



## Focus: Education Policy

<i>Politicizing Education Hurts Texas Students .....</i>	<i>2</i>
<i>Federal Policy News – What Educators Need to Know.....</i>	<i>3</i>
<i>Texas Legislature Takes Some Steps Toward Digital Divide ...</i>	<i>4</i>
<i>Student Health and Engagement Response to COVID-19.....</i>	<i>5</i>
<i>Family and Student Advocacy Persisted Despite Barriers .....</i>	<i>6</i>
<i>Most Opportunities Missed to Expand College Access .....</i>	<i>7</i>

# Exciting Advances for Emergent Bilingual Students in Texas

by Araceli García

Despite the uniquely difficult circumstances of the 2021 Texas legislative session, IDRA was able to help ensure passage of four major bills that will benefit emergent bilingual (English learner) students.

Several of these bills were part of the Texas Early Childhood English Learner Initiative, a project that brought together experts from across the state to discuss challenges and opportunities for emergent bilingual students and develop a multi-level policy roadmap (2021). IDRA was proud to serve on the steering committee of the initiative, along with Texans Care for Children, Philanthropy Advocates, Texas Association for the Education of Young Children (TAEYC), and Dr. Dina Castro of the University of North Texas at Denton.

In addition, Dr. Chloe Latham Sikes co-authored a report, *Creating a More Bilingual Texas – A Closer Look at Bilingual Education in the Lone Star State*, with Chandra Kring Villanueva of Every Texan that outlines six recommendations for policymakers to address the ongoing challenges to achieving educational equity for emergent bilingual students (2021).

We were also excited to lead important work on how policymakers and schools refer to emergent bilingual students, ensuring the language in our state policies and classrooms is affirming and recognizes the many talents these students bring to

their schools. The bills below represent a step in the right direction for Texas emergent bilingual students and will require engaged communities and schools to ensure successful implementation.

## A Statewide Strategic Plan

Senate Bill 560, by Sen. Eddie Lucio, Jr., is the keystone piece of legislation to emerge from the Texas initiative. It creates a statewide strategic plan for educating the over 1 million emergent bilingual students in Texas (Latham Sikes, 2021a). This plan will set goals and benchmarks for increasing the number of certified bilingual educators, high-quality dual language programs and high school students graduating with a biliteracy distinction.

## New Bilingual Special Education Certification

There are tens of thousands of Texas students who sit at the intersection of learning English in school and a developmental or learning disability, yet, until now, our state lacked a teacher certification program that equips professionals to meet the needs of those students. House Bill 2256, by Rep. Bobby Guerra, creates a bilingual special education certification to help ensure that students' needs are more appropriately met and understood by school leaders (Latham Sikes, 2021b; García, 2021a).

(cont. on Page 8)

**"Don't label me for what people say I lack."**

It's time to focus on students' unique potential for bilingualism and biliteracy!

Limited-English-Proficient-English-Learner-

✓ **Emergent Bilingual**

See IDRA Testimony: <https://idra.news/TestimonySB2066> IDRA

**Report!**

**Creating a More Bilingual Texas**

A CLOSER LOOK AT BILINGUAL EDUCATION IN THE LONE STAR STATE

**See how Texas can do better to serve emergent bilingual students**

<https://idra.news/BilingualTx>

EVERY TEXAN IDRA

# Politicizing Education Hurts Texas Students

by Ana Ramón

We began the 87<sup>th</sup> Texas legislative session in January 2021 in the midst of the COVID-19 pandemic and the historic response to racial injustice following the murder of George Floyd. In this atmosphere, the Texas Legislature had the opportunity to develop serious policy solutions to tackle issues that directly impact young people in Texas.

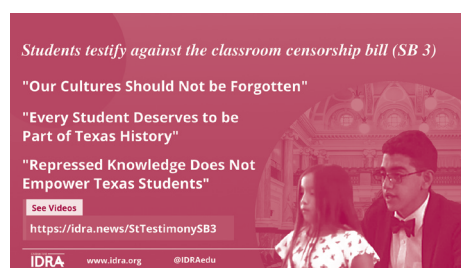
Instead, the session was weighed down with political talking points and unnecessary issues that allowed partisan ideology to creep into substantive policy. While this is in no way unprecedented, many advocates remarked how this session felt like more of a culture war than it typically does, with legislators largely ignoring major issues faced by the state.

Bills that failed to pass this session included measures that would have ensured accurate and accessible data about school discipline and the CROWN Act that would have prohibited schools from discriminating against students of color based on their hairstyles. CROWN stands for Creating a Respectful and Open World for Natural Hair (CROWN Coalition, 2021). These and other bills would have created safer and more welcoming environments for students, particularly students of color. Instead, many in the legislature focused their attention on policies that could have harmful effects on young people in our state.

One of the most horrifying examples of that harmful focus was the clear attack on how teachers and students are able to discuss current events, history and discrimination in Texas classrooms (IDRA, 2021). House Bill 3979, by Rep. Steve Toth, was copycat censorship legislation consistent with a growing and partisan national scheme. The bill prohibits students from receiving course credit for certain internships and other extracurricular activities, stops school districts from making teacher training decisions and prohibits social studies teachers from discussing topics related to our country's history of racism and sexism.

IDRA testified in hearings and worked with many community advocates across the state to oppose the measure, including holding a virtual press conference and hosting, with the Texas Legislative Education Equity Coalition (TLEEC), a virtual hearing to provide a forum for community-led unofficial testimony after the Texas Senate denied input in its public hearing.

HB 3979 will likely have a chilling effect on important conversations in schools, making it harder for schools to address the discrimination felt by students of color. Though it was signed into law, Governor Greg Abbott announced that the issue would also be added to a special legislative session, creating opportunities for lawmakers to make the legislation even more harmful for Texas students. The expansion bill is Senate Bill 3. (See



IDRA's resources on HB 3979, SB 3 and similar measures at <https://idra.news/3979info>.)

The Texas legislature missed a number of key opportunities to address the existing, and now deepening, barriers that prevent young people, especially students of color, from accessing equitable and excellent public schools. These opportunities were not missed because of well-reasoned policy differences, but because of the increasing politicization of the education policymaking process. While, sadly, this is not a new phenomenon, our students deserve much better.

## Resources

CROWN Coalition. (2021). Creating a Respectful and Open World for Natural Hair, website. <https://www.thecrownact.com>  
IDRA. (May 30, 2021). HB 3979, the "How-to Guide for White-washing History," Likely to Become Law, statement. IDRA eNews.

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# Federal Education Policy News – What Educators Need to Know

by Morgan Craven, J.D.

Below are some updates on federal court decisions and legislative and agency policies that will impact schools across the country.

## Federal Courts

**Student Speech** – In June, the U.S. Supreme Court issued an opinion in *Mahoney Area School District v. B.L.*, to address whether a school district has the authority to punish off-campus student speech. The student, B.L., was suspended from her school's cheerleading squad for a year for posting disparaging comments about the squad on her personal social media account. The posts were created during the weekend, off school grounds.

The Court found that the school violated B.L.'s First Amendment free speech rights when it suspended her. The Court confirmed that schools can regulate *some* off-campus student speech, including to address speech that disrupts the school or constitutes serious bullying, threats or harassment of teachers and students. However, outside of those circumstances (which will likely have to be judged by future courts), the free expression rights of students outweigh the school's limited interests in regulating off-campus speech.

**Transgender Student Rights** – The U.S. Supreme Court declined to hear an education-related case brought by a transgender student who was prohibited from using the school bathroom that aligned with his gender identity. By denying the petition for a hearing in *Gloucester County School Board v. Grimm*, the Court allowed the 4<sup>th</sup> Circuit Court of Appeals' decision to stand, which ruled that the Virginia school board's policy requiring transgender students to use the bathroom that matches the gender they were assigned at birth violates federal law.

**Protections for DACA Recipients** – In mid-July, a U.S. district court judge ruled that DACA (Deferred Action for Childhood Arrivals policy) is unlawful. The decision allows DACA to remain in place for current recipients, who can

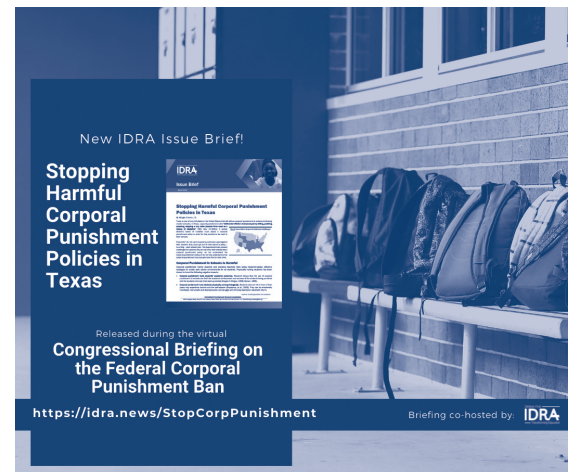
continue to renew their DACA applications, but instructed the U.S. Department of Homeland Security to develop a new policy that would protect the hundreds of thousands of undocumented young people who came to the U.S. as children. The decision underscores the need for comprehensive federal immigration policies and other protections for immigrant students and their families (see IDRA, 2021).

## U.S. Department of Education

The U.S. Congress passed three COVID-19 relief bills that allocate billions of dollars to schools across the country. To ensure those funds are distributed equitably and to respond to states' potential misuse of funds or requests for clarification on how funds can be used, the U.S. Department of Education issued a number of guidance documents. The resources are designed to instruct education agencies and schools on how to use federal relief funds to support students during and after the pandemic (see <https://www.ed.gov/coronavirus>).

## U.S. Congress

IDRA supports several federal bills related to school discipline and policing that were recently reintroduced. The *Protecting Our Students in Schools Act*, by Rep. A. Donald McEachin, Rep. Suzanne Bonamici, and Sen. Chris Murphy, would prohibit the use of corporal punishment in schools that receive public funding and create a grant program for schools to adopt research-based programs that improve school climates. IDRA co-hosted a congressional briefing in July featuring comments from the congressional leaders and panels of experts, including IDRA EAC-South Director Dr. Paula Johnson, who spoke about the harms of corporal punishment and the benefits of educational practices that value all students and build safer schools. IDRA also released a new issue brief, *Stopping Harmful*



*Corporal Punishment Policies in Texas*, reporting how corporal punishment is carried out in Texas and recommendations for policymakers, school leaders and other educators.

The *Counseling Not Criminalization in Schools Act*, by Sen. Murphy, et al., would prohibit schools from using federal funding to maintain school policing programs and would create a grant program to support the hiring and training of counselors, social workers and other important school staff. IDRA offers resources online to assist school districts that choose to invest in strategies that create safe and supportive schools for all students and move away from school policing and other harmful approaches ([www.idra.org/education\\_policy/school-policing-resources](http://www.idra.org/education_policy/school-policing-resources)).

These two federal bills would be a critical step in ending the school-to-prison and school-to-deportation pipelines.

## Resources

IDRA. (July 16, 2021). Today's DACA Ruling Reaffirms Urgency for Congress to Pave Pathway for Citizenship – IDRA Statement on DACA Ruling. San Antonio: IDRA.

U.S. Department of Education. (2021). COVID-19 Resources for Schools, Students, and Families, website. Washington, D.C. <https://www.ed.gov/coronavirus>

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# Texas Legislature Takes Some Steps Toward Addressing the Digital Divide

by Thomas Marshall

Student success depends on the quality of the education resources that enable young people to learn, engage and grow. Access to reliable Internet service, devices like computers, and the knowledge of how to use those services and devices are critical education resources. Along with the COVID-19 pandemic and switch to virtual learning, having full participation in our society with technology, otherwise known as digital equity, became an priority for IDRA and for the Texas Legislature.

House Bill 5, the state broadband bill led by Rep. Trent Ashby, includes key provisions for a statewide broadband office, a statewide broadband plan, and a grant program so that schools and other entities can apply for federal broadband dollars distributed by the Federal Communications Commission (FCC).

HB 5 incentivizes the expansion of broadband Internet access to areas across the state through the State Broadband Development Office, which can award grants, low-interest loans and other incentives to build out broadband access. Passage of this bill was important for students and schools because it allows schools to apply for these loans to get students and families connected to the Internet.

Importantly, IDRA worked to ensure urban school districts were included in HB 5 because urban children, many of whom are students of color, often are left out of the conversation when it comes to expansion of broadband access. Our report, *Plugged In, Tuned Out – Student Engagement Patterns in Texas Public Schools During COVID-19 Show Need for Statewide Broadband Access*, showed that limited Internet access in large urban districts was connected to lower rates of student engagement (Quintanilla-Muñoz, 2021).

IDRA held multiple virtual forums where students, parents and educators shared stories of the Digital Divide's effect on them. Many provided

testimony and public comments on pending legislation.

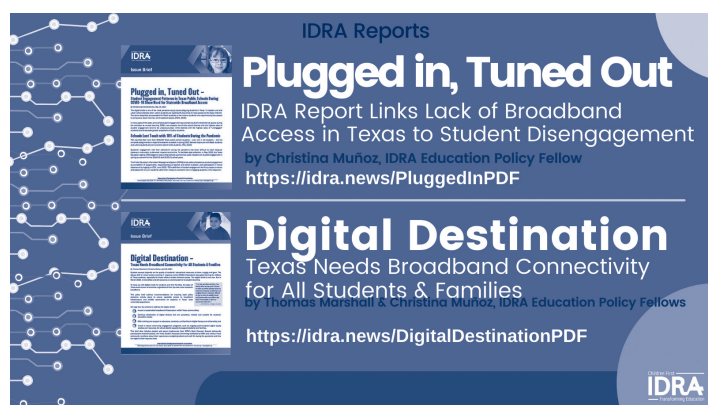
Unfortunately, the Texas legislature missed the opportunity to pass several other pieces of legislation to increase digital equity. HB 129, by Rep. Mary E. González, would have created a digital citizenship curriculum as part of sixth grade social studies standards. The curriculum would have included digital ethics, digital etiquette, media literacy, and how to have healthy relationships with the Internet. The bill also would have expanded digital literacy by teaching young people to navigate various digital platforms and understand, assess and communicate through them.

HB 3889, by Rep. Ana-María Ramos, would have ensured economically disadvantaged students did not have to pay for an Internet access program, if the Texas Education Agency were to create one. HB 4391, by Rep. James Talarico, would have created student and family engagement plans for schools to create more multimodal communication methods for schools to keep up with their students.

The digital divide will not be closed after this session, but the legislature made progress toward getting students and families connected to the Internet. Communities must be at the center of this legislation because they know where the points of access are needed most.

## Resources

FCC. (May 10, 2021). FCC to Launch \$7.17 Billion Connectivity Fund Program New Program Provides Funding to Schools and Libraries Critical to Closing the Homework Gap. Washington, D.C.: Federal Communications Commission.  
Marshall, T. (February 2021). Texas Needs an Equitable State Broadband Plan to Serve Students and Families. *IDRA Newsletter*.



**IDRA launched a digital equity video campaign to uplift the voices of Texas community members impacted by the digital divide.**



Marshall, T., & Muñoz, C. (April 20, 2021). *Digital Destination – Texas Needs Broadband Connectivity for All Students & Families*. San Antonio: IDRA.

Quintanilla-Muñoz, C. (May 19, 2021). *Plugged in, Tuned Out – Student Engagement Patterns in Texas Public Schools During COVID-19 Show Need for Statewide Broadband Access*. San Antonio: IDRA.

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# Student Health and Engagement Response to COVID-19 in Texas

by Christina Quintanilla-Muñoz, M.Ed.

The COVID-19 pandemic exacerbated inequities within Texas' public education system. While there are still many important steps that must be taken to ensure an appropriate response to those inequities, some bills passed during the 2021 legislature, including those related to access to student mental health resources, will take Texas schools in the right direction.

Senate Bill 179, by Sen. Eddie Lucio, Jr., is a long-overdue win for student mental health advocates. The bill expands school counselors' capacity to deliver critical counseling services to students. School districts must now adopt a policy that requires school counselors to spend at least 80% of their work time on actual counseling to support the academic and emotional needs of the students. SB 179 will significantly boost access to mental health services for students still grappling with mental and emotional health concerns from prolonged stress and social alienation brought forth by the COVID-19 pandemic (Quintanilla-Muñoz, 2021).

House Bill 2287, by Rep. Senfronia Thompson, et al., will help the Collaborative Task Force on Public School Mental Health Services (established by the 86<sup>th</sup> Legislature) to monitor and maintain mental health resources. The bill authorizes collection of data from school districts, school staff and other entities to evaluate the impact of mental health programs and services on academic achievement, discipline and student well-being. HB 2287 outlines key stakeholders and experts the task force should consult. This collaboration will ensure students receive the most effective mental health support and will ensure that training for the delivery of mental health programs is informed, current and specialized for the school setting. Additionally, the bill institutes confidentiality measures to protect students' privacy.

While the legislature demonstrated progress in addressing critical issues, such as the digital divide and student access to mental health services

and resources, there were many missed opportunities to bridge widening equity gaps in students' engagement at school.

Most notably, HB 4391, by Rep. James Talarico, would have uplifted student and community voice through district student-family engagement plans. IDRA's long history of family engagement in education shows the need for these plans, particularly during and after the pandemic when in-person engagement opportunities were limited (Wilson, 2020).

HB 4091, also by Rep. Talarico, would have established a statewide student experience study to evaluate teacher effectiveness, campus culture and climate, post-graduate readiness, mental health, discipline and other key outcomes.

Efforts to ensure student mental and emotional health and to promote youth-adult partnership in education must continue in local communities and in subsequent legislative sessions, especially as schools and communities respond to COVID-19. Equitable and excellent schools for all students rely on accessible pathways for engagement and encourage positive relationships with students, community members and schools.

## Resources

Quintanilla-Muñoz, C. (March 18, 2021). School Counselors Must Gain an Increased Capacity to Serve Students Directly – IDRA testimony for Senate Bill 179, presented before the Texas Senate Committee on Education. San Antonio: IDRA.

Wilson, T. (August 2020). Effective Education Reform During COVID-19 Requires Authentic Family Engagement. IDRA Newsletter.

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See IDRA's new eBook:  
Ready – Reopen – Reconnect! Proven  
Strategies for Re-engaging Students Who  
Need You the Most

[https://idra.news/  
ReadyReopenReconnect](https://idra.news/ReadyReopenReconnect)

# Family and Student Advocacy Persisted During the Texas Legislative Session Despite Structural Barriers

by Aurelio M. Montemayor, M.Ed.

During the 2021 Texas legislative session, voices of families and students from Dallas, Houston and San Antonio to the lower Rio Grande Valley rang out, demanding education justice even as the pandemic and some members of the Texas Legislature limited public participation. The communities spoke for their rights and hopes in support of and in opposition to state-level policies.

IDRA was proud to work with students and families to ensure their voices were heard in policy-making, including by coordinating the following:

- Advocacy training sessions to support families in understanding the legislative process and in sharing public comments and testimony;
- Weekly virtual “office hours” to provide support to individuals using the legislature’s public comment portals;
- A student summit to identify policy solutions from high school and college students impacted by COVID-19;
- A “train the trainer” program on how to present testimony to state legislators that resulted in 19 women of color in the lower Rio Grande Valley receiving trainer certification;
- Engagement with student advocates who held meetings, presented testimony and circulated news via social media;
- Weekly meetings of the Texas Legislative Education Equity Coalition (TLEEC), a state-wide, cross-sector coalition focused on education justice founded by IDRA in 2001;
- Regional virtual roundtable discussions (Mesas Comunitarias) to address critical education issues, including equitable school finance, digital equity, programs for emergent bilingual students, college preparation and access for all students, and mental health during COVID-19; and
- A “Save Civics Town Hall” and press conference to ensure the voices of students and other advocates were heard when they were denied

meaningful opportunities to participate in legislative hearings on the classroom censorship bills.

We worked to ensure students and families were part of influencing education policies and were able to navigate the legislative process, which can be complicated. We are so proud of the many advocates across the state who demanded their voices be heard by Texas lawmakers.

Our family and student engagement work is far from over. Important community-based policy and implementation work is still happening, and IDRA is supporting a student advocacy council to focus on student-led policy work across the state.

Join us as we work to center students and families in our policy and advocacy work! Sign up to receive advocacy updates (<https://idra.news/SubscribeMe>), learn more about our research-based family engagement framework called Education CAFEs, and get involved with a growing network of advocates through TLEEC.

*Aurelio M. Montemayor, M.Ed., is IDRA’s family engagement coordinator and directs IDRA Education CAFE work. Comments and questions may be directed to him via email at [aurelio.montemayor@idra.org](mailto:aurelio.montemayor@idra.org).*



*ARISE Adelante and IDRA honored 19 women who completed a five-week virtual course on giving public testimony and comments to Texas state legislators. For the first time, these Mexican American women from the lower Rio Grande Valley made public comments to the Texas House of Representatives and Senate on education issues affecting their children and community.*



# Most Opportunities Missed to Expand College Preparation and Access in Texas

by Altheria Caldera, Ph.D.

For Texas to expand students' access to college, the state must remove specific barriers and replace them with supportive structures designed to help all students. This is especially true for some of the state's historically-marginalized populations: students of color, immigrant students and students from families with limited incomes.

Many expected the Texas 2021 legislative session to focus on higher education. But COVID-19 and other issues (some of which were highly partisan and harmful) dominated legislators' time and attention, leaving important issues related to robust college preparation and expanded access unaddressed for Texas students.

## College Preparation

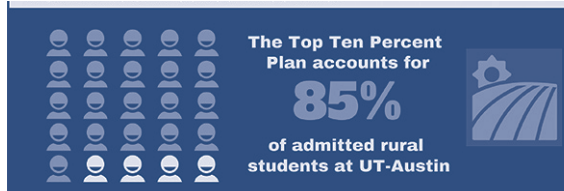
College preparation includes efforts to ensure that high school students are academically prepared for college success through rigorous and inclusive curricula and student advisement. Senate Bill 1702, by Sen. César J. Blanco, would have restored Algebra 2 as a requirement for the foundational diploma so that high school graduates are prepared for college math and science requirements. IDRA's Ready Texas study revealed that changes to high school graduation requirements in 2013 led to fewer students taking Algebra 2, which negatively impacts college preparation, access and success (Bojorquez, 2017).

Similarly, SB 1703, also by Sen. Blanco, would have required college readiness counselors to undergo implicit bias training. The goal of this bill was to help ensure that students and families who do not have a history of college education are not tracked into coursework that leaves them unprepared for college (Barnum, 2019).

House Bill 1504, by Rep. Christina Morales, would have permitted students to receive social studies credit for ethnic studies courses, such as Mexican American Studies and African American Studies. This change could have led to a significant expansion of these critical course offerings and more opportunities to build cultur-

ally sustaining schools in which all students feel valued.

Though none of these potentially impactful bills passed, SB 1277, by Sen. Royce West, did pass and is a bright spot. This new law requires that school districts designate an academic advisor specifically to assist students enrolled in dual credit courses, helping to ensure that students are better prepared for college coursework.



## College Access

In addition to strengthening college preparation, it is critical to eliminate barriers to graduation and college access. The legislature passed two such important bills. HB 1603, by Rep. Dan Huberty and Rep. David Spiller, does just that by making individual graduation committees permanent. These school-based committees assess students' performance in a course using multiple measures and allow hard-working students to graduate even if they do not pass one or two end-of-course exams (Latham Sikes, 2021).

HB 999, by Rep. Diego Bernal, provides critical protection for the many students whose education was disrupted by COVID-19 by allowing them to graduate without having to pass an end-of-course assessment.

In addition to these important steps forward, a harmful bill that would restrict post-secondary access was stopped. SB 1091, by Sen. Brandon Creighton, would have negatively impacted the number of students of color and students from rural communities who attend the state's top-tier institutions by instituting a 30% cap on the

number of students accepted under the Texas Top Ten Percent Plan by any public university. IDRA's advocacy against this bill helped to highlight the negative impact SB 1091 would have had on historically-marginalized students (Caldera, 2021). (See IDRA's policy brief, *The Texas Top Ten Percent Plan's Legacy in Supporting Equal Access to College*, at <https://idra.news/TTP21>.)

SB 1709, by Sen. Blanco, was intended to improve outcomes for college students of color by requiring institutions of higher education to create faculty diversity and equity plans. But it did not pass.

Higher education improves life opportunities across a range of factors: income, health, longevity and others. For students of color, the benefits are even more pronounced. Consequently, despite this session's setbacks, we must continue building on progress made and expanding higher education opportunities for all Texans.

## Resources

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- Bojorquez, H. (2017). *Ready Texas – A Study of the Implementation of HB5 in Texas and Implications for College Readiness*. San Antonio: IDRA.
- Caldera, A. (April 28, 2021) Equity Should Be Upheld in Top Ten Percent Plan – IDRA Testimony against SB 1091 presented to the Senate Higher Education Committee. San Antonio: IDRA.
- Latham Sikes, C. (March 16, 2021). Individual Graduation Committees Should be a Permanent Option for High School Students, IDRA comments for House Bill 1603 submitted to the Texas House Public Education Committee. San Antonio: IDRA.

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## Focus: Education Policy

(Exciting Advances for Emergent Bilingual Students in Texas, continued from Page 1)

### Smaller Pre-K Class Sizes

Emergent bilingual students account for 28% of all Texas students from pre-kindergarten through third grade and automatically qualify for free pre-K education in the state. This means that early childhood issues are emergent bilingual student issues. SB 2081, by Sen. José Menéndez, sets critical ratios and classroom caps for pre-K class offered by public schools: 11 students to one teacher, with a maximum of 22 students to one teacher and an aide. This bill will allow for more individualized student attention and lay a strong learning foundation for emergent bilingual students across the state.

### Transition to Asset-Based Language

Students learning English in Texas schools are a talented and diverse group. However, in state law and our classrooms, these students are called *lim-*

*ited English proficient* or *English learners*. These terms are deficit-based, meaning they focus on, and define students by, what they have yet to learn, rather than the skills they already possess. SB 2066, championed by Sen. Menéndez, aims to remedy this issue and empower students by adopting the term *emergent bilingual*. This term recognizes the unique potential for bilingualism and is a good starting point for encouraging students to leverage their full linguistic repertoire in the classroom (García, 2021b).

The above four bills become law on September 1, 2021, and present an opportunity for our state to truly meet the educational needs of some of our most marginalized students. Emergent bilingual students are an asset to their communities and to our state, and we hope Texas and legislatures across the country will continue investing in them.

### Resources

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