

Texas probably will appeal ruling about bilingual education

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By TERRENCE STUTZ and KATHERINE LEAL UNMUTH / The Dallas Morning News

AUSTIN – Texas will probably appeal a court ruling mandating a new language program for an estimated 140,000 junior high and high school students who don't have command of the English language, state officials said Monday.

Legislative leaders said curriculum improvements for that group of mostly Hispanic students are probably on the way regardless of the appeal.

The chairmen of the House and Senate education committees said lawmakers were already zeroing in on the problems of limited-English students – including low test scores and high dropout rates – before U.S. District Judge William Wayne Justice ruled Friday that the state has failed to properly educate those students.

In issuing the surprise decision, the longtime federal judge reversed his own July 2007 ruling that affirmed the state's bilingual education programs. His new order gives the state until Jan. 31 to come up with a different plan.

Senate Education Committee Chairwoman Florence Shapiro, R-Plano, said her panel is exploring legislation that would upgrade instruction and beef up dropout prevention programs for limited-English students.

"While our elementary school students are doing very well, we recognize there are problems in our high schools that we want to address," she said.

House Public Education Committee Chairman Rob Eissler, R-The Woodlands, touted legislation to provide state funding for dual-language immersion programs to replace traditional bilingual and English-as-a-second-language – ESL – classes.

Dual language

Under a dual-language program, students learn some subjects in their native language for a half-day and other subjects in English for the rest of the day.

"I thought this was a good solution last session," said Mr. Eissler, who passed a bill that set up a pilot program of dual-language immersion only to see it fail to get funding at the end of the 2007 session.

"We had some resistance from members who thought it was another giveaway to illegal immigrants," he said. "The truth is this is a great opportunity for kids to learn another language at an age-appropriate time. I hope this [court order] gives us some impetus to try out new approaches like this."

The attorney general's office is still deciding how to respond to Judge Justice's order, but the Texas Education Agency is expected to ask the attorney general to lodge an appeal.

"We are disappointed that the judge reversed his original order of a year ago," said Debbie Ratcliffe of the TEA. "We are continuing to study this latest ruling, but we do anticipate asking the attorney general to appeal."

Ms. Ratcliffe said the state "absolutely stands" by its programs for limited-English students and noted that even Judge Justice had positive views about the state's bilingual education programs for elementary school students in his original order.

"We know that these programs have been effective for thousands of students," she said. Even so, the TEA will do contingency planning for program changes that must be submitted to the judge by the end of January, she added.

State officials had no estimates on how much compliance with the federal court order would cost, but some observers said remediation for the 140,000 secondary students could cost \$500 or more per student – or a minimum \$70 million a year. Improved state monitoring of local bilingual and ESL programs – also ordered by Judge Justice – could push the cost over \$100 million.

Irving Superintendent Jack Singley said much work must be done to improve programs for students learning English. Irving had the highest percentage of limited English students in the North Texas region last year – about 39 percent of students enrolled. About 4,704 of their roughly 12,851 limited English proficient – LEP – students were in ESL programs.

Most Irving students have been in U.S. schools for a number of years. Just five percent last year had been attending U.S. schools less than three years.

"I don't feel very comfortable about our ESL programs statewide, absolutely not," Mr. Singley said. "That's not as good a program as the bilingual program. It leads me to believe there's a lot of work to be done to deliver a different program. I have no idea what that's going to look like."

Many LEP students can speak conversational English without having mastered the vocabulary necessary to understand textbooks or to pass the graduation TAKS exams.

Dropout rate

Recently retired University of North Texas education professor Rudy Rodriguez, an expert on the issue, said the high dropout rate of Latino students in Texas is tied directly to inadequate programs.

"The decision reinforces the need and urgency for us to do something as a state," he said. "We need to develop new programs and new approaches in meeting the needs of these children. My hope is that the state will see this as an opportunity to improve the quality of the programs and not see it as a threat."

David Hinojosa of the Mexican American Legal Defense and Educational Fund, who represented the plaintiffs in the case, said TEA must come up with a plan that fixes the system.

"I don't know how on earth the state can say the ESL program is successful in any manner," he said, noting, "They're not being told to develop a whole new program. It just needs to be a program with some teeth in it."

Mr. Hinojosa said improvements "will require a commitment not only from the state, but also from school districts and principals. Many of our schools have been neglecting the needs of these students by holding low expectations for them and providing poor resources for their education."

Passing rates on the TAKS exam for limited English proficient (LEP) students lag way behind students who speak English proficiently. The passing rates below reflect the percentage of Texas public school students who passed 2008 10th Grade TAKS and 11th grade exit-level TAKS exam.

TAKS scores

	LEP % Passing	Non-LEP % Passing
10th Grade		
Science	17%	67%
Math	26 %	65 %
English Language Arts	45 %	89 %
Social Studies	56 %	90 %
11th-Grade Exit Test		
Science	37 %	82 %
Math	43 %	80 %
English Language Arts	40 %	93 %
Social Studies	69 %	96 %

Source: Pearson Educational Measurement