

INTERIM REPORT

to the 85th Texas Legislature



HOUSE COMMITTEE ON PUBLIC EDUCATION

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HOUSE COMMITTEE ON PUBLIC EDUCATION TEXAS HOUSE OF REPRESENTATIVES INTERIM REPORT 2016

A REPORT TO THE HOUSE OF REPRESENTATIVES 85TH TEXAS LEGISLATURE

JIMMIE DON AYCOCK CHAIRMAN

COMMITTEE CLERK JENNA WATTS



Committee On Public Education

December 5, 2016

Jimmie Don Aycock Chairman P.O. Box 2910 Austin, Texas 78768-2910

The Honorable Joe Straus Speaker, Texas House of Representatives Members of the Texas House of Representatives Texas State Capitol, Rm. 2W.13 Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Public Education of the Eighty-fourth Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-fifth Legislature.

Respectfully submitted,

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TABLE OF CONTENTS

Broadband Connectivity	4
Inappropriate Teacher-Student Relationships	
Institutional Partnerships	
Middle School	
High Performing Students	
School Choice	
ENDNOTES	

Broadband Connectivity

Examine the accessibility to broadband services for schools, libraries, and institutions of higher education. Study the feasibility and affordability of providing scalable broadband to schools and other public institutions. Research federal and state funding opportunities to support increased access to broadband. Review innovative efforts by school districts to integrate technology in the classroom. Explore ways to enhance high-tech digital learning opportunities in the classroom to improve student achievement and fulfill future workforce demands.

Broadband Connectivity

The demand for broadband connectivity in Texas schools has dramatically increased in recent years, taxing many districts' networks. However, a number of factors limit the options school districts have for addressing inadequate Internet connectivity.¹

Education SuperHighway released a connectivity report for Texas in spring 2016. The report indicates that Texas has room to improve K12 connectivity.

- Thirty-three percent of Texas school districts and 55% of Texas students do not meet the minimum Internet access goal of 100 kbps per student
- Texas school districts are paying double the national average for Internet access at \$24 per Gbps as compared to \$11 nationally
- Sixteen percent of Texas school districts do not have fiber connections to the Internet
- Five percent of Texas school districts meet the 2018 FCC connectivity targets²

The connectivity report also found that 36% of districts serving 10% of Texas students receive their Internet access from an education service center.

E-Rate

The E-rate program was created by the Telecommunications Act of 1996. This program assists schools and libraries in the United States in obtaining affordable telecommunications, Internet access, and electronic equipment to support a robust Wi-Fi infrastructure. Discounts for support depend on the level of poverty and the urban/rural status of the population served and range from 20% to 90% of the costs of eligible services. Eligible schools, school districts, and libraries may apply annually, either individually or as part of a consortium.

Texas schools have used the E-rate program as a major source of funding for telecommunication costs. Since the inception of E-rate (1998), Texas schools and libraries have received \$4.3 billion from the program. Over the life of the program, Texas has received 11% of total E-rate disbursements. The annual average Texas schools and libraries have received is \$241,043,196.³

Current Challenges

According to the Texas Computer Education Association, Texas still faces several challenges to ensure that all students have access to quality broadband.

- There is no coordinated vision or plan ensuring that districts in all areas of Texas have access to affordable broadband.
- Fiber is the only technology that can offer affordable, scalable broadband; however, the cost of installation and the rate of return on the investment limits the incentive for companies to install fiber in communities that are geographically remote.
- In underserved areas, the cost of broadband limits school district and community access to resources that are considered common in Texas districts that have adequate access.
- The installation and maintenance of a Wi-Fi network that is robust enough to handle the demands of every student and teacher accessing digital content simultaneously is a challenge for many districts.
- A large percentage of students still do not have access to the Internet outside of their school.
- In January 2016, schools and libraries lost the HB 2818 (74R) telecommunication discounts, resulting in increased costs for broadband access.⁴

Digital Learning Opportunities

Classrooms and Digital Learning

Students with access to adequate broadband capacity have expanded learning opportunities. Students with access to broadband can use web applications to create knowledge rather than just consume information. Applications such as Skype and Google Hangouts offer teachers and students the opportunity to communicate with authors and experts, bringing relevance and authenticity to the classroom. Students can enroll in online courses that they may not otherwise be able to access. And media-rich digital content provides enhanced learning experiences for students, including video, sound, web-enabled links, online assessment, and collaboration with their peers.⁵

Blended Learning

Blended learning is the combination of teacher instruction and online technology that enables personalized learning. Blended learning takes place when students learn at least in part online, with some element of student control over the time, place, path, and/or pace of their learning, while also attending a brick-and-mortar school.⁶

Blended learning is student-centered—both personalized, tailored to an individual student's particular needs, and competency-based, enabling students to advance after mastering a given subject.

Research has shown that differentiated instruction, where teachers personalize lessons based on each student's individual learning style and need, benefits student achievement; however, achieving a one-to-one student-teacher ratio is insurmountably expensive. Blended learning can help bridge the divide to a personalized and student-centered learning experience for every student. Just as technology enables customization in so many other parts of our lives, integrating

technology and online learning into school allows students to benefit from customized learning experiences. In blended learning classrooms, teachers facilitate instruction that is paced to each student's individual learning needs, often using a combination of one-on-one time with a teacher, group interaction with peers, traditional teacher-led lessons, and digital tools and content. Online programs help teachers identify gaps in real-time so students receive help in areas where they need it most.

Blended learning provides an opportunity to use technology to improve student performance and encourage school redesign, while maintaining accountability and efficiency in the use of public funds. Blended learning represents a powerful and scalable way for teachers to personalize learning for each and every Texas student.⁷

RECOMMENDATIONS

Designate a state lead to coordinate efforts to ensure that all schools have access to affordable and scalable broadband.

Consider a state match for the e-Rate program to leverage all federal funds available to school districts.

Inappropriate Teacher-Student Relationships

Review current policies and rules to protect students from inappropriate teacher-student relationships. Examine efforts by the Texas Education Agency, school districts, law enforcement and the courts to investigate and prosecute educators for criminal conduct. Recommend needed improvements to promote student safety, including examining current criminal penalties, superintendent reporting requirements, teacher certification sanctions and the documentation provided in school district separation agreements. Review school employee training and educational efforts to promote student safety.

The number of educator investigation cases has been increasing. The number of open cases increased by 261 from 2011 to 2015.

Open Cases					
September 2011	September 2012	September 2013	September 2014	September 2015	
717	707	834	866	978	

For fiscal year 2014-2015, 910 educator investigations were opened at the Texas Education Agency. Over half of those investigations were opened on a report of sexual misconduct, violence, sexual harassment or inappropriate relations with a student or minor. The cases of inappropriate relations with a student/minor (IRWSM) has also been increasing.

IRWSM Open Cases						
2011-2012	2012-2013	2013-2014	2014-2015			
156	163	179	188			

The Texas Penal Code 21.12 defines an improper relationship between and educator and student. According to the Penal Code an employee of a public or private primary or secondary school commits felony offense of the second degree if the employee engages in sexual contact with a person who is enrolled in a public or private primary or secondary school at which the employee works. Not all IRWSM cases involve a crime, including:

- sexual contact is suspected but can't be proven, or
- no sexual contact alleged, however, inappropriate behavior on the part of the educator exists (solicitation of a romantic relationship).

These type of cases are pursued by the Texas Education Agency on behalf of the State Board for Educator Certification. The solicitation of a romantic relationship by an educator toward a student is not illegal but the educator can be sanctioned.

Educator investigations can result in several different actions related to the educators certificate.

- Case is closed administratively for lack of proof;
- Non-inscribed Reprimand;
- Inscribed Reprimand;
- Suspension;
- Voluntary Surrender; or,
- Revocation.

It is increasingly more challenging to prevent and detect inappropriate educator-student relationships. The expanded use of electronic media allows direct unsupervised contact between educators and students. The vast majority of inappropriate relationship cases involve technology. Districts sometimes allow an educator to voluntarily resign and fail to report the resignation as required by state law.⁸

RECOMMENDATIONS

Encourage school districts to adopt electronic media policies for educator/student interaction and to consider employing available safe and transparent media platforms for educator/student communication.

Clarify what must be provided to TEA/SBEC during the course of an educator investigation.

Encourage the courts and prosecutors to cooperate with TEA/SBEC in educator/student matters.

Allow TEA access to teacher evaluations as part of an investigation related to inappropriate educator/student conduct.

Encourage hiring districts to conduct employment history reviews.

Institutional Partnerships

Examine partnerships between higher education institutions, public school districts, and workforce that promote postsecondary readiness. Provide coordination recommendations to ensure vocational, career, and technical education programs are more accessible. Determine the most effective ways to invest in these partnerships and programs to direct at-risk students to stable career paths. Examine current rules and laws limiting employers from providing meaningful internships, apprenticeships, and other opportunities. Consider new methods to finance workforce training programs and associated assets in high schools and postsecondary schools, including ways to reduce or eliminate these costs and options to incentivize businesses to invest in training equipment for schools.

Higher Education, Public Education and Workforce Partnerships

Byron Martin Center

The center was established in 1998 as a partnership between Lubbock Independent School District, South Plains College and the City of Lubbock to assist with workforce development. The center serves 1,730 high school students (Grades 10-12) from all surrounding high schools. Forty-seven classes are offered to students with transportation provided by the district. Business and industry partners assist with the development of curriculum to meet the needs of regional employers.

SA Works

The initial seed funding for SA Works was provided for by H-E-B in January 2015 in the amount of \$1.4 million dollars (5-year grant period). This grant was generously provided to the San Antonio Chamber of Commerce Foundation to help support the following: two staff members dedicated to employer engagement and education engagement and curriculum; website development; and marketing of the SA Works program. In January 2016, the City of San Antonio and Bexar County committed to additional funding for SA Works in the amount of \$344,000 (\$244K from the City of San Antonio and \$100K from Bexar County; 2-year grant period) to help support these efforts.

SA Works served the community in a variety of way in 2016. SA Works hosted a Job Shadow Day which served 1700 students in Bexar County with 59 employers participating. Two Career Counselor Pilots were launched under the leadership of SA Works and Goodwill in four districts. SA Works has started to develop industry clusters in three industries: manufacturing (TX FAME being developed in SA under leadership of Bexar County); IT/Cybersecurity (Cybersecurity SA); and Healthcare & Biomedical (Chamber's committee). SA Works launched a focus group to identify model for services to assist adults returning to complete college/technical programs aligned to high-demand occupations SA Works team and employers participated in more than 10 career expos in the Spring of 2016 with plans for more. Additionally, under the leadership of Alamo Colleges, aligned and targeted advising between K-12 and institutions of higher education, is underway. ¹⁰

Excel Center Adult High School

The Excel Center is the only high school in Texas that grants high school diplomas to people over the age of 26. The public charter high school serves people aged 19 to 50, 150 students at a time, as part of a five-year pilot program. The school has a waitlist of over 200 adults, whom primarily reside within a 12-mile radius of the school.

Over 90% of classes are teacher led; not computer based. The school provides life coaching with a 50:1 student-to-coach ratio so that all student leave with a 5-year career map. The school provides on-site, free of charge childcare and pre-K for the children of its students and transportation passes. The business community closely works with students on the various career pathways.

The school has had over 75 graduates to date with 72% earning a career credential in addition to high school diploma. Graduates are seeing their income rise up to \$6/per hour after graduation and are building strong families and communities. ¹¹

Challenges to Expanding Internships

Students may be placed in local businesses as part of their career and technology education to receive training to further their educational experiences. Districts are often asked to provide liability coverage for the student's actions while working in the business. Districts do not normally provide liability coverage for students and students have no immunity protections for their actions as do school employees. The potential for unlimited liability against a career and technology student makes any coverage expensive if not impossible to procure.¹²

RECOMMENDATIONS

Consider incentives for businesses that partner with districts to provide expanded learning opportunities for students.

Provide districts and employers ways to provide students liability protection when offering students workforce training.

Middle Schools

Review the state's current education policies and initiatives regarding middle grades. Make recommendations to ensure a comprehensive, research-based state strategy for preparing students at the middle grades for high school retention, success, and postsecondary readiness. This review should include an examination of school-based strategies and best practices that encourage atrisk youth to finish school.

Texas Middle School Requirements

The Texas Administrative Code specifies the requirements for middle school students. School districts serving middle school students:

- Must provide instruction in the required curriculum as specified in the Texas Essential Knowledge and Skills;
- Must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English;
- Must ensure each student completes one Texas essential knowledge and skills-based fine arts course in Grade 6, Grade 7, or Grade 8; and
- May provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. ¹³

A School-based Strategy for Improving Student Outcomes

Middle School Matters 14

The committee heard a presentation by Middle School Matters (MSM), a program which works to improve outcomes for middle school students. MSM is a partnership between the George W. Bush Institute and The Meadows Center for Preventing Educational Risk at The University of Texas at Austin. They focus on key issues that affect middle grade students, including reading, writing, and math instruction; dropout prevention strategies; school climate, culture and student supports; and advanced reasoning and cognitive strategies.

The MSM initiative seeks to increase the number of middle grade students who are prepared for high school and postsecondary success by providing middle school teachers and school leaders with:

- proven, research-based strategies designed to increase student achievement, and
- strategies for identifying students at-risk of dropping out.

The goals of the MSM initiative are to:

- Use solid research to develop practical tools and support for middle grade reform initiatives, school districts, and middle school campuses to apply in their work including the MSM Research Platform and Field Guide; and
- Promote the importance of research-based strategies and practices with individuals making decisions for middle grade students.

RECOMMENDATIONS

Support the dissemination of best practices for middle school instruction.

Encourage districts to review their middle school programs to ensure that students are prepared for high school.

High Performing Students

Review current public education programs that address the needs of high performing students. Identify the adequacy of these programs statewide in meeting the needs of this specific student group and explore additional means to promote high quality programs designed to meet the educational needs of these students. Study ways to increase the recognition of the performance of higher performing students on test-based and non-test based measures. Examine whether the current and proposed state accountability systems adequately promote districts' addressing the needs of students across the performance spectrum, including those students significantly outperforming their peers. Recommend whether the academic performance of high achieving students should be specifically addressed as a separate indicator in the accountability system.

Several programs in Texas schools seek to serve and challenge high performing students.

Elementary Options¹⁵

- Gifted and Talented (GT) pull-out program
- Differentiated instruction in the regular classroom
- Separate classes (ability grouping)
- Campus GT specialist
- Advance in the area of strength
- Duke TIP 4th and 5th grade
- Credit by Examination (CBE)
- School wide Enrichment Model, and
- Summer and Saturday Enrichment Program.

Middle School Options¹⁶

- Gifted and Talented pull-out program or Gifted and Talented content classes
- Campus GT specialist
- Texas Performance Standards Project (Independent Research through a GT or advanced content course)
- Duke TIP, and
- Credit by Examination.

High School Options¹⁷

- Gifted and Talented Program
- Credit by Examination
- Independent Study
- Texas Performance Standards Project (Mentorship Program or research type process in an advanced course), and
- On/off campus seminars mini symposium or professional conference.

In Texas, 40% of GT students are served by a pull-out program; 8% of students are served in a cluster group; 24% of students receive in-class supports by a GT teacher; and 28% are served by other instructional supports. ¹⁸

At the secondary level, some districts deliver G/T services through a Pre-AP or AP classroom with differentiation for gifted learners. Virtual learning gives an advanced student an opportunity to enroll in an AP class that might not be offered by his or her district. ¹⁹

Gifted and Talented Funding

For each identified gifted student, a school district receives an annual allotment. This is determined by multiplying the basic allotment that a district receives for each student by a program weight of .12. Funding is based on the number of students served through the gifted/talented program. The number of students eligible for this funding is capped for each district/charter school at 5% of the entity's refined ADA.²⁰

RECOMMENDATIONS

Support measures to identify students who have the potential to perform at high levels who might not currently be served by GT programs or enrolled in advanced coursework.

Ensure that the new accountability system evaluates the performance and growth of high achieving students.

Ensure that the accountability system rewards districts for providing students opportunities to complete advanced coursework.

School Choice

Study ways to increase parental choice in education, and review the successes and failures of school choice programs in other states. Examine the benefits and costs of implementing such a program in Texas. Recommend whether an expansion of school choice in Texas is needed, and suggest ways to ensure that any school receiving public support is held accountable for its academic and financial performance.

School Choice Options

Education Savings Accounts (ESA)

ESAs are accounts managed by parents to be used exclusively for the educational benefit of their child by allowing parents to customize educational services for the specific needs of their child. Parents could use the money for accredited private school tuition, online educational services, books, tutors, therapists, public school services, testing, etc. The account could be accessed through a debit card. The specific details of any ESA program would be established in law and/or rule.²¹

Rep. Kent Grusendorf, Texas Public Policy Foundation, argued in written testimony for Texas adopting an ESA program as noted below:

This kind of shift in the allocation of educational resources would dramatically improve education in Texas. Empirical evidence proves that when parents are given a choice to vote with their feet, public schools improve. Therefore, all Texans benefit whether they participate in the ESA program or not.

Under such a program, fewer students will drop-out of school, thousands of additional kids will graduate from high school, thousands will be better prepared for college, thousands will never go to prison, academic standards will improve, and the Texas economy will boom. Many otherwise unable to will attend college.

Taxpayers will save money, teachers will finally be paid and treated as professionals. Education choice will be a win-win for everyone except those with a vested interest in the bureaucracy of the status quo.²²

Opponents to ESAs assert that because these programs are so new, there is little or no research available to assess their efficacy. The fact that ESAs can be applied not just to private school tuition, but also to services from a wider array of private vendors and providers raises additional questions regarding financial and academic accountability. While ESA programs would appear to offer flexibility for students and families, their novelty and the lack of available performance data or research render judgments about the value of investing public funds in these programs uncertain at this time.²³

Tax Credit Scholarship Programs

A tax credit scholarship allows businesses to receive a state tax credit when they contribute to a scholarship-granting organization (SGO). The SGO then awards donated funds to K-12 students with financial and academic need. Students can use scholarships to pay for a number of costs at

non-public schools, including: tuition, textbooks, tutoring, and before- or afterschool child care. Tax credit scholarship programs have been proposed that set the maximum scholarship award can be no greater than 75% of state average maintenance and operations expenditures per student. Private schools that accept tax-credit scholarships must be accredited by the Texas Private School Accreditation Commission, which is approved by the Texas Education Agency to accredit non-public schools.²⁴

Jennifer Carr Allmon, Texas Catholic Conference, spoke in favor of tax credit scholarships. Ms. Allmon noted that the previously proposed tax credit scholarship amount of \$6700 was sufficient to cover the \$5500 average tuition in Catholic K-8 schools although less than the \$9100 average tuition in Catholic high schools. Ms. Allmon expressed confidence that Catholic parishes and donors could provide subsidies to make up the difference in tuition. Ms. Allmon made several recommendations to the committee, including that accountability be addressed through private school accreditation and requiring that students take a norm-referenced exam and that eligibility be prioritized to those students with the greatest academic and financial need.²⁵

The committee also received invited testimony from Dr. Luis Huerta of Columbia University. Dr. Huerta's testimony cited research finding inconsistent effects of tax credit scholarships on student academic performance. He also noted that there is limited evidence on whether tax credit scholarships would deliver equity and access for students and families. Based on the available research, Dr. Huerta questioned whether the subsidy amount would be sufficient to cover the cost of tuition or to increase the supply of private school seats. He also emphasized that because private schools are not required to accept these students, the choice ultimately resides with the school not the family and may result in cream skimming and other strategic behavior on the part of private schools that adversely impacts equity and access. Dr. Huerta also questioned the accountability of private schools participating in tax credit scholarship programs, noting that most state programs expressly prohibit public oversight of private school programs and questioning whether parental preference alone would be sufficient to ensure quality. ²⁶

RECOMMENDATIONS

Ensure that any entity that receives public funds has adequate fiscal accountability.

Ensure that any entity that receives public funds has adequate academic accountability.

ENDNOTES

- ¹ Jennifer Bergland, Director of Governmental Relations, Texas Computer Educators Association. Written and Oral Testimony. House Committee on Public Education Hearing, May 11, 2016
- ² Michael Turzanski, State Engagement Manager, Education Superhighway. Written and Oral Testimony. House Committee on Public Education Hearing, May 11, 2016.
- ³ Jennifer Bergland, Director of Governmental Relations, Texas Computer Educators Association. Written and Oral Testimony. House Committee on Public Education Hearing, May 11, 2016.
- ⁴ Jennifer Bergland, Director of Governmental Relations, Texas Computer Educators Association. Written and Oral Testimony. House Committee on Public Education Hearing, May 11, 2016.
- ⁵ Jennifer Bergland, Director of Governmental Relations, Texas Computer Educators Association. Written and Oral Testimony. House Committee on Public Education Hearing, May 11, 2016.
- ⁶ The Clayton Christensen Institute, "Blended Learning Definitions," 2015.
- ⁷ Cat Alexander, Director of Blended Learning, Raise Your Hand Texas. Written and Oral Testimony. House Committee on Public Education Hearing, May 11, 2016.
- ⁸ Doug Philips, Director of Investigations & Fingerprinting, Texas Education Agency. Written and Oral Testimony. House Committee on Public Education Hearing, May 11, 2016.
- ⁹ Jill Berset, Director of Career and Technical Education, Lubbock ISD. Written and Oral Testimony. House Committee on Public Education Hearing, May 3, 2016.
- ¹⁰ Kate Rogers, VP of Corporate Communication and Health Promotion, H-E-B. Written and Oral Testimony. House Committee on Public Education Hearing, May 3, 2016.
- ¹¹ Matt Williams, Head of School, Excel Center Adult High School Pilot. Written and Oral Testimony. House Committee on Public Education Hearing, May 3, 2016.
- ¹² Paul Taylor, Director of Risk Management Legal and Regulatory Affairs, Texas Association of School Boards. Written and Oral Testimony. House Committee on Public Education Hearing, May 3, 2016.
- ¹³ Texas Administrative Code, §74.3. Description of a Required Secondary Curriculum
- ¹⁴ Anne Wicks, Senior Advisor, Education Reform and Middle School Matters, George W. Bush Institute. Written and Oral Testimony. House Committee on Public Education Hearing, February 9, 2016.
- ¹⁵ Priscilla Luz, President, Texas Association for the Gifted and Talented. Written and Oral Testimony. House Committee on Public Education Hearing, February 9, 2016.
- ¹⁶ Priscilla Luz, President, Texas Association for the Gifted and Talented. Written and Oral Testimony. House Committee on Public Education Hearing, February 9, 2016.
- ¹⁷ Priscilla Luz, President, Texas Association for the Gifted and Talented. Written and Oral Testimony. House Committee on Public Education Hearing, February 9, 2016.
- ¹⁸ Monica Martinez, Associate Commissioner for Standards and Programs, Texas Education Agency. Written and Oral Testimony. House Committee on Public Education Hearing, February 9, 2016.
- ¹⁹ Monica Martinez, Associate Commissioner for Standards and Programs, Texas Education Agency. Written and Oral Testimony. House Committee on Public Education Hearing, February 9, 2016.
- ²⁰ Monica Martinez, Associate Commissioner for Standards and Programs, Texas Education Agency. Written and Oral Testimony. House Committee on Public Education Hearing, February 9, 2016.
- ²¹ The Honorable Kent Grusendorf, Director, Center for Education Freedom, Texas Public Policy Foundation. Written and Oral Testimony. House Committee on Public Education Hearing, October 17, 2016.
- ²² The Honorable Kent Grusendorf, Director, Center for Education Freedom, Texas Public Policy Foundation. Written and Oral Testimony. House Committee on Public Education Hearing, October 17, 2016.
- ²³ Dr. Luis Huerta, Associate Professor of Education and Public Policy, Teachers College, Columbia University. Written and Oral Testimony. House Committee on Public Education Hearing, October 17, 2016.
- ²⁴ Jennifer Carr Allmon, Executive Director, Texas Catholic Conference. Written and Oral Testimony. House Committee on Public Education Hearing, October 17, 2016.
- ²⁵ Jennifer Carr Allmon, Executive Director, Texas Catholic Conference. Written and Oral Testimony. House Committee on Public Education Hearing, October 17, 2016.
- ²⁶ Dr. Luis Huerta, Associate Professor of Education and Public Policy, Teachers College, Columbia University. Written and Oral Testimony. House Committee on Public Education Hearing, October 17, 2016.