



## Focus: Education Policy

*New Discipline and Safety Policies for Texas*.....3  
*Accountability Measures Set to Respond to Public Pressure*.. 4  
*College Access Legislation Increases Transparency* .....5  
*Education Impact of High Court Ruling on Census*..... 6

# Texas Legislature Concentrates on School Funding

by Morgan Craven, J.D.

Texas’ 86<sup>th</sup> legislative session saw some of the most significant changes to school funding in decades. This issue of *IDRA Newsletter* summarizes highlights regarding education and how they relate to IDRA’s 2019 policy priorities.

Prior to the start of the legislative session, the Texas Commission on Public School Finance met to provide recommendations for how the state could achieve an equitable school finance system. IDRA provided expert testimony at several hearings held by the commission, which was comprised of members selected by the Governor, Lieutenant Governor, chair of the State Board of Education, and Speaker of the House.

The commission issued its final report in late 2018 (CPSF, 2018). Many of its recommendations served as a basis for the major House and Senate school finance bills considered during the legislative session that opened in January. Following weeks of hearings and negotiations, the Texas Legislature approved **House Bill 3**, which impacts property taxes and funding for schools.

### Major Funding Formulae Changes in HB 3

**Basic Allotment** – The *basic allotment* is the amount of funding a school district receives based on the number of students it serves. HB 3 increases the basic per-student funding from \$5,140 to \$6,160. Though it may seem all school districts will have an additional \$1,020 per student, the

legislation practically cancels out that increase for some districts by eliminating a number of “adjustments” that previously raised their basic allotment. For example, the Cost of Education Index (CEI) adjustment formerly increased the basic allotment by up to 20% in some school districts. In HB 3, monies “saved” from the elimination of components like the CEI were simply redirected into the basic allotment.

**Current Year Values** – HB 3 ensures alignment between how school districts and the state calculate budgets and spending by requiring the use of *current-year* property values, rather than some school districts’ *prior-year* values, to determine how much funding the state should provide to districts.

**Special Student Population Allotment Rules** – HB 3 changes the reporting requirements for how schools spend compensatory education and bilingual education funds. The bill requires schools to spend at least 55% of the funds on direct costs for students in the classroom. It expands the permissible uses of compensatory education funds to include a broader category of educationally disadvantaged students and requires that each school district’s independent auditor review how those funds are spent.

**Dual Language Weight** – HB 3 creates a new funding increase, or weight, for dual language  
*(cont. on Page 2)*

*“Ensuring all students graduate prepared to succeed in college requires effective policymaking hand-in-hand with the people most impacted by our laws. They hold the policy solutions to improve their lives and effect generational change for themselves and our society.”*

– Celina Moreno, J.D.,  
IDRA President and CEO

(Texas Legislature Concentrates on School Funding, continued from Page 1)

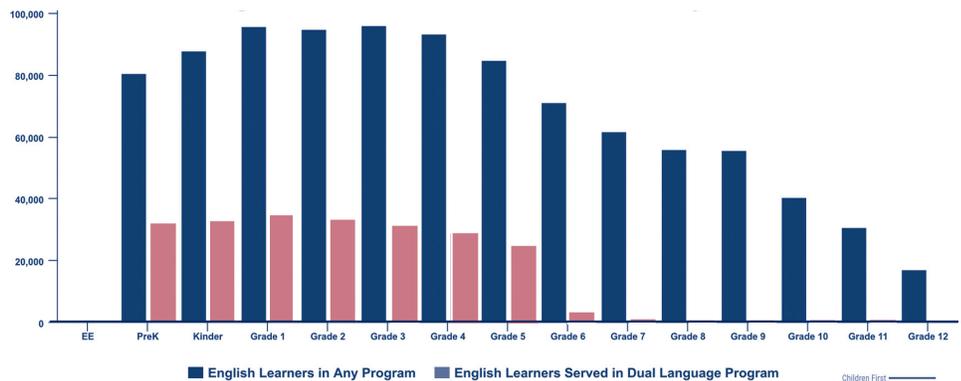
programs. Schools will receive an additional 5% funding per student for each English learner and non-English learner in a dual language program. But because only a few school districts operate dual language programs, schools serving the roughly 80% of English learners in the state's other bilingual and English as a second language programs will receive no additional funding from this new weight (IDRA, 2019).

**Proficiency and Readiness Plans** – HB 3 requires school district boards of trustees to adopt and post online plans for early childhood literacy and math proficiency and plans for college, career and military readiness. The plans must identify quantifiable goals for student performance for the following five years. The early childhood literacy and math proficiency plans also must provide for professional development for educators in schools that need additional support and may set separate goals for students in bilingual education or special language programs.

**Full-day Pre-Kindergarten** – Under HB 3, most school districts must adopt full-day pre-K programs for all qualifying 4-year-old students. While the state did not allocate funding specifically and exclusively for the pre-K programs, school districts may use new “early education allotment” funds for pre-K. The legislature created this allotment to improve third grade reading and math outcomes through a new funding weight of 10% for economically disadvantaged students and another 10% for English learner students in kindergarten to third grade.

**Tiered Compensatory Education Funding** – HB 3 creates a new system for calculating additional funds for educationally disadvantaged students and students deemed at risk of dropping out of school. The new five-tiered system allocates more money for educating low-income students

## English Learners in Texas Public School Districts, by Grade



Data source: Texas Education Agency, 2019 for the 2018-19 school year. The figures from TEA include masked data for privacy. IDRA used a proxy to conduct this analysis. Thus, the counts are not exact. Figures include traditional public school districts only.



who live in areas of concentrated poverty, based on American Community Survey and federal census data, with weighting levels increased as the concentration of poverty increases. While increased funding is critically important funding, it is unclear that the new tiered system will accurately capture varying levels of poverty across the state and allocate funds appropriately.

**Teacher Compensation** – Despite much debate this session, the state provided no specific new formulae to fund teacher salary increases. Instead, HB 3 requires schools to spend 30% of their total new per-student funding on compensation increases, with 75% of that amount dedicated specifically to teachers, librarians, nurses and counselors. The state leaves some discretion to districts to determine the distribution of compensation, with an emphasis placed on raises for teachers with more than five years of experience. The state does not specifically call for any raises for personnel with fewer than five years of experience.

**Enrichment Funding** – *Enrichment* refers to additional money collected by school districts beyond the funding needed to provide basic education services to students (as determined by statutory funding formulae). HB 3 changes the way school districts may increase their tax rates to collect enrichment funding.

Prior to HB 3's adoption, districts could tax up to an additional 17¢ above their base tax rate, which was \$1.00 for every \$100 of taxable property value in most districts. The state guarantees that each cent will yield a specific amount of money for the districts and makes up the difference in funds for poorer districts that are unable to collect enough in local taxes to meet the guaranteed yield.

The first six of the 17 pennies are called *golden pennies* because they have a high guaranteed yield. HB 3 sets the guaranteed yield at the greater of the amount of tax revenue per student collected by school districts in the 96<sup>th</sup> percentile (cont. on Page 6)

The Intercultural Development Research Association (IDRA) is a non-profit organization with a 501(c)(3) tax exempt status. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

The IDRA Newsletter (ISSN 1069-5672, ©2019) serves as a vehicle for communication with educators, school board members, decision-makers, parents, and the general public concerning the educational needs of all children across the United States.

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# New Discipline and Safety Policies for Texas

by Morgan Craven, J.D.

To ensure all students succeed, schools must end policies and practices that create harmful school climates and push students into the school-to-prison pipeline through exclusionary discipline and criminalization. During the recent Texas legislative session, many policymakers focused on “school safety” in response to school shootings.

While some proposals focused on building positive school climates, others prioritized approaches that would make schools less safe for students, including making extreme changes to “harden” facilities, expanding harmful and punitive school discipline, and increasing the number of weapons on campuses.

The major school safety bill (**Senate Bill 11**) requires school districts to create *behavior threat assessment teams* and sets additional standards for emergency response plans. It also creates a Child Mental Health Care Consortium.

Importantly, the measure requires that police officers in every school district receive youth-focused training. It expands current law, which only requires training for officers in large districts. While it is critical that police officers receive this training, it is also important to limit police interactions with students (Craven, March 2019). Schools should not involve police in routine discipline or classroom management, a protection afforded this session by **SB 1707**.

SB 11 also includes a “school safety allotment,” providing per-student funding that districts can use for important safety measures. Such measures include mental health personnel and supports; behavioral health services related to prevention and management of emergencies and threats; and suicide prevention, intervention and postvention services.

Unfortunately, school districts also may use the allotment funds to buy school-hardening equipment and employ school-based police officers,

despite research showing better methods of creating safe campuses (Warnick & Kapa, 2019). The legislature appropriated \$100 million for the school safety allotment for the next biennium and \$100 million solely for school hardening equipment (such as locks, barriers and cameras) for the remainder of the current biennium.

**SB 2432** requires school districts to place students in disciplinary alternative schools for harassment of a teacher. While it is important to protect every member of a school community from harassment, the bill is deeply concerning because it takes a zero-tolerance approach to “harassment,” which can include behaviors as vague and subjective as making an annoying comment.

The law currently requires school districts to consider mitigating factors before they punish students, but many ignore that provision and instead punish students automatically. SB 2432 threatens to expand that practice, which impacts students of color, students with disabilities, and LGBTQ students disproportionately (Craven, April 2019).

IDRA will continue to support policies consistent with research and best practices on how to create safe and excellent schools for all students. For more information about research-based ways to create positive, safe schools for all students, see resources and tools available through the IDRA EAC-South ([www.idra.org/eac-south](http://www.idra.org/eac-south)).

## Resources

- Cortez, A. (2009). *Disciplinary Alternative Education Programs in Texas – A 2009 Update*. San Antonio: IDRA.
- Craven, M. (March 26, 2019). Clearly Define the Role of Law Enforcement in Schools IDRA Testimony on SB170 – Officers Should Not Be Called on to Handle School Disciplinary Matters. Testimony of IDRA presented for the Senate Education Committee. San Antonio: IDRA.
- Craven, M. (April 30, 2019). Use Effective Discipline, Not Zero Tolerance – IDRA Testimony Against SB 2432. Testimony of IDRA presented for the House Education. San Antonio: IDRA.
- Warnick, B.R. and Kapa, R. (2019). Protecting Students

## Learn More

*IDRA Policy Priority: Fair Discipline that Keeps Children in Safe Schools*

**Testimony:** Use Effective Discipline, Not Zero Tolerance – IDRA Testimony Against SB 2432

**Testimony:** Clearly Define the Role of Law Enforcement in Schools; Officers Should Not Be Called on to Handle School Disciplinary Matters – IDRA Testimony on SB 1707



**Joint Statement:** Legislative Solutions for Safe Schools Must Include School-Based Strategies that Help Educators and Support Students

[www.idra.org/education-policy](http://www.idra.org/education-policy)

from Gun Violence: Does “Target Hardening” Do More Harm than Good? *Education Next*.

Morgan Craven, J.D., is the IDRA National Director of Policy. Comments and questions may be directed to her via email at [morgan.craven@idra.org](mailto:morgan.craven@idra.org).

# Accountability Measures Set to Respond to Public Pressure

## Changes Made to STAAR; Individual Graduation Committees Extended

by Morgan Craven, J.D.

The core purpose of school accountability systems is to assess schools' effectiveness and identify areas that need strengthening. Sound, research-based systems must be in place to evaluate how effectively schools support students and how students perform academically.

As the Texas legislative session began in January, several reports revealed that the State of Texas Assessments of Academic Readiness (STAAR) reading assessments did not test at appropriate grade levels (for more on the reported STAAR design flaws, see IDRA's statement: "Reported STAAR Design Flaws in Reading Show Why High-stakes Punishments Should be Removed from the STAAR"). Concerns about the report findings merged with ongoing concerns about testing with high-stakes consequences. Policy-makers approved several bills that could change how districts approach assessments and measure college readiness.

**House Bill 3**, the school finance bill passed in June, requires the Commissioner of Education to contract with a university to conduct a study of the 2018-19 and 2019-20 school year assessment instruments to determine whether reading assessments were written at appropriate grade levels and whether all assessment content aligns with the essential knowledge and skills identified for students' corresponding grade level.

**Senate Bill 213** extends the use of Individual Graduation Committees for four years. IGCs ensure that Texas does not measure subject mastery solely by one test. They enable students who do not pass one or two end-of-course exams to have their portfolio of coursework reviewed by a team of educators and either the student, a parent or guardian, or a designated advocate.

**House Bill 3906** makes several changes that impact the STAAR test. The bill:

- Allows students to take the STAAR over the course of multiple days, prohibits schools from administering the test on the first day of the

academic week, limits the proportion of allowable multiple choice questions, and allows the State Board of Education (SBOE) to establish new rules about when students can take math assessments with the aid of technology.

- Eliminates the fourth and seventh grade writing tests (including spelling and grammar), although it allows schools to use a classroom portfolio method to assess writing proficiency.
- Directs the Texas Education Agency (TEA) to develop interim assessment instruments that school districts may use to determine students' proficiency in a particular subject or course. The state cannot use these interim instruments for accountability purposes. Additionally, TEA must establish a pilot program for participating districts to use formative testing instruments and to determine the feasibility of replacing the current summative tests with formative assessment instruments.
- Instructs the Texas Commissioner of Education to appoint committees to provide recommendations on the development of valid, reliable and academically-appropriate assessment instruments.
- Requires TEA and SBOE to develop a plan so that the state can offer all assessments electronically by the 2022-23 school year.

IDRA will continue its work to support research-based evaluation and assessment systems that identify and respond to district and student needs.

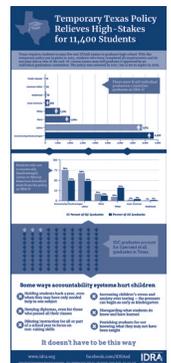
(cont. on Page 8)

### Learn More

*IDRA Policy Priority: Ensure Effective Accountability that Puts Children First and Supports Schools*

**Testimony:** TLEC Urges Texas House to Permanently Allow the Use of Individual Graduation Committees

**Infographic:** Use of Individual Graduation Committees Unlocks Diplomas for 14,422 Qualified Students in Texas



**Statement:** Reported STAAR Design Flaws in Reading Show Why High-stakes Punishments Should be Removed from the STAAR

**Policy Brief:** Don't Block Graduation Because of a Test

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## Taking Steps Toward Keeping the Public in Public Education

IDRA joined more than a dozen education advocacy groups to release a policy agenda focused on increasing transparency and efficiency for charter schools. In addition to House Bill 3, the major school finance bill passed in June, several bills passed that impact charters. **Senate Bill 2293** includes provisions that require the Texas Education Agency to adopt a common application form for charter schools and to develop guidelines for waitlist management and reporting. **SB 1454** creates guidelines and reporting requirements related to real property and other assets owned by charter schools. IDRA will continue to work with families, educators and other advocates to ensure meaningful accountability and fair resource allocation and management for schools.

# College Access Legislation Increases Transparency and Adds Funds to TEXAS Grant Program

by Morgan Craven, J.D.

Expanding access to college means ensuring that schools offer all students the courses and opportunities they need to enroll in the college of their choice. It also means that a college education remains affordable and that the path to graduation from college does not contain unnecessary roadblocks. The Texas Legislature passed several bills aiming to address these goals.

The Legislature approved **House Bill 1**, the budget for the 2020-2021 biennium. It includes \$866.4 million for the Toward EXcellence, Access and Success Grant Program (TEXAS Grant), which provides financial assistance for eligible students to be able to attend public colleges in Texas. The majority of Texas high school graduates are economically disadvantaged, making that program critical for expanding college access. Although HB 1 increases TEXAS Grant funds by about \$80 million, the funds are still not sufficient to cover tuition for all newly-eligible students.

**Senate Bill 232** requires school districts to notify parents and guardians that the state no longer requires students to take Algebra II to graduate. The notification also must state that there are consequences for students who do not complete the course, including ineligibility for the Top Ten Percent Plan, financial aid and grant programs.

IDRA's *Ready Texas – A Study of the Implementation of HB 5 in Texas and Implications for College Readiness* showed that since the passage of HB 5 in 2013, which weakened graduation requirements for math, science and social studies, fewer school districts – particularly rural districts – have enrolled students in Algebra II (Bojorquez, May 2018a & 2018b). Research shows that students who take Algebra II and other higher-level math courses are more likely to graduate from high school in four years (Wiseman, et al., 2015).

This session's major school finance bill, **HB 3**, requires each graduating high school student to complete a Free Application for Federal Student

Aid (FAFSA) or a Texas Application for State Financial Aid (TASFA). Only 61% of graduates in the class of 2018 completed the FAFSA, which is the first step for getting financial aid. Students who complete the FAFSA are 12% more likely to graduate with a degree (Kantrowitz, 2009). A parent, guardian, counselor, or the student (if older than 18) may opt out of that requirement. The bill requires TEA to convene a committee of stakeholders, counselors and administrators to advise on the distribution of financial aid information and opt-out forms.

In response to concerns over lack of coursework transparency, drawn-out degree completion, and limited transferring of academic credits, **SB 25** requires Texas public universities to report any courses for which a transferring student is not granted academic credit. The report must include the reason the receiving university denied credit to the student. Additionally, Texas public junior colleges must report courses taken by transfer students or those who obtained an associates degree at the college.

The bill requires all colleges to develop at least one recommended course sequence for every certificate or degree program; allows junior colleges and universities to enter into credit transfer agreements for up to 60 credit hours; requires students – including dual credit students – to file degree plans earlier so they do not accumulate excessive non-transferable credit hours; and instructs the Texas Higher Education Coordinating Board to convene a committee to make recommendations on credit transfers and statewide collections of related majors.

IDRA will continue to support policies that expand access to higher education for all students, including increases in funding for paraprofessional pipeline programs, Texas' Top Ten Percent Plan, and "Grow Your Own" teacher programs to address educator diversity and shortages.

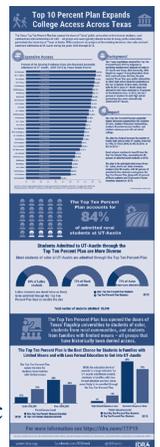
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## Learn More

*IDRA Policy Priority: Higher Education Access that Expands Opportunities*

**Policy Brief:** The Texas Top Ten Percent Plan's Legacy in Supporting Equal Access to College

**Infographic:** Top 10 Percent Plan Expands College Access Across Texas



**Op-Ed:** Protect college admission laws that reward merit, hard work, Celina Moreno, J.D., Texas Tribune

**Data Graph:** Texas Top Ten Percent Plan at UT-Austin Has Dramatic Impact Within Texas Senate Districts – 2019

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(Texas Legislature Concentrates on School Funding, continued from Page 2)

of property wealth or the basic allotment multiplied by 0.016. HB 3 also increases the number of golden pennies from six to eight, which means that the wealthiest school districts will be able to collect and keep more money for themselves.

Since wealthier school districts do not have to send golden penny money to the state for redistribution to poorer school districts (an important system known as *recapture*), overall system inequity will increase over time with the additional golden pennies.

School districts can raise an additional 11¢ from copper penny tax effort under current law. Copper pennies have a lower guaranteed yield than golden pennies and are subject to recapture.

HB 3 increases the copper penny guaranteed yield from \$31.95 per copper penny to the amount produced by the basic allotment multiplied by 0.008. To prevent districts from raising new money due to this change, the state requires districts to reduce their copper penny tax rates to a level that produces the same revenue per student that was produced prior to the change in these formulae. Poorer school districts are more likely than wealthier districts to need to tax in the copper penny level. The HB 3 change means that poorer districts will be able to reduce their tax rates while still collecting the same funds they receive under the law before HB 3.

### Property Tax Rate Reduction

Reducing property taxes was perhaps lawmakers' prevailing focus of the 2019 Texas legislative session. In 2005, the legislature reduced school district property tax rates by one-third using a method referred to as "tax compression." This statewide tax compression set the base tax rates for every school district at two-thirds of their base tax rate in 2005, when most districts taxed at or around \$1.50 for every \$100 of property value in the district. The 2005 law produced a compressed tax rate of \$1.00 for most districts in the state.

The tax compression mandate left a \$5 billion hole in state funding for schools. This eventually led to the devastating 2011 state cuts to school funding when state revenue increases failed to meet the unrealistic state revenue growth levels projected by the bill's authors.

Now, HB 3 creates a new system of tax compression, combining statewide compression with district-by-district property tax compression. It

also requires districts to reduce their property tax rates if the revenue they generate from those taxes will increase by more than 2.5% in any given year.

Allowing district-by-district compression will increase inequity in the school finance system. Wealthier school districts, with valuable property, can tax residents at lower rates, while poorer school districts will have to tax at higher rates to get the same funding. Without guarantees from the state to provide sufficient support to poorer school districts, HB 3's compression approach violates one of the core principles of an equitable school finance system: similar tax effort should result in similar funding for schools.

Additionally, the focus on reducing property taxes leaves questions about future sources of funding for schools, as many wonder whether the state will be able to acquire new funding needed to cover increased school operating costs.

Despite the passage of HB 3, the state must make many more changes to ensure all students have access to excellent, equitable schools. IDRA will continue to push for research-based funding for special student populations, like English learners; equity studies that show the impact of changes to the school finance system; and democratic rule-making that allows communities to understand and participate in policymaking that impacts their schools.

### Resources

Commission on Public School Finance. (December 31, 2018). *Funding for Impact: Equitable Funding for Students Who Need it the Most*. Austin: Commission on Public School Finance.

IDRA. (2019). *Most English Learners Would Be Excluded from the Proposed Dual Language Weight*. Policy brief. San Antonio: IDRA.

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IDRA Policy Priority: *Fair Funding that Ensures Equity and Excellence for All Students*

### School Funding

**Statement:** New Texas School Finance Proposals Are a Start, But There is Still Work to Be Done to Ensure Fair Funding for All Students

**Analysis:** Summary of Comprehensive Texas School Finance Bill



**Infographic:** 7 Things to Ensure School Finance Equity

### Bilingual Education Funding

**Policy Brief:** Most English Learners Would Be Excluded from the Proposed Dual Language Weight

**Bilingual Allotment Data Dashboard:**



Shows scenarios of how increasing the bilingual education allotment will impact schools within each Texas House or Senate district

**Testimony:** Without Increased Resources for English Learners, Texas Compromises Education for One-fifth of Students

**Testimony:** Keep Spending Guidelines for Bilingual and Comp Ed Funding

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# Education Impact of Supreme Court Decision on Citizenship Question

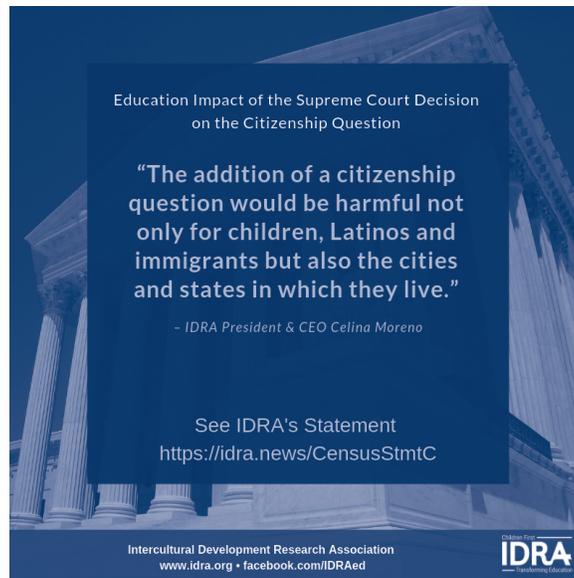
## IDRA Statement on Education Impact of Supreme Court Decision Blocking Citizenship Question on 2020 Census

On June 27, 2019, the U.S. Supreme Court blocked the addition of a question to the 2020 decennial census about whether respondents are U.S. citizens, a question that would have put education resources at risk for millions of Americans. In the case, *Department of Commerce v. New York*, the Supreme Court held that the Trump Administration's decision to add the citizenship question "seems to have been contrived."

While the court has rejected the attempt to add a citizenship question now, it has not prohibited the inclusion of the question in the future. The Supreme Court sent the case back down to the lower court for further review. On July 11, 2019, President Donald Trump announced that the U.S. Department of Commerce will abandon its attempt to add a question about citizenship status to the 2020 Census form. Instead, he issued an executive order requiring every federal department and agency to submit records with citizenship information to the Department of Commerce.

"The addition of a citizenship question would be harmful not only for children, Latinos and immigrants but also the cities and states in which they live," said IDRA President & CEO Celina Moreno. "To achieve a fair and accurate census count, we will continue to work with our allies to ensure all children are counted and have access to equitable and excellent education opportunities."

Census experts predict that the 2020 Census will result in a larger undercount than in previous census years. Even though the census form will not include the question about citizenship, experts warn that the current political climate – e.g., the Administration's policies toward immigrants and the significant budget cuts experienced by the Census Bureau – could result in lower census participation by undocumented or mixed-status families.



The Census Bureau collects counts of people through mail-in questionnaires, and for the first time in the history of the U.S. Census, respondents will have the option of completing the 2020 Census form online. For those who neither complete their form by mail or online, the Census Bureau deploys thousands of census takers to visit non-respondents in their homes. But, there are still large numbers of people who will not complete the census form and will not answer the door when a census taker comes to their home.

The census in previous years has already significantly undercounted adult Black males, children, Latinos and immigrants, which impacts distribution of critical education dollars and political representation.

One study estimates that the citizenship question could result in an undercount of more than 6 million Latinos in the country, including many children (U.S. Census Bureau, 2014). The Census Bureau estimates that the 2010 Census undercounted 1.4 million children ages 0 to 9 years old. Undercounted children are more likely to be children of color, live in complex house-

holds and live in poverty. Many of these children would benefit most from having an accurate count. There are approximately 300 federal programs that allocate over \$800 billion based on decennial census data, including funds for Title I grants for low-income students, special education programs, Head Start, the Children's Health Insurance Program, and Bilingual Education Act grants (Reamer, 2018).

Census undercounts also impact state-level programs. For example, under Texas' House Bill 3, the new school funding bill signed in June, the state will use U.S. Census data to calculate the compensatory education funds allocated to school districts to support programs for low-income students and students at risk of dropping out of school. An undercount in the 2020 Census will neglect students whose schools are eligible for compensatory education funds, thus shortchanging Texas communities, school districts and the students they serve.

"Even after the Supreme Court's decision, state and local governments should still deploy as many resources as possible to ensure the constitutionally-mandated decennial census achieves a complete count," Ms. Moreno said. "Our democracy relies on accurate census counts and on an educated public."

### Resources

Reamer, Andrew. (2018). *Counting for Dollars 2020: The Role of the Decennial Census in the Geographic Distribution of Federal Funds*. Washington, D.C.: GW Institute of Public Policy.

U.S. Census Bureau. (2014). *The Undercount of Young Children*. Washington, D.C.: U.S. Census Bureau.

## Focus: Education Policy

(Accountability Measures, continued from Page 4)

### Resources

- IDRA. (2019). *Don't Block Graduation Because of a Test*. Policy brief. San Antonio: IDRA.
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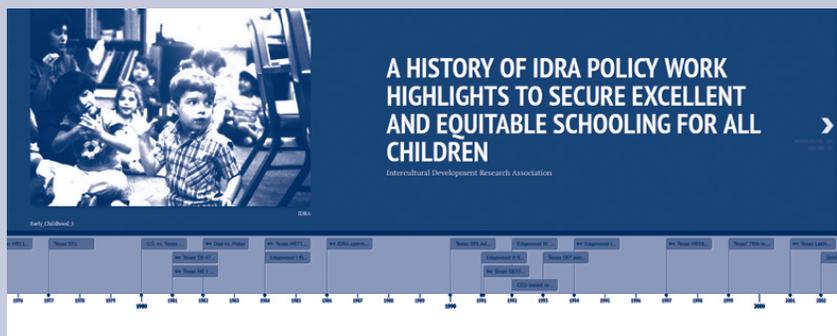
(College Access Legislation, continued from Page 5)

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## A History of IDRA Policy Work to Secure Excellent and Equitable Schooling for All Children



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through strong public schools that prepare all students to access and succeed in college