

Delivered/7.26.10/3.23mst

Dear Commissioner Scott:

Here is a news article from El Paso Inc.

Either you or Debbie Ratliff is not telling the truth. On July 1st, you told me that TEA had never done an investigation of any kind on TAKS scores at EPISD. As we told you during our telephone conference call, several staff members were on that conference call with me and can confirm your statement.

Enclosed is a copy of my letter to you confirming your statement to me.

In this article, Ms. Ratliff is quoted as saying that a report was done in October. Who is telling the truth?

In my letter I asked you to send me any TEA report or other documents on EPISD. You never did, thus leaving one who might rely on your statement to conclude that TEA had no report.

Consider this a Texas FOIA request to TEA to produce and deliver to my Austin office the following:

***any TEA reports, documents, email, letter, calendar notations of meetings or correspondence with EPISD regarding TAKS, including without limitation any reports on Bowie from 2007 to date.**

Under FOIA, I remind you that you have a continuing obligation to update your response. Please contact Eduardo Hagert in Austin for clarification on this request. We want all tangible evidence to show what you did or did not do with respect to any requests from EPISD, including correspondence. Someone is not telling the truth here, and we want to know who.

I look forward to your written reply.

Thank you.

Senator Eliot Shapleigh

TEA will again review charges against EPISD

By Sito Negrón

<http://elpasoinc.com/readArticle.aspx?issueid=296&xrec=5493>



The Texas Education Agency will review accusations that the El Paso Independent School District targeted students who were likely to fail the TAKS test, finding ways to keep them from taking the test.

The charges were brought by state Sen. Eliot Shapleigh in the heat of an election last month on a proposal to raise local taxes.

If successful, the TRE, or tax ratification election, would have raised \$17.5 million locally, and would have been matched with \$19 million from the state, according to the district. But it failed by a near 70-30 mark.

Following the election, school district trustees reaffirmed their support for the EPISD superintendent, Dr. Lorenzo Garcia, and began planning deep staff cuts and other budget-trimming measures.

Shapleigh sent a letter detailing his allegations to the U.S. Department of Education, asking for an investigation.

The department forwarded Shapleigh's letter to the TEA, which told Shapleigh's chief of staff in an e-mailed memo that it would treat the item as a complaint.

Debbie Ratliff, a TEA spokeswoman, didn't have much to say about the complaint.

"Because we've looked into this issue before, we think it won't take us long to finish the investigation because we've already gathered a good bit of data," she said.

Ratliff was referring to a report delivered by the TEA last October, which looked at where 119 of 381 ninth graders at Bowie in the 2007-08 school year went the following year.

Some enrolled in other schools, some dropped out, and some were not allowed back because they were from Mexico.

But Shapleigh's allegations are that the students were targeted by the district using a program called Inova that predicts their chance for success, and just knowing where they went would not

answer that question.

It would require, Shapleigh said, someone with subpoena power to take depositions to find out who those students were, and to correlate that information with the Inova results and with witnesses who could attest to the removals and the reasons behind it.

Ratliff said, “We’ll check into all the allegations that are raised. Some of the data can be reviewed here. It will also require a trip to the district.”

She said she did not know when that might take place.

“If they do come they would want to come in quietly so as to disrupt the district as little as possible while they’re doing their checks,” Ratliff said.

A statement sent to El Paso Inc. by EPISD spokesman Berenice Zubia said the district welcomes a new and expeditious investigation.

“We are confident that the investigation will show that this matter was fully vetted in 2009 and that all students are accounted for,” it read.

The statement called Shapleigh’s latest move a “new and desperate theory” that’s contrary to EPISD’s values, philosophy and policies, and said the Inova system is used to help students get the individual help they need to be successful.

The statement pointed to the district’s improved freshmen retention rates, lower dropout rates and increased graduation rates.

It ended: “In addition, we are hopeful that when the senator receives the results of the new investigation that he will join us and our community to celebrate the remarkable progress the District is making and begin working with us to continue the tremendous success.”

Not likely. Shapleigh said he did not trust the TEA to do the investigation.

“What happened here is a civil rights violation. With Inova, students were profiled based on the probability of passing TAKS,” Shapleigh said.

He said truant officers visited homes to tell students not to come to school, while others were “turbo-mestered” into the 11th grade, bypassing the 10th grade. Some had their attendance records changed, he charged.

“The federal government should do an investigation, not the TEA,” Shapleigh said.

July 1, 2010

Mr. Robert Scott
Commissioner of Education
Texas Education Agency
1701 N. Congress Avenue
Austin, TX, 7801-1494

VIA: INTERAGENCY MAIL

Re: EPISD/TAKS

Dear Commissioner Scott:

We appreciate the time that you took with us today to clarify TEA's role at EPISD in connection with the current TAKS controversy.

Per your conversation with me, Analisa Cordova, my Chief of Staff, and Juana Padilla in my El Paso office, you stated that Superintendent Lorenzo Garcia of EPISD called two weeks ago and asked that your agency review and confirm an audit that he was doing at EPISD regarding TAKS data.

You refused to do so and stated to Superintendent Garcia that it was inappropriate for TEA to get involved and that he should get an independent third party to audit the data.

To date, the TEA has not done any audit, report or other written review of the Bowie or other TAKS data that is in controversy now.

I asked that you confirm what EPISD related documents or reviews that TEA has done over the last two years and deliver those to me in writing.

In our office, Eduardo will follow up to get your letter next week.

Thank you for your kind assistance in this matter.

Very truly yours,

Eliot Shapleigh