



# Senator Eliot Shapleigh

District 29

## Press Release - FAQ

**Contact:**

Analisa Cordova

(915) 544-1990

[analisa.cordova@senate.state.tx.us](mailto:analisa.cordova@senate.state.tx.us)



### For Immediate Release

Updated on November 17, 2010

## "DESAPARECIDOS"

### HOW THE TEA AND ONE SUPERINTENDENT IN EL PASO MADE STUDENTS "DISAPPEAR" TO INCREASE DISTRICTWIDE TAKS TEST SCORES

*"What the TEA and Garcia are doing is teaching the town to cheat, not compete. What is the result? On TAKS test day, less than half of entering freshmen actually sit for TAKS. In other words, 55 percent of the class has "disappeared." Here's the system: "disappear" the bottom half of the class, test the top half of the class and then claim victory on TAKS. Students can't compete in today's economy because they can barely read or write."*

\*\*\*\*\*

**EL PASO** - Over the last few weeks, many of you have asked questions on how Superintendent Lorenzo Garcia and the TEA "disappear" students at EPISD. Here are answers to your most frequently asked questions.

Imagine a class of 100 freshmen, including Mary, entering high school. During the spring semester of sophomore year, each student must take TAKS—a high stakes test that determines if the school passes strict laws about every child getting an education. Imagine that a superintendent and "priority school directors" then find a way to keep the bottom half of that class from taking the sophomore TAKS exam. How do they do it? With INOVA software and student-by-student analysis, which is based mostly on the limited English proficiency (LEP) student population, priority division personnel profile and then target students who may not pass TAKS. Prior to the start of the school year, targeted students are "reclassified." Some of the targeted students are transferred to other schools. Some are classified as "special education" students whose TAKS scores will not count. Other targeted students are kept back in the 9th grade while others are "turbomastered" right into the 11th grade and bypass the 10th grade altogether. For seniors, targeted students have absences changed and some are directed to online courses that are outside the TAKS system. Still others, during early morning visits to their homes, are told by truant officers not to come to class during TAKS. Finally, during TAKS testing, several tests are "picked up" for various reasons; these "picked up" tests are not counted in the final TAKS scores.

What is the result? On TAKS test day, less than half of the entering freshman class actually sits for TAKS. In other words, 55 percent of the class has "disappeared." We see this pattern in many low performing schools at EPISD and other districts statewide. Simply put, here's the system: "disappear" the bottom half of the class, test the top half of the class and then claim victory on TAKS. On its face, the raw data shows that more students are "disappeared" than get educated.

And what about Mary? If Mary is lucky enough to get through this gauntlet, she may still not be able to pass TAKS as a senior. So Mary's mom pays an online degree company like Princeton Review's Penn Foster Online High School Program for Graduation, and six weeks later, Mary gets her high school diploma. So, what's the problem? Mary can't compete in today's economy because she can barely read or write.

Let's take a look at the data.

### 1. How did our Senate office first learn of the "disappeared" students?

Several years ago, Bowie High School entered phase four of [No Child Left Behind](#) and faced [possible closure](#) without action from the community. With so many proud "osos orgullosos," strong alumni and long time community activists behind reform at Bowie, closing Bowie was not an option for anyone in our great community. As a result, our office organized ["Equipo Bowie"](#) along with dozens of community stakeholders to analyze student data from Head Start all the way to UTEP within the Bowie feeder pattern, identify "best practice" solutions, and reform the feeder pattern to achieve lasting student success. That's when teachers, parents, educators and others called us with tales of what Lorenzo Garcia and the priority division were doing at Bowie (and other priority schools) to "disappear" students.

### 2. What are the numbers that caused concern?

Over the last few months, [teachers, counselors, administrators, educators, truant officers and LEP coordinators have delivered disturbing allegations about EPISD](#). Below please find the enrollment data for Bowie High School in Table 1. The figures, provided by the Texas Education Agency (TEA), differ slightly with the figures that we received from EPISD. For example, TEA figures show that 168 students were enrolled as sophomores in the spring of the 2008-09 school year, whereas EPISD stated that 167 students were enrolled. For the purposes of this memo, unless otherwise noted, we rely on the data provided by TEA.

**Table 1: Fall and Spring Enrollment Count, Bowie High School**

Grade	2002-03		2003-04		2004-05		2005-06		2006-07		2007-08		2008-09	
	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring
9	414	374	442	420	472	438	399	394	383	386	381	348	388	367
10	310	304	307	301	340	317	369	355	347	302	303	277	170	168
11	229	198	237	204	268	233	273	257	317	303	271	258	271	224
12	262	272	224	228	209	218	243	246	276	262	318	300	221	253
Total	1215	1148	1210	1153	1289	1206	1284	1252	1323	1253	1283	1183	1050	1012

These figures represent the enrollment count for the last week in October, labeled as Fall, and the number of students who had attendance records during the last six weeks of the school year, labeled as Spring. It should be noted that the Fall data is a snapshot count of students for one day in October, while the Spring data includes cumulative counts for students who were in attendance anytime during the last six weeks of the school year. In other words, if a student attended class one day during the last six weeks of the school year, they count towards the Spring enrollment figure.

Of significant concern are the figures highlighted in the chart: the decline of the freshman 2007-08 cohort from 381 students to only 167 (EPISD's number) students in the Spring of their sophomore year, 2008-09. To compare this drop to previous years, Table 2 examines the loss of students between the Fall of a cohort's freshman year and the Fall of the sophomore year.

**Table 2: Percentage of student decline between Fall of freshman year and Fall of sophomore year, Bowie High School**

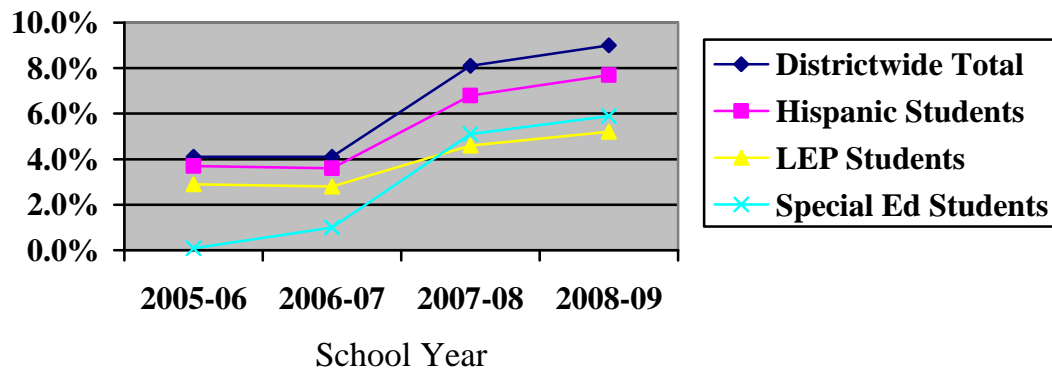
Freshman cohort	Freshman (Fall) enrollment	Sophomore (Fall) enrollment	Amount of student decline	Percentage of student decline
2002-03	414	307	107	25.8%
2003-04	442	340	102	23.1%
2004-05	472	369	103	21.8%
2005-06	399	347	52	13.0%
2006-07	383	303	80	20.9%
2007-08	381	170	211	<b>55.4%</b>

Source: TEA

**3. What is the consequence of students being "disappeared" in their sophomore year?**

In graph format, here is what that "spike" in students who either did not take TAKS or whose results were not counted in 2008 looks like.

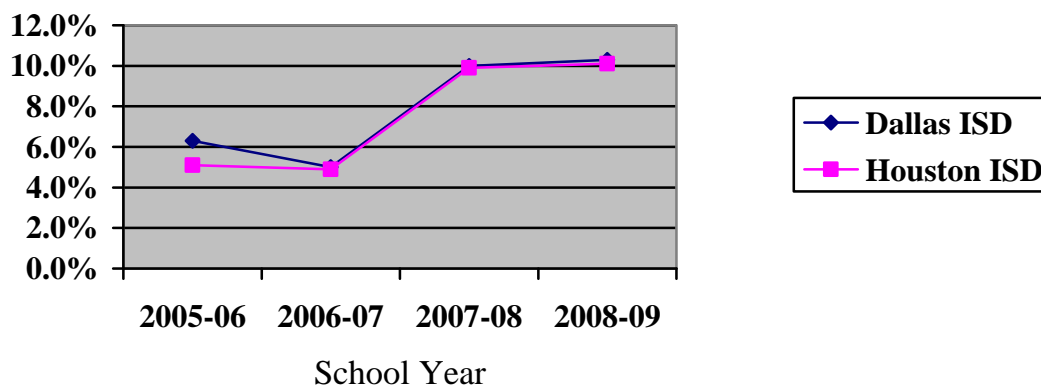
**Percent Increase of EPISD Students Not Counted in Accountability Results**



During the past several months, we have realized that this "spike" and the "desaparecido" pattern are not just an EPISD problem.

Here is the data on Dallas ISD and Houston ISD:

### Percent Increase of Students Not Counted in Accountability Results



#### 4. What happened to those 214 "disappeared" students no longer with their incoming cohort at Bowie High School?

To determine what happened to the 214 "disappeared" students that were no longer with their incoming freshman cohort in Bowie by their sophomore year, TEA followed the students who were freshman at Bowie High School in either the 2007-08 or 2006-07 school years. In short, some students repeated 9th grade, some were promoted to 10th, 11th, or 12th grades, and some were no longer enrolled at Bowie.

**Table 3: Status of students in freshman cohorts by Fall of the next year, Bowie High School**

	2007-08 cohort (% of cohort)	2006-07 cohort (% of cohort)
Repeat 9 <sup>th</sup> grade at Bowie HS	76 (19.9%)	55 (14.4%)
10 <sup>th</sup> grade at Bowie HS	156 (40.9%)	231 (60.3%)
11 <sup>th</sup> grade at Bowie HS	29 (7.6%)	7 (1.8%)
12 <sup>th</sup> grade at Bowie HS	+ 1 (0.3%)	+ 0 (0.0%)
Subtotal of students at Bowie HS Fall 2008	262 (68.8%)	293 (76.5%)
Total number of students not at Bowie HS the following Fall	119 (31.2%)	90 (23.5%)
Original size of freshman cohort	381	383

Source: TEA

**5. What about other schools at EPISD?**

Data from TEA revealed that this situation was not limited to Bowie High School. We found similar numbers at Austin High School (see tables below). Furthermore, we have received reports from teachers that a number of other EPISD "priority" high schools with significant numbers of low performing students did not count students correctly for the TAKS test.

**Fall and Spring Enrollment Count, Austin High School, El Paso ISD**

Grade	2002-03		2003-04		2004-05		2005-06		2006-07		2007-08		2008-09	
	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring
9	471	450	463	449	529	508	615	599	571	528	639	615	587	560
10	411	380	352	354	328	316	390	346	416	373	328	289	348	287
11	283	242	317	263	267	213	283	222	322	290	359	290	310	300
12	315	293	241	236	212	219	210	238	201	221	238	277	265	281
Total	1480	1365	1373	1302	1336	1256	1498	1405	1510	1412	1564	1471	1510	1428

Source: TEA

**Percentage of student decline between Fall of freshman year and Fall of sophomore year, Austin High School**

Freshman cohort	Freshman (Fall) enrollment	Sophomore (Fall) enrollment	Amount of student decline	Percentage of student decline
2002-03	471	352	119	25.3%
2003-04	463	328	135	29.2%
2004-05	529	390	139	26.3%
2005-06	615	416	199	32.4%
2006-07	571	328	243	42.6%
2007-08	639	348	291	45.5%

Source: TEA

**Status of students in freshman cohorts by Fall of their sophomore year, Austin High School**

	2006-07 cohort (% of cohort)	2007-08 cohort (% of cohort)
Repeat 9 <sup>th</sup> grade at Austin HS, EPISD	151 (23.6%)	131 (22.9%)
10 <sup>th</sup> grade at Austin HS, EPISD	267 (41.8%)	241 (42.2%)
11 <sup>th</sup> grade at Austin HS, EPISD	26 (4.1%)	22 (3.9%)
12 <sup>th</sup> grade at Austin HS, EPISD	10 (1.6%)	0
Subtotal of students at Austin HS	454 (71.0%)	394 (69.0%)
Total count of 9 <sup>th</sup> grade students not at Austin HS the following Fall	185 (29.0%)	177 (31.0%)
Grand Total	639	571

Source: TEA

**6. How do El Paso schools in other districts compare?**

What about high schools in other school districts? Are state and/or federal laws causing 55 percent to be left behind? For example, are TEA rules the root cause of 55 percent being left behind, as some have alleged? If so, then Riverside High School, which has a student population similar to Bowie, should be the same. Let's take a look at Riverside High School. As the tables below demonstrate, about 20 to 25 percent of incoming freshmen are not included in the spring sophomore count. What's different at Riverside is that their numbers, which are untainted by manipulation, fall within reasonable ranges.

**Fall and Spring Enrollment Count, Riverside High School, Ysleta ISD**

Grade	2002-03		2003-04		2004-05		2005-06		2006-07		2007-08		2008-09	
	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring
9	459	434	447	444	497	461	517	491	474	441	454	426	377	373
10	359	350	355	349	376	358	351	355	386	369	352	335	357	360
11	319	299	290	281	310	298	331	297	341	318	331	323	303	301
12	318	312	320	317	296	279	295	293	290	279	363	321	398	336
Total	1455	1395	1412	1391	1479	1396	1494	1436	1491	1407	1500	1405	1435	1370

Source: TEA

**Percentage of student decline between Fall of freshman year  
and Fall of sophomore year, Riverside High School**

Freshman cohort	Freshman (Fall) enrollment	Sophomore (Fall) enrollment	Amount of student decline	Percentage of student decline
2002-03	459	355	104	22.7%
2003-04	447	376	71	15.9%
2004-05	497	351	146	29.4%
2005-06	517	386	131	25.3%
2006-07	474	352	122	25.7%
2007-08	454	357	97	21.4%

Source: TEA

**Status of students in freshman cohorts  
by Fall of their sophomore year, Riverside High School**

	2006-07 cohort (% of cohort)	2007-08 cohort (% of cohort)
Repeat 9 <sup>th</sup> grade at Riverside HS, Ysleta ISD	20 (4.4%)	60 (12.7%)
10 <sup>th</sup> grade at Riverside HS, Ysleta ISD	318 (70.0%)	279 (58.9%)
11 <sup>th</sup> grade at Riverside HS, Ysleta ISD	17 (3.7%)	28 (5.9%)
12 <sup>th</sup> grade at Riverside HS, Ysleta ISD	1 (0.2%)	1 (0.2%)
Subtotal of students at Riverside HS	356 (78.4%)	368 (77.6%)
Total count of 9 <sup>th</sup> grade students not at Riverside HS the following Fall	98 (21.6%)	106 (22.4%)
Grand Total	454	474

Source: TEA

## 7. How does the Superintendent and his "priority division" benefit?

As of July 1, 2007, the Superintendent's contract substantially rewards the Superintendent if EPISD meets four of five annual goals for the TAKS test. If he does so, then [he receives a 3 percent increase in salary](#) (about \$8400 with a salary of approximately \$280,000) [and a \\$15,000 annuity payment](#) (this is an addition to the \$20,000 contribution that the Board provides annually). In other words, the Superintendent stands to benefit greatly from gaming the system to ensure that only students who will pass the TAKS are the only ones who actually take the test.

In addition, select administrators realized significant gains in salary and/or retirement pay for no additional value or services rendered to EPISD or taxpayers. For example, our office has received several reports that [some top-level administrators received \\$10,000 bonuses](#) last year based on increased test scores. Other administrators were given significant hikes in retirement pay, which made them some of the highest paid employees in the state.

In sum, it appears each administrator involved in "desaparecidos" received benefit from raises or bonuses that reflect no real value to the district, taxpayers or students of EPISD.

## 8. What does the Superintendent say?

In direct conversations with Superintendent Garcia, he has admitted that the EPISD numbers reported above are [absolutely correct](#). In fact, the numbers are from EPISD files. He then says that [every student was "accounted for."](#) Further, Board trustees have stated in various interviews that ["\[w\]e always have room for improvement... \[r\]ight now, we are following the rules."](#)

What this means is that the Superintendent has "coded" students based on various classifications and has each one tracked in EPISD records. We do not believe that any interpretation of *No Child Left Behind* permits what is described below, and we have [requested that the U.S. Department of Education and their Office for Civil Rights investigate, document and prosecute any violations of federal law or regulations.](#)

## 9. What does TEA say?

While Superintendent Garcia has stated to reporters that TEA staff informed him that our "disappeared student" claims are ["unsubstantiated,"](#) the Commissioner of Education [confirmed to our office on July 1, 2010](#) and again in [a letter dated July 30, 2010](#) that TEA had not performed any investigation whatsoever with respect to EPISD and TAKS. The ["report" referred to by Garcia](#) is the "report" that TEA compiled for our office. Further, on several occasions, Garcia has told staff as well as reporters that "friends at TEA will help us." Finally, emails exist that indicate [TEA gave the perception that they approved of EPISD's activities regarding "turbomesters."](#)

Here's why we believe TEA is complicit in "disappearing" students at EPISD:

- While TEA's Texas Projection Measure (TPM) may have been reviewed in theory by the U.S. Dept. of Education, in practice it is used as a tool to profile LEP students.
- Based on emails in our possession, TEA has approved or at least communicated with certain EPISD administrators on the tactic of moving 9<sup>th</sup> graders directly to 11<sup>th</sup> grade.
- TEA has failed to investigate special education reclassification complaints where students did not take tests that were counted in TAKS scores.
- TEA has failed to investigate bonuses/incentives for key administrators at EPISD whose participation in "desaparecidos" was essential to the scheme, which violates state policy.
- TEA has failed to investigate contracts and raises delivered to specific individuals whose participation in "desaparecidos" was essential to the furthering of the scheme whose value to the District does not otherwise merit the contract or pay delivered.
- Prior to any real investigation, TEA has given statements to reporters and others that indicate TEA has "approved" or at least "investigated" EPISD tactics.
- TEA may have directed EPISD to vendors who developed the systems that actively profile LEP students who are then disappeared.

In addition, we should note that [MALDEF has sued the TEA in the U.S. District Court of the Eastern District of Texas](#) based on claims of lax enforcement of *No Child Left Behind*. Further, TEA Commissioner Robert Scott is now embroiled in a serious controversy over the ["Texas Projection Measure," which allowed half of the one million students who failed TAKS to be counted as "passing"](#) for the purpose of the Texas school accountability system.

The TPM is a complex statistical formula that allows schools and school districts to use a student's score on a particular TAKS test, his/her scores on other TAKS tests, and scores by other students at the school to predict whether the student will pass the next time the test for that subject comes up. Essentially, the TPM allows schools and school districts to take credit for students who failed but are predicted to pass. Schools and school districts are bumped up one rating level if the TPM projects their students to do well enough to reach that level within the next few years.

End result? Using the TPM, schools and school districts can vastly improve their rating. According to a [Houston Chronicle report](#), in the two years that the TPM has been in use (2009 and 2010):

- The number of top-rated "exemplary" schools has leaped from 1,000 to 2,624.
- The number of "recognized" schools rose from 2,819 to 3,153.
- The number of schools in the bottom half of the ratings has similarly dropped, from 3,508 to 1,886 "academically acceptable" schools and from 202 to 125 "academically unacceptable" schools.

For these reasons, we believe that TEA cannot perform an independent, objective investigation, especially as the facts may implicate TEA itself, and we have asked the U.S. Department of Education

and their Office for Civil Rights to conduct an objective, independent investigation of alleged violations of federal *No Child Left Behind* laws and regulations.

## 10. How are targeted students "disappeared?"

Based on calls and letters that we received from dozens of teachers, administrators, truant officers, educators, and counselors, here are the methods deployed by EPISD to "disappear" students so that their scores are not counted against TAKS:

- Prior to the start of the school year, priority school directors use [INOVA](#) and LEP data to profile and target students who are not likely to pass TAKS;
- [targeted students are then "reclassified"](#) so as to remove them from their class cohort for the taking of the TAKS test; under *No Child Left Behind*, class cohorts are the key to testing as all classes and categories of students in a class cohort must pass with basic minimum scores in order to avoid imposition of sanctions; further, keeping class cohorts together is an important value in *No Child Left Behind* and quality education because research shows that students that stay at grade are much more likely to graduate and succeed;
- certain "targeted" students are kept back in the 9<sup>th</sup> grade, so that they will not take the TAKS test in the spring semester of sophomore year;
- other ["targeted" students are "turbomestered"](#) from the 9<sup>th</sup> grade directly into the 11<sup>th</sup> grade so as to avoid 10<sup>th</sup> grade TAKS altogether;
- [during TAKS week, squads of truant officers are dispatched](#) to a list of up to one hundred targeted students to inform them to stay away from school on TAKS day; normally, residency challenges occur during the first week of school, and must by law include five day appeal letters to both the school and district. Based on information provided to us, due process was not afforded to targeted students and parents;
- other [targeted students are transferred](#) out of their high schools to charter or different feeder patterns altogether; at Bowie High School, scores of students were instructed to not go to school and were sent to charter schools in El Paso, which refused to take the students and directed them to JP Guadalupe Aponte, who then sent them to Pupil Services;
- seniors who fail TAKS are enrolled in "online accredited" schools that operate outside the TAKS system entirely, so that no TAKS scores are recorded for these students;
- [seniors who lack required attendance credits have transcripts changed](#) to make them eligible for graduation; and
- other students have TAKS tests "picked up" due to allegations of cheating or failure to follow protocols; these "picked up" tests are not counted in TAKS scores.

Other methods may have been deployed but the ones described above were detailed to us by teachers, counselors and administrators and form the basis of our letters to the U.S. Secretary of Education.

800 WYOMING AVE., SUITE A • EL PASO, TEXAS 79902

In recent weeks, credible administrators have contacted our office to let us know that Pupil Services has been "shredding documents." By law, the district is required to store documents for five years. Many of these documents are thought to involve student transfers and guardianship interactions.

In addition, federal authorities are investigating an alleged \$80 million discrepancy in the official accounting of ARRA monies given by the district to various reporting entities.

### **11. How do vendors benefit and how do they affect EPISD elections?**

Before the start of the school year, priority division directors use [INOVA](#) and LEP data to profile students and target which students are not likely to pass TAKS.

For students who have managed to acquire enough credits to graduate but still can't pass TAKS, EPISD used the [Princeton Review's Penn Foster Online High School Program](#). How does this work? These students withdraw from EPISD high schools and enroll in a school that is not subject to TAKS requirements or the TEA (for example, a private school or a public school outside the state). These students often participate in online programs for six weeks and then receive diplomas but not the quality education that they need to succeed in today's world. Essentially, taxpayers are paying twice for students at EPISD to get a diploma.

Furthermore, according to campaign finance reports, [several software and online vendors hired by EPISD made significant contributions](#) to the PAC that funded the EPISD TRE campaign earlier this year.

### **12. What are "turbomesters" and how do they affect graduation rates?**

One of the "disappearing" methods that our office has received reports about is "turbomesters." For seniors who miss most of the semester, schools offer "credit recovery," which consists of [a one-day mini-semester](#), which some teachers call a "turbomester." Students are then given credit for the entire semester so they can graduate. EPISD teachers have told our office that [even students who have missed 30 school days still graduate](#) because of these "turbomesters."

### **13. What about these truant officer visits—how did that work?**

[By law, school districts must ensure attendance and residency requirements.](#) To attend a District, a parent or guardian of a student who meets age requirements under state law must show utility bills in their names within District boundaries to establish residency. If students miss class, or are chronically tardy, truant officers are dispatched by assistant principals and registrars to check on students. Generally, residency checks are done after a complaint and usually within the first few days of a semester. If a student has issues with residency, the District is required by law to give the parent or guardian a five-day notice letter to appeal a residency decision at the school and another five-day letter at the District.

At certain high schools [in EPISD, up to five truant officers were dispatched prior to TAKS testing week](#) to check on "hundreds" of student homes at 5 a.m. and to station themselves at international bridges to tell students that they did not meet residency requirements. At EPISD, checking student homes at 5 a.m. and patrols to international bridges with a target list of over 100 students without any five-day notice letters, as required by law, is unprecedented. [Federal law](#) requires districts to confirm residency requirements and expressly bars districts from review of legal status as Districts do not have the authority, personnel or training to enforce immigration or customs laws.

#### **14. What happens to teachers who report these violations?**

During my thirteen years as El Paso's Texas Senator, we have intervened in two Districts—Ysleta ISD when the State Master was appointed back in 1998, and now at EPISD to address "disappearing students." Our office has never witnessed such fear as we now see at EPISD. Teachers report that they have been told "to never say anything about what is going on." Truant officers describe the 5 a.m. truant officer patrols as "secret missions" about which they were told to "keep quiet."

All EPISD employees should know that retaliation for reporting a violation of the law is not permitted under [the Texas Whistleblower Act](#). However, the report of such a violation must be delivered to an appropriate law enforcement authority or an employee will not be protected by the Whistleblower Act. We urge any employee with a report of violations of state or federal law to contact our office to make an official report, and to advise our office of any retaliation that any employee might have experienced as a result of reporting such violations.

#### **15. Why is this issue so important?**

The 14th Amendment, which was adopted in 1868, requires each state to provide equal protection under the law to all people within its jurisdiction. The Equal Protection Clause became the basis for *Brown v. Board of Education* (1954), where the Supreme Court of the United States held that states could not establish separate public schools based on race or deny minority children equal access to educational opportunities.

The Texas Supreme Court has upheld these same principles. In *Edgewood Independent School District v. Kirby*, the justices ruled that the Texas funding system violated fiscal neutrality and required the state to provide the public school students of Texas sustainable equal access to educational revenues. In the district court ruling, Judge Clark found that the Texas system of financing schools violated the Texas Equal Protection Clause as well as other state constitutional provisions and laws. Judge Clark held that the students of Texas have a "fundamental right" to an education and that equality of access to funds is one of the major components of this right.

To date, our democracy has determined that separate and inferior educations for any class of students violates the law. The *No Child Left Behind* Act was passed with broad support from Ted Kennedy and George W. Bush to guarantee that every child gets a diagnostic test in order to identify areas where that student needs help.

As Dr. Zollie Stevenson, Director of Student Achievement and School Accountability Programs at the U.S. Department of Education stated, ["allegations of cheating on TAKS testing are serious issues."](#)

800 WYOMING AVE., SUITE A • EL PASO, TEXAS 79902

Dr. Stevenson has ordered the TEA to conduct an investigation of all alleged violations. However, we strongly object to the TEA doing any investigation as the TEA is clearly involved.

During our tenure in the Texas Senate, our office has worked on hundreds of education issues from teacher performance pay to computers in class rooms, from equity in state funding to best practice two-way dual language programs. Among the many issues on which we worked was [reconstitution based](#) on school performance, which is the key to reforms included in *No Child Left Behind*.

If a school does not make the grade on TAKS for three years straight, that school can be closed, transferred to another district, taken over by a charter school, or re-opened by the Commissioner with new teachers and administrators. With this "enforcement option," *No Child Left Behind* was intended to direct resources and quality education practices to students who need it the most.

Under the "disappearing" model, the very students who need extra help the most are the ones who are being profiled and surgically removed from their incoming class cohort to avoid the reforms that *No Child Left Behind* requires.

## 16. What's the bottom line?

What Garcia and the TEA are doing is [teaching Texas to cheat, not compete](#). More money for a deeply flawed model will not make for better schools. Several years ago, working with Senator Shapiro, our office wrote the Texas reconstitution statute based on Bel Air High School's climb from a non-performing to blue ribbon school. That concept was adopted in *No Child Left Behind* and is intentionally based on testing *every* child in a class cohort, not disappearing students on test day. *No Child Left Behind* was created to help students get the resources they need to succeed in today's globally competitive world, not to get them out of class on test day. What killed Garcia's tax increase was almost 10,000 teachers, parents and taxpayers who ["don't like the way the district is being run,"](#) (their words, not mine) and who sent a strong message of no confidence to EPISD administrators. That [teachers voted against their own pocketbooks to help kids get a better district](#) is what the TRE election was all about.

## 17. Where do we go from here?

For now, we strongly advocate a thorough professional investigation of each of these allegations at EPISD by the U.S. Department of Education and their Office for Civil Rights. [TEA's potential conflicts of interest and its lax enforcement of No Child Left Behind bar it from doing the job](#). Our community has seen what happens when state agencies like the TCEQ fail to enforce the law. Our community needs clear guidelines on what *No Child Left Behind* requires for compliance.

We need to focus on hope, not fear; students, not the superintendent; teachers, not priority school directors; accountability, not retribution; fidelity, not cheating; inclusion, not exclusion; and transparency, not secrecy.

We must gather around one of our most valued institutions (our largest school district), to pull together as we always do and as we must, to diagnose what has happened and what we can do to make it better. I have faith that from an improved foundation, the district can be re-built. Having been through some tough times over the years, we all know that it is hard, patient, but essential work. It is

800 WYOMING AVE., SUITE A • EL PASO, TEXAS 79902

the only way great communities build the lasting values, relationships and institutions that will leave a true legacy of education excellence. Our children, our community and our future depend on it.

-End-