of students who use them, while there is abundant proof that smaller classes, early reading intervention, better facilities and other reforms do work. Voucher schemes

represent a billion dollar long-shot gamble with our children's lives and our state's future. Vouchers allow us to shirk our responsibility to provide a first class education for EVERY CHILD in Texas. Give public schools a fighting chance with the necessary resources before resorting to such limited measures.

I'm Diana Briseño Herrera. I was a teacher in the Edgewood Independent School District for 30 years. I graduated from Edgewood High School and received my degrees from Our Lady of the Lake University. I have now retired. I left a profession that I loved frustrated, discouraged and disappointed in the educational system and those who should be watching over our children and the future of this state and our country.

In 1998, a privately funded voucher program entered my district.... The CEO Children Education Opportunity offered 50 million dollars for scholarship vouchers. They called it "a quality education, a choice, an opportunity". YET.... My district, according to the state's rating system had no low performing schools. We were NOT failing!! The private school system and the voucher program did not force us to improve.

Edgewood Independent School District TEA's Campus accountability rating....

	low performing	acceptable	recognized	exemplary
1993	9	14	0	0
1996	2	20	1	0
1997	0	21	2	0
1998	0	19	2	0
1999	0	17	4	2
2000	0	11	9	3
2001	0	7	10	4
2002	0	7	12	3

Dr. James R. Leininger from the CEO, continues to lobby for a state funded voucher program and continues to contribute monies to the campaigns of legislators, legislators whose commitment should be for ALL not only for those who can afford large contributions. His data, stats conveniently take credit for Edgewood's scores and success. Again I must point out that we had NO failing schools when the CEO selected my district and offered the first voucher in 1998.

Vouchers have been called a tax credit, scholarship fund, or parental choice. The stories coming from Edgewood are true. A couple with 4 children received letters... to the parents of Joe, Mary, Frank, but no letter of invitation was sent for Tony. He was not offered the opportunity for a voucher... you see, Tony has a learning disability. He was an identified Special Ed student. Private schools claim to be successful but I know that they select who enters their schools. The private school made the choice not to accept Tony. The CEO made the choice not to offer that "BETTER" education for him. He was not allowed to take advantage of that "GREAT" opportunity.

The first year of vouchers, only one Edgewood special ed student was selected for the CEO's "quality education". She was speech impaired--- the private school brought her across the street to our Edgewood school to receive services.

Parental choice?? I'll tell you about my students and their parents..... The parent who questioned the quality of the curriculum at her private/voucher school had her children withdrawn the following day. The child who became a discipline problem also returned to Edgewood, his siblings were allowed to remain on the voucher program. The extremely gifted child I worked with was not challenged so 3 weeks later was released back to her home campus because the mother was asking too many questions.

Our public schools do not and will not select or hand pick the children we teach. We educate ALL children.

Private schools set the criteria, they have qualifications for entry, it's private... they have the choice. Private schools are not required to follow mandated laws. Open records, test scores, demographics, qualified teachers, class reduction, proof of adequate yearly progress....they don't have to. Data from private schools are not reported nor required. Even the Private schools receiving federal vouchers have not been held to the same standards as our public schools.

The Texas Education Agency, the State Board of Education, and the Texas Legislature mandated testing, accountability, test driven instruction, and the districts were rated. In the 1999-2000 academic year, my district was rated according to the TEA criteria and by using this state's accountability system we earned the rating of "Recognized". 97% Hispanic and 95% of the student body considered economically disadvantaged. I was overwhelmed with pride--- pride because EQUITY in funding made the difference! We were competing, excelling, and succeeding! SO..... new hurdles are placed.

I can't help but wonder who certain legislators represent..... "education reform" and NO Child Left Behind Act mandates quality and accountability from public schools all over this nation... but it's not required from private schools yet if we fail... according to the law... vouchers must be made available and they will then have those same private schools available.

I have heard the pro-voucher rhetoric from the Governor of Texas and the Senate Education Chairperson Florence Shapiro. Kent Grusendorf rudely told me to speed it up as I testified before the Ed committee. Then suggested at 1:15 a.m. that Edgewood select one spokesperson to speak for everyone because it was late. Yet we sat all day long listening to him thank the pro voucher crowd for attending, speaking and bringing their children to the Capitol on a school day. Rep. Debbie Riddle of Houston filed a voucher bill, H.B. 3042. Riddle said such reform is key to improving our system of public education. Every educator, parent, child knows that their neighborhood school, strong programs, equity in funding, mandates and laws that are fully funded, smaller class sizes, strengthen schools. Jeff Wentworth continues to tell those who support our public schools that he has made up his mind and that we are not his constituents. His school district will receive less money if a voucher program of any kind were enforced. And the virtual voucher bill like the one sponsored by Rep. Jerry Madden was a profit maker for another person who walked the halls of MY Capitol purchasing votes.

Before a voucher program is sponsored and funded by our Texas legislators, we must be aware of the following:

- Some policymakers and university officials want to rescind the guarantee made to high school achievers ranking in the top 10 percent of their classes access to public universities.
- The minority student drop out rate is over 50%

Everyone should think of the all the freshman in Texas, the 9th graders of 2003. 35% left school before graduating in 2006. Same class.... over 6,000 seniors in the Class of 2006 completed all the graduation requirements except passing an exit exam. Students did everything they needed to graduate, but failed at least one exam, so they didn't graduate. They are dropping out and the system is pushing others out.

20 years ago, 33% of our children quit before graduation Right NOW state wide, its 42%.
20 years later, it's worse!!!!

The educational funding gap has widened between wealthy and disadvantaged students. The funding formula directs more money to states that already spend the most on education. So that means the formula causes the rich states to get richer. Even Massachusetts and Connecticut receive more educational funding than the state of Texas.

A voucher program will not improve student achievement nor public education.

Public schools are crucial to this society and our country's future. Public school reform is not diverting already scarce funds. State mandates and No child left behind sets strict guidelines that public schools must comply with YET under funding is clearly occurring.

Please don't pretend that you are NOT aware that there are hidden costs in private schools (lab fees, uniforms, candy sales, paint the school costs, sell or purchase the tickets yourself obligations, mandatory volunteer time, etc. They don't have to disclose student achievement or lack of information. There are NO open records available to anyone. Drop out rates, attendance data, non-degreed / uncertified teachers..... stats are not required, not mandated, NO accountability. So don't compare the numbers they voluntarily produce and then comment how well they are doing compared to the public school system. How can anyone attempt to compare public ed to private schools?

We don't need to wait for a pilot program.... Look at Edgewood, Cleveland, Milwaukee or Florida. It is a failure, it's inequitable, it's unfair, it discriminates. The lottery didn't work either.... A tiny bit of research will prove that.

There's no doubt in my mind that as a country we must re-evaluate the public school system but funding a voucher program for private schools while cutting public school monies, increasing their mandates, and holding only our system accountable is unfair and it isn't the answer.

Do you want to know the effects of a voucher program? A pilot project? A voucher experiment? Ask us.... EDGEWOOD IS PROOF: Equity works..... Vouchers don't.

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