

## POLICY BRIEF

### INTEGRATING MULTIPLE CRITERIA IN THE TEXAS ACCOUNTABILITY SYSTEM

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**To:** Honorable Representative Kent Grusendorf, Chair of the Texas Education Committee on the subject of multiple criteria assessment.

#### EXECUTIVE SUMMARY

This brief describes the history of the Texas Accountability System (TAS) and analyzes the impact of the current high-stakes testing program on public education. Since the 77<sup>th</sup> legislation session, assessment policy has evolved to the point that promotion, retention, and graduation hinge on the single measure of a test score. These high-stakes tests result in serious implications for students and school personnel. Promotion to the next grade level or the ability to receive a high school diploma rests solely on a test score. Texas has alarmingly low high school graduation rates, and research indicates that students who are retained once have a higher chance of dropping out. Therefore, the use of multiple criteria as part of the TAS provides a more valid assessment of student learning. Without multiple criteria assessment *all* Texas public school students' educational learning is incorrectly and inadequately determined based on a single indicator, their performance on the Texas Assessment of Knowledge and Skills (TAKS). If the Texas Education Committee is indeed devoted to supporting public education, then it must act in ways that provide a fair and equitable education to *all* students. It must support and enact policies that expand on the narrow focus attached to the use of high-stakes testing in making determinations regarding a student's promotion or retention in grade level and their attainment of a high school diploma.

#### STATEMENT OF THE ISSUE

*Should* multiple criteria be considered when making decisions relating to promotion, retention, and graduation of students?

#### BACKGROUND OF PROBLEM

The issue of high-stakes testing has come to the forefront of the debate on the unintended consequences resulting from state policies (e.g., Senate Bill 4). The question arises about how effective the current assessment system is in improving academic performance. The following statistics illustrate that little movement has been made in quality or equity in education.

- Out of 50 states Texas ranked 43 in academic achievement.<sup>1</sup>
- Only 26% of the Texas population has graduated from high school that puts us at 50<sup>th</sup> in the nation in terms of high school completion rates.<sup>2</sup>
- Alarmingly, Whites drop out of high school at a rate of 27%, African Americans at a rate of 46%, and Latinos at a rate of 52%.<sup>3</sup>

## **HISTORY OF THE ACCOUNTABILITY MODEL AND LEGISLATION**

The TAS involves state policy on testing, as well as methods for collecting and reporting data. The following details the evolution of assessment and legislation dictating the policies in the ongoing academic evaluation debate.

### **Evolution of Assessment to Current High-Stakes Testing**

- Year: 1979
  - Test: Texas Assessment of Basic Skills (TABS)
  - Subjects Covered: Reading, Writing, and Math
  - Grades: 3, 5, and 9
  - High Stakes: None, only 9<sup>th</sup> graders who failed were required to retest
- Year: 1984
  - Test: Texas Educational Assessment of Minimum Skills (TEAMS)
  - Subjects Covered: Reading, Writing, and Math
  - Grades: 1, 3, 5, 7, 9, and 11
  - High Stakes: None, only 9<sup>th</sup> graders who failed were required to retest
- Year: 1990
  - Test: Texas Assessment of Academic Skills (TAAS)
  - Subjects Covered: Reading, Writing, and Math
  - Grades: Reading 3 to 10; Writing 4, 8, and 10; Math 3 to 10
  - High Stakes: High school graduation dependent on passing at exit level test in grade 10; accountability rating for schools and districts based on the percentage of students passing the state's assessment tests
- Year: 2003
  - Test: Texas Assessment of Knowledge and Skills (TAKS)
  - Subjects Covered: Reading 3 to 11; Writing 4 and 7; Math 3 to 11; Science 5, 10, and 11; Social studies 8, 10, and 11
  - Grades: 3 to 11
  - High Stakes: Promotion/retention at grades 3, 5, and 8; high school graduation dependent on passing exit level in grade 11; accountability rating for schools and districts based on the percentage of students passing the state's assessment tests grades 3 through 11.  
(McNeil, 2000; Texas Center for Educational Research, 2002; Valencia & Villarreal, 2005)

### **Legislation That Impacted Assessment**

- House Bill 72 – 1984: Comprehensive education reform bill mandated state-level testing
- Senate Bill 103 – 1999: Created TAKS, effective 2002-2003 school year
- Senate Bill 4 – 1999: Anti-social promotion added to standards-based school reform (Valencia & Villarreal, 2005; Valenzuela, 2005)

## **PAST MULTIPLE CRITERIA ASSESSMENT LEGISLATION EFFORTS**

- 77<sup>th</sup> Legislative Session – 2001: HB 2118 (high school graduation) never reached either the House or Senate floor. HB 2570 (promotion/retention) passed with a majority in the House, but did not receive a hearing in the Senate. Both authored by Representative Dora Olivo (D-Rosenberg).<sup>4</sup>

- 78<sup>th</sup> Legislative Session –2003: Neither bill came out of the Education Committee. HB 336 was concerned with multiple criteria for graduation; HB 337 covered promotion and retention. Both authored by Representative Dora Olivo (D-Rosenberg). (Valencia & Villarreal, 2005; Valenzuela, 2005)

### **PROPOSED MULTIPLE CRITERIA ASSESSMENT LEGISLATION**

In the 79<sup>th</sup> Legislative Session of 2005, Representative Dora Olivo (D-Rosenberg) has authored House Bills 1612 and 1613. Both bills have been referred to the Education Committee and are awaiting a hearing.

**HB 1612** - Relating to promotion of students to certain grade levels in public school.

**HB 1613** - Relating to the requirements for a high school diploma.

### **WHY DOES THIS ISSUE MATTER?**

Examining assessment issues from a critical perspective, as a former educator, and as a current doctoral student in the College of Education at the University of Texas at Austin, it is my responsibility to engage in this conversation of the TAS. Incorporating the use of multiple criteria is consistent with the TAS because multiple criteria provide a broader evaluation of *all* students' overall academic performance, abilities, knowledge, and skills. We must also not ignore that overall; high-stakes testing like the TAKS discriminates against Latino, African American, low-income, and English language learners while favoring White middle class students.

Neither can we ignore the rapidly changing demographics in Texas' public schools. The total public school population in the state of Texas is 4,328,028 with 43.8% Hispanic, 38.7% White, 14.2% African American, 2.9% Asian/Pacific Islander, and 0.3% Native American.<sup>5</sup> The consequences of failing students of color, low-income students, and English language learners at higher rates poses long-term effects on our society, effects we cannot afford. Focusing solely on these test scores limits a student's holistic learning and has a narrowing effect on the curriculum. The unintended consequences of the TAKS also impact teachers and school administrators. A focus on a single indicator negatively impacts the leadership of schools and districts by shifting the focus to test score achievement as a way for school personnel to keep their job and increase their salary instead of having the focus remain on the student's overall learning (McNeil, 2000; Valenzuela, 2005). Policy making inclusive of legislators, researchers, academicians, community members, parents, and schools will pool expertise to help increase the quality and equity of Texas growing diverse public schools.

### **POLICY OPTIONS**

For the third legislative session in a row, we have the opportunity to enact two bills to support the integration of multiple criteria into the TAS, let us not abandon this responsibility. These bills are the previously mentioned, House Bill 1612 and HB 1613, regarding promotion, retention, and high school graduation. Additional policy options include the use of weights regarding the TAKS, like those implemented in 2003 by the Rhode Island Board of Regents for Elementary and Secondary Education where the results of their state assessment may not count for more than 10 percent of all the weighted factors contributing to the graduation determination for a high school student. Texas, too, should turn to the use of technology in scoring students according to multiple assessment

criteria, as is the case of the Comprehensive Local Assessment System (CLAS) in Maine (Valenzuela, 2005, 13). Another factor of multiple criteria assessment includes incorporating the opportunity to learn indices of each school. These indicators can serve to inform and monitor Texas' progress toward equitable college readiness and access of *all* students. The use of opportunity indicators is being pursued in California with the assistance of UC/ACCORD researchers and scholars ([www.ucaccord.org](http://www.ucaccord.org)).

### PROS AND CONS OF POLICY OPTIONS

By openly evaluating and critiquing each policy option we glean a better understanding of the role each can play in helping us establish a higher quality and more equitable education for *all* Texas students.

PROS OF POLICY OPTIONS	CONS OF POLICY OPTIONS
<b>HB 1612</b>	
Provides the opportunity to fairly assess students for grade promotion.	Requires additional and/or a different use of resources from the state, district, and/or local city to establish a grade placement committee.
Establishes a grade placement committee to determine whether to promote or retain a student who fails to perform satisfactorily on an assessment instrument like the TAKS, using standards adopted by the board of trustees.	May not provide enough time for the accelerated instruction to make a significant difference between the TAKS scores being reported and the next testing cycle.
<b>HB 1613</b>	
Relates to the requirements for a high school diploma.	Requires additional resources from the state, district, and/or local city to provide alternative graduation criteria.
Provides alternative graduation criteria to obtain a high school diploma.	Unclear how this accounts for international students who transfer in mid-program.
<b>Weights</b>	
May not count for more than a predetermined percentage of all weighted factors contributing to the promotion/retention determination for public school students	Requires additional resources from the state, district, and/or local city to provide the technology necessary to implement the use of weighted factors.
May not count for more than a predetermined percentage of all weighted factors contributing to the graduation determination for high school students.	Unclear how this considers the insidious effect of replacing constructive action with complex accounting techniques.
<b>Opportunity Indicators</b>	
Provide credible, provocative, and useful information on college preparation, college access, and college success among the state's diverse students.	Assumes that measurement can resolve the problem of unequal opportunities to learn the state curriculum.
Explain the conditions under which the struggle for college access occurs.	Unclear how this considers the insidious effect of replacing constructive action with complex accounting techniques.
Monitors and informs the state's progress toward greater equity.	

## **RECOMMENDATION**

It must be understood that multiple criteria assessment does not preclude high standards or accountability measures. It does call for consideration of teacher evaluations, grades, diagnostic tests, and performance indicators such as work samples, as well as the TAKS results to make important judgments regarding student promotion, retention, and graduation. Further, it moves toward a system to monitor and inform progress toward reducing disparities in educational achievement and college readiness and access; and to use indicators to monitor and report the status of important social conditions and outcomes, track changes over time, and predict likely changes based on past trends.

The legislation as proposed by Representative Dora Olivo calls for the use of multiple measures for compensatory accountability concerning important scholastic decisions for students. This comprehensive approach generates more valid assessments of the children of Texas. It promotes a fair and equitable accountability system regardless of race, ethnicity, gender, language ability, or socioeconomic status. Therefore, we recommend HB 1612 and HB 1613 be passed.

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## **NOTES**

<sup>1</sup> Table A.1: Ranking of States by Academic Achievement, with Component Ranking. American Legislative Exchange Council. Nov 2003, 120.

<sup>2</sup> U.S. Census Bureau; American Community Survey 2003: Percent of People 25 Years and Over Who Have Completed High School (including Equivalency).

<sup>3</sup> Texas Fact Book, 2004. How Texas Ranks: Education. pg 20.

<sup>4</sup> [www.doraolivo.com](http://www.doraolivo.com)

<sup>5</sup> Texas Education Agency (2004).

## APPENDICES

### I. Highlights of HB 1612 & HB 1613

**HB 1612** - Relating to promotion of students to certain grade levels in public school.

- A school district shall establish a grade placement committee to determine whether to promote or retain a student who fails to perform satisfactorily on an assessment instrument like the TAKS.
- The grade placement committee shall be composed of the student's principal or the principal's designee, the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily, and a counselor at the student's school, or in the student's school district if the student's school does not have a counselor.
- The district shall notify the student's parent or guardian of: (1) the student's failure to perform satisfactorily on the assessment instrument; (2) the time and place for convening the grade placement committee and the purpose of the committee; and (3) the possibility that the student might be retained at the same grade level for the next school year.
- The grade placement committee may decide to promote a student who fails to perform satisfactorily on an assessment instrument if the committee concludes, using standards adopted by the board of trustees, that if promoted and given accelerated instruction the student is likely to perform at grade level. The grade placement committee must make a unanimous decision to retain.
- **The standards adopted by the board of trustees may include: (1) evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, and individual reading and mathematics diagnostic tests or inventories; (2) grades in language arts, mathematics, science, and social studies for the grade level from which the student seeks promotion; (3) performance on the individual assessment instruments administered to the student; (4) total scores on the assessment instrument or instruments; and (5) extenuating circumstances that have adversely affected the student's participation in the required assessments.**

**HB 1613** - Relating to the requirements for a high school diploma.

- The commissioner by rule shall prescribe alternative graduation criteria that a student may meet to graduate and receive a diploma.
- The alternative graduation criteria must compensate for unsatisfactory performance on the individual assessment instruments like the TAKS.
- **The alternative graduation criteria must include a student's: (1) grade point average beginning in grade 9; (2) current class ranking; (3) performance on the individual assessment instruments, including a consideration of whether extenuating circumstances may have adversely affected the student's performance; and (4) overall academic performance beginning in grade 9, as evaluated by two or more of the student's teachers.**
- A committee composed of the student's high school principal or the principal's designee and two certified teachers in the student's school district who teach at the high school level shall determine whether a student who has not passed the TAKS has met the alternative graduation criteria.

- A committee established as prescribed by the commissioner shall determine whether a student who has not passed the TAKS has met the alternative graduation criteria: (1) following the first administration to the student of the assessment instruments; (2) on written request of the student's parent or guardian, not more than one time in each school year following the school year in which the assessment instruments are first administered to the student; and (3) when the principal of the student's high school, or the principal's designee, determines that the student is within one month of completing each requirement for a high school diploma other than passing the TAKS.

## II. House Bill 1612

79R4906 SLO-F

By: Olivo  
H.B. No. 1612

A BILL TO BE ENTITLED

AN ACT

relating to promotion of students to certain grade levels in public school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.0211, Education Code, is amended by amending Subsections (a) and (c)-(f) and adding Subsections (a-1), (b-1), and (d-1) to read as follows:

(a) Except as provided by Subsection (b-1), (d), [(b)] or (e), a student may not be promoted to:

(1) the fourth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the third grade reading assessment instrument under Section 39.023;

(2) the sixth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the fifth grade mathematics and reading assessment instruments under Section 39.023; or

(3) the ninth grade program to which the student would otherwise be assigned if the student does not perform satisfactorily on the eighth grade mathematics and reading assessment instruments under Section 39.023.

(a-1) A school district shall establish a grade placement committee to determine whether to promote or retain a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a). The grade placement committee shall be composed of the student's principal or the principal's designee, the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily, and a counselor at the student's school, or in the student's school district if the student's school does not have a counselor. The district shall notify the student's parent or guardian of:

(1) the student's failure to perform satisfactorily on the assessment instrument;

(2) the time and place for convening the grade placement committee and the purpose of the committee; and

(3) the possibility that the student might be retained at the same grade level for the next school year.

(b-1) The grade placement committee may decide to promote a student who fails to perform satisfactorily on an assessment instrument specified under Subsection (a) if the committee concludes, using standards adopted by the board of trustees, that if promoted and given accelerated instruction as provided by Subsection (f), the student is likely to perform at grade level. The standards adopted by the board of trustees may include:

(1) evidence of satisfactory student performance, including grades, portfolios, work samples, local assessments, and individual reading and mathematics diagnostic tests or inventories;

(2) grades in language arts, mathematics, science, and social studies for the grade level from which the student seeks promotion;

(3) performance on the individual assessment instruments administered to the student under Section 39.023;

(4) total scores on the assessment instrument or instruments specified by Subsection (a); and

(5) extenuating circumstances that have adversely affected the student's participation in the required assessments.

(c) If the grade placement committee decides not to promote a student under Subsection (b-1), the [Each time a student fails to perform satisfactorily on an assessment instrument specified under Subsection (a), the school district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, including reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. After a student fails to perform satisfactorily on an assessment instrument a second time, a] grade placement committee shall [be established to] prescribe [the] accelerated instruction for [the district shall provide to] the student for the remainder of the school year and may prescribe accelerated instruction for the time school is recessed for the summer [before the student is administered the assessment instrument the third time]. [The grade placement committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the grade placement committee and the purpose of the committee.] An accelerated instruction group administered by a school district under this section may not have a ratio of more than 10 students for each teacher. The accelerated instruction must include

reading instruction for a student who fails to perform satisfactorily on a reading assessment instrument. The

[(d) In addition to providing accelerated instruction to a student under Subsection (c), the] district shall notify the student's parent or guardian of[:

[(1) the student's failure to perform satisfactorily on the assessment instrument;

[(2)] the accelerated instruction program to which the student is assigned[; and

[(3) the possibility that the student might be retained at the same grade level for the next school year].

(d) The grade placement committee may decide in favor of a student's promotion after a student has received accelerated instruction as provided by Subsection (c) if the committee concludes, using the same standards adopted by the board of trustees under Subsection (b-1), that if promoted and given accelerated instruction as provided by Subsection (f), the student is likely to perform at grade level.

(d-1) A student may not be retained on the basis of the grade placement committee's decision unless that decision is unanimous. The commissioner by rule shall establish a time line for making the placement determination.

(e) A student who[, after at least three attempts,] fails to perform satisfactorily on an assessment instrument specified under Subsection (a) and is not promoted by the grade placement committee under Subsection (b-1) or (d) shall be retained at the same grade level for the next school year in accordance with Subsection (a). The student's parent or guardian may appeal the student's retention by submitting a request to the grade placement committee established under Subsection (a-1) to reconsider its decision under Subsection (d) [(c)]. The school district shall give the parent or guardian written notice of the opportunity to appeal. Subsections (b-1) and (d) and this [The grade placement committee may decide in favor of a student's promotion only if the committee concludes, using standards adopted by the board of trustees, that if promoted and given accelerated instruction, the student is likely to perform at grade level. A student may not be promoted on the basis of the grade placement committee's decision unless that decision is unanimous. The commissioner by rule shall establish a time line for making the placement determination. This] subsection do [does] not create a property interest in promotion. [The decision of the grade placement committee is final and may not be appealed.]

(f) A school district shall provide to a student who[, after three attempts,] has failed to perform satisfactorily on an assessment instrument specified under Subsection (a) accelerated

instruction during the next school year as prescribed by an educational plan developed for the student by the student's grade placement committee established under Subsection (a-1) [(c)]. The district shall provide that accelerated instruction regardless of whether the student has been promoted or retained. The educational plan must be designed to enable the student to perform at the appropriate grade level by the conclusion of the school year. During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

SECTION 2. Section 28.0211(b), Education Code, is repealed.

SECTION 3. Section 28.0211, Education Code, as amended by this Act, applies beginning with the 2005-2006 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

### III. House Bill 1613

79R4948 SLO-F

By: Olivo  
H.B. No. 1613

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for a high school diploma.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 28.025(c) and (d), Education Code, are amended to read as follows:

(c) A person may receive a diploma if the person is eligible for a diploma under Section 28.0251. In other cases, a student may graduate and receive a diploma only if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and:

(A) complies with Section 39.025(a); or

(B) meets the alternative graduation criteria prescribed under Section 28.0252; or

(2) the student successfully completes an individualized education program developed under Section 29.005.

(d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section 39.025(a) or the alternative graduation criteria under Section 28.0252. A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

SECTION 2. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0252 to read as follows:

Sec. 28.0252. ALTERNATIVE GRADUATION CRITERIA. (a) The commissioner by rule shall prescribe alternative graduation criteria that a student may meet to graduate and receive a diploma without complying with Section 39.025(a). The alternative graduation criteria must compensate for unsatisfactory performance on the individual assessment instruments specified in Section

39.025(a). The alternative graduation criteria must include a student's:

- (1) grade point average beginning in grade 9;
- (2) current class ranking;
- (3) performance on the individual assessment instruments specified in Section 39.025(a), including a consideration of whether extenuating circumstances may have adversely affected the student's performance; and
- (4) overall academic performance beginning in grade 9, as evaluated by two or more of the student's teachers.

(b) A committee composed of the student's high school principal or the principal's designee and two certified teachers in the student's school district who teach at the high school level shall determine whether a student who has not complied with Section 39.025(a) has met the alternative graduation criteria prescribed under Subsection (a). The commissioner shall adopt rules relating to the selection and operation of a committee under this subsection.

(c) A committee established under Subsection (b) shall determine whether a student who has not complied with Section 39.025(a) has met the alternative graduation criteria prescribed under Subsection (a):

- (1) following the first administration to the student of the assessment instruments specified in Section 39.025(a);
- (2) on written request of the student's parent or guardian, not more than one time in each school year following the school year in which the assessment instruments specified in Section 39.025(a) are first administered to the student; and
- (3) when the principal of the student's high school, or the principal's designee, determines that the student is within one month of completing each requirement for a high school diploma other than compliance with Section 39.025(a).

SECTION 3. (a) Section 28.025, Education Code, as amended by this Act, and Section 28.0252, Education Code, as added by this Act, apply beginning with the 2006-2007 school year.

(b) Not later than June 1, 2006, the commissioner of education shall adopt rules as required by Sections 28.0252(a) and (b), Education Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2005.

#### **IV. USEFUL WEBSITES**

[www.doraolivo.com](http://www.doraolivo.com)

[www.fairtest.org](http://www.fairtest.org)

[www.texas-testing.org](http://www.texas-testing.org)

[www.ucaccord.org](http://www.ucaccord.org)

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