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## The Pursuit of Equal Educational Opportunity: A Historical Analysis of the South Texas/Border Initiative

Vincent D. Carales  
*University of Houston*

Erin Doran  
*Iowa State University, edoran@iastate.edu*

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## The Pursuit of Equal Educational Opportunity: A Historical Analysis of the South Texas/Border Initiative

### Abstract

The purpose of this historical study was to investigate how individuals articulated the call for the South Texas/Border Initiative, a legislative mandate that funneled unprecedented amounts of funding to underserved universities along the Texas-Mexico border region between 1987 and 2003. Utilizing archival sources, we conducted an analysis of the intentional shifts in funding critical to equity and access in higher education. The events surrounding the South Texas/Border Initiative are unique in that they represent purposeful Latina/o community and state-wide activism that challenged higher education funding inequities.

### Keywords

educational equity, higher education funding, postsecondary access

### Disciplines

Higher Education

### Comments

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The Pursuit of Equal Educational Opportunity: A Historical Analysis of the South Texas/Border  
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Vincent D. Carales and Erin E. Doran

*Educational Policy*

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During the centennial celebrations of the University of Texas at El Paso in 2014, then-President Diana Natalicio reflected on a key moment in the university's history: the *LULAC vs. Clements* (1987) court case that ultimately contributed to the passage of the South Texas/Border Initiative (hereafter, STBI). Calling the lawsuit "a great gift" (Anderson, 2014, paragraph 4), Natalicio remarked, "[The lawsuit] created an entirely new climate for us to go in and do what we did" (Anderson, 2014, paragraph 4). This "great gift" was an influx of approximately \$880 million to universities in the historically underserved South Texas and border regions<sup>1</sup> of Texas where a large proportion of the state's Latina/o population resided (Flack, 2003). As is described in this study, the money was used to address persistent funding discrepancies in programs and higher education infrastructure (e.g., buildings, resources) that had disproportionately marginalized the Latina/o-majority borderlands region of Texas.

While Latinas/os make up one of the fastest growing populations in postsecondary education, their educational attainment rates lag behind their counterparts in other racial and ethnic groups (Núñez, Hoover, Pickett, Stuart-Caruthers, 2013). At the same time, Latinas/os have the highest participation in the U.S. workforce (Santiago, Laurel, Martinez, Bonilla, & Labandera, 2019), and with the relative youth of the Latina/o population (Lopez, Krogstad, & Flores, 2018), educational attainment will play a key role in the success of this demographic and of the broader U.S. economy. The events and narrative leading up to STBI demonstrate the pivotal role community activism and ultimately state funding play in uplifting a region that was

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<sup>1</sup> The South Texas/Border region runs the length of Texas-Mexico border from El Paso to Brownsville, near the Gulf of Mexico. The region also encompasses the region from the border with Mexico north to San Antonio.

referred to as the “Land Texas Forgot” (Cabrera, López, & Sáenz, 2012). Figure 1 presents a timeline of important events that set in motion the STBI.

*Insert Figure 1 here*

In this study, we examine the impetus for the STBI including the court case brought about by Latina/o community organizations, and the advocacy behind the funding that drastically changed postsecondary education for Mexican-Americans living in the region. This study was guided by the following questions: *How did the historical, legal, legislative, and public debates play out prior to and during the initial implementation of the South Texas/Border Initiative? How did the individuals who were involved in the implementation of the South Texas/Border Initiative articulate their intended goals? What is the legacy and impact of the South Texas/Border Initiative on the nine institutions involved?* We use archival records located in libraries across Texas to answer these research questions.

### **Background and Context**

The STBI and its underpinnings began with the December 1987 lawsuit, *LULAC v. Clements*<sup>2</sup> (Kauffman, 2016; Sharp, 1998; Valencia, 2008). The Mexican American Legal Defense and Education Fund (MALDEF) first filed the lawsuit on behalf of several Latina/o organizations (including the League of United Latin American Citizens or LULAC) and individual citizens. Although the case didn't go to trial until 1991, the genesis of STBI's rationale came in the form of a 1988 report by the Legislative Joint Committee on Higher Education in South Texas, notably while *LULAC vs. Richards* made its way through the court system. From 1990 to 2003, the landscape of higher education in South Texas was transformed

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<sup>2</sup> Bill Clements served two non-consecutive terms as the Governor of Texas, from 1979-1983 and 1987-1991, respectively. The name of the lawsuit changed to *LULAC v. Richards* when Ann Richards succeeded Clements in 1991. Most references to the lawsuit in this article will refer to the lawsuit as *LULAC v. Richards*.

with expanded campus resources and programmatic offerings, especially at the graduate level, for the Latina/o-majority region. This renewal was especially significant given the historical educational disparities between Latina/o and White Texans that San Miguel (1987) argued have persisted since the annexation of Texas to the United States in 1845. By 1990, Latina/os made up about a quarter of the total Texas population, with over half of them residing along the border region while fighting for access to equal educational opportunities and funding (Valencia, 2008). Historically, this region of Texas had lower college-going rates than the rest of the state (Cabrera, López, & Sáenz, 2012).

Research has demonstrated that Latina/os have historically been subjected to some of the worst educational disparities in both K-12 and higher education (Covarrubias, 2011; Gloria, Castellanos, Lopez, & Rosales, 2005; Valencia, 2002; Yosso & Solórzano, 2006).

Increasing our understanding of the mechanisms that have addressed such racial/ethnic disparities in higher education, or purported to address these disparities, can be instructive to educational researchers, practitioners, and policy makers. Through activism and legal action, LULAC, MALDEF, and other constituents demanded and received more equitable funding for the state's public 4-year institutions located in South Texas, and we make the case for how this set of actions marked a watershed moment in the history of Latina/o higher education.

### **Literature Review**

With the exception of a few studies (Ortegon, 2013; Kauffman, 2016), little empirical research has been published that highlights the story of why STBI was needed in the first place. Additionally, there is no work that details what was articulated in the public sphere to justify its creation prior to and during its inception, and how it was received by the institutions and communities who benefited from the funding. However, the region targeted in the STBI was

predominantly Latina/o then and still is today (Montejano, 1987; Saenz & Thomas, 1991; Texas State Data Center, 2011).

### **The Legal Struggle for Educational Equality in South Texas**

A struggle for educational equality was not new to this region when MALDEF first filed its case in the late 1980s. Both LULAC and the American GI Forum were founded in South Texas and had been advocating for access to quality education for Latinas/os for quite some time, prior to the lawsuit (Allsup, 1977; Márquez, 1993; Olivas, 2013). At the time of the latter organization's founding in 1944, 47% of Mexican American children in Texas received no education (Allsup, 1977). Among the legal cases in K-12 education that originated from the South Texas region, the Supreme Court case *San Antonio ISD v. Rodriguez* (1973) argued that K-12 school funding in Texas discriminated against schools who served disproportionately higher numbers of students of color (Soltero, 2006). The Supreme Court ruled in favor of the state, arguing that there was no violation of the Equal Protection Clause of the Fourteenth Amendment; however, the Texas Supreme Court eventually ruled the school finance system discriminatory against students in poor districts in 1989 (Soltero, 2006).

Considering the previous history of Latinas/os in fighting for educational access, *LULAC vs. Richards* was exceptional because it marked direct legal action by a group representing Latinas/os against a state government for unequal funding in higher education. This type of legal activism in higher education has been rare as only three cases could be located in case law that challenged state funding on behalf of Students of Color or Minority-Serving Institutions. In a legal struggle lasting nearly thirty years, *Knight vs. Alabama* (1991, 1995) argued that Alabama's policies, especially its property tax system, created unequal funding and admissions policies in the state's institutions of higher education (Hamill, 2015). Similar cases have been argued in

Mississippi with the 1992 case *Ayers v. Fordice* (Fienberg, 1993), and in a 2013 suit Maryland with *The Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission, et al* (Owens, 2015). Collectively, these cases represent the legal struggle to address educational inequality for African American students and Historically Black Colleges and Universities.

The underlying causes for the educational and economic disparities of Latinas/os in South Texas and throughout the United States are complex. While a number of different societal and structural factors have contributed to the gap in educational attainment of Latinas/os (Alemán, 2006; Cabrera, López, & Sáenz, 2012; Gándara & Contreras, 2009; San Miguel, 1987), addressing them is beyond the scope of the present study. However, it is important to note two pivotal court cases that challenged systems of deeply ingrained discrimination in K-12 school funding against Latina/o students began in the South Texas region, including *San Antonio Independent School District v. Rodriguez* (1973) and *Edgewood Independent School District v. Kirby* (1989). Similar to these K-12 cases, the *LULAC vs. Clements* case was another example of community activism and the use of the courts to push against educational inequities that existed within higher education. Prior to STBI, Latinas/os living along the Texas-Mexico border region enrolled in college at very low numbers and the institutions where they resided had limited funding for higher education program development (Valencia, 2008). As a result, the primary goal of STBI was to address persistent gaps in funding and access to postsecondary educational opportunities (Cálderón Galdeano, 2014; Valencia, 2008).

Further compounding the Latina/o access issue, the average student located in this border region had to travel five times further to attend an in-state institution, as did the average student located elsewhere in the state (Jones & Kauffman, 1994). Latina/o students were at a higher

disadvantage by long distances from institutions than White students were. To further hit this point home, Jones and Kauffman (1994) noted that, “When a comprehensive university is right at hand, Hispanics attend at higher rates than do Anglos; but when the closest such university is 300 miles away, Anglos are four times as likely to attend as Hispanics” (p. 281). The South Texas border region, which consists of 41 counties, was and remains predominantly rural and sparsely populated. This region also includes large urban areas (e.g, San Antonio and El Paso) with a concentration of high poverty and low educational attainment rates (Valencia, 2008). In 1990, right at the time of the initial ruling of the *LULAC* case, the Latina/o population accounted for the majority in 83% of the 41 counties (Valencia, 2008). Proximity to a comprehensive university for citizens living along the border counties was also a critical indicator lawmakers used in arguing for more high quality institutions and academic programs to the region (Truan & Cavazos, 1988). The need to address concerns about access to quality postsecondary education precipitated the need for major legislative action in Texas. What followed were years of legal and legislative wrangling that eventually led to the establishment of the South Texas/Border Initiative (STBI).

### **Theoretical Framework**

This study utilizes Weaver-Hightower’s (2008) policy ecology as its framework which is particularly useful for understanding how the landscape of higher education changed in the region as a result of the *LULAC* case and subsequent legislative action. This framework allows for the inclusion of multiple participants, data sources, and discourses to draw from (Weaver-Hightower, 2008). Rather than just looking at main figures of an educational entity (e.g., an educational leader from a single institution such as a president), policy ecology “looks at the media, parent groups, religious groups, printers, travel agents, spouses, and all other persons or

institutions that allow the process to work, no matter how insignificant their role may appear at first glance” (Weaver-Hightower, 2008, p. 155). Weaver-Hightower (2008) goes on to say that a policy ecology analysis involves examining the role of various actors for “understanding the broader cultures and society in which a policy resides” (p. 155). Following this line of thinking, we examined a number of voices from politicians, educational leaders, attorneys, and community members as well as institutional and state policy documents to understand the full breadth of STBI’s impact.

A key part of unpacking STBI lies in understanding the history of educational inequity in Texas and how the STBI attempted to reverse this history. A discussion of these inequities is important to fully investigate how and why organizations like MALDEF and LULAC filed a legal suit against the Texas Governor and the Commissioner of the Texas Higher Education Coordinating Board. Further, understanding the complexity of multiple constituents, policy makers, university administrators, and advocacy groups enables us to look at the movements and actions of all interested parties and how their interests intersected or differed. One way that we sought to be in the multiplicity of perspectives was in the incorporation of documents generated by various sources. We also examined newspapers throughout Texas from 1991-2005 in order to include news coverage and editorials related to the *LULAC* case, the passing of STBI legislation, and how the monies were used by institutions over nearly 15 years. Rather than focusing on one side (e.g., the pro-STBI legislators and advocates), we sought to understand and analyze voices from a variety of sources and over different moments in time in order to showcase how key stakeholders participated in legal and legislative negotiations.

### **Methodology**

The purpose of this study is to explore the perspectives of a variety of individuals who

framed the need for STBI and contributed to its crafting and passage. Through the use of historical inquiry, this study explored archival data to center the perspectives of the individuals who believed that educational injustices were occurring in the state of Texas. The use of document-based study rooted in historical inquiry was intentional, as Thelin (1982) makes a case for this type of scholarship stating, “Historians should conduct such applied research because they can reconstruct and interpret organizations by using documents which many educational researchers would ignore” (p. 10). Further, Aldridge (2015) argues that more historical perspectives, especially critical histories grounded in critical race perspectives that focus on systemic discrimination and oppression, are crucial to better understanding contemporary issues in education and education research. With these perspectives, we felt that a historical approach enabled us to describe and analyze the events leading up to the implementation of STBI and its immediate after effects as a watershed moment in Latina/o higher education.

### **Data Sources**

The archival search process began with the Texas Archival Resources Online (TARO) website to examine both public and personal files including correspondence between individuals involved in the implementation of STBI. This search led us to a number of collections, including the Ramiro R. Casso Papers, whose namesake was a South Texas educator and activist, and the papers of William Cunningham who served as the President of the University of Texas from 1985 to 1992 and the Chancellor of the University of Texas System from 1993 to 2000. We looked for any documents that specifically dealt with the *LULAC* suit or the STBI. For example, a key artifact that was located on the Texas Legislative Online archival website was a 233-page report from the *Legislative Joint Committee on Higher Education in South Texas* presented to the 71st Texas Legislature. A second document was a formal presentation from the Texas Higher

Education Coordinating Board regarding the overall impact of the South Texas/Border Initiative (Flack, 2003). While reviewing these documents, we found other relevant literature including books, journal articles, online articles, and newspaper stories that referenced the South Texas/Border Initiative. We also identified notes and presentations from congressional representatives and other types of correspondence that occurred between important local constituents (e.g., residents of the area, local-level politicians, community college leaders) and influencers (e.g., local business leaders and advocates) who had a role in the initiative. By also examining personal records and communication from the leaders involved in STBI like South Texas Congressman Carlos Truan, we conducted an in-depth analysis of the exchange of ideas, debates, contentions, and opinions, which gave us a sufficient amount of qualitative data needed in order to answer the research questions.

Our search uncovered over 200 documents of which all were included in the data analysis. The first step in our analysis was an open coding (Saldaña, 2015) schema to create a timeline for the *LULAC* case and the concurrent action taking place in the Texas Legislature that ultimately led to the creation of the STBI. Next, we took an axial coding (Saldaña, 2015) approach to track the arguments made by major parties (e.g., the Legislature, the state executive branch as defendant in the *LULAC* case, the plaintiffs) involved in both the lawsuit and in the Legislature. Lastly, we focused on the ways in which the STBI changed the status quo of higher education in South Texas. The final point was captured particularly well by reading and analyzing the newspaper articles covering 1987-2007 from various local newspapers including the *San Antonio Express-News*, the *Austin American-Statesman*, and the *Corpus Christi Caller-Times*.

### **Limitations**

This research project was meant to be a historical archival research paper, and only archival documents were used in addressing the research questions. No formal interviews or surveys were used to collect data. We also worked to balance the perspectives presented in this study, but certain voices were better represented than others. For example, we contacted the Texas Higher Education Coordinating Board with the hope we could explore documents they had in their archives, but the THECB responded that STBI records were not kept under their records retention policies. Additionally, we rely heavily on the *Legislative Joint Committee on Higher Education in South Texas* report spearheaded by state Representatives Carlos Truan and Eddie Cavazos, especially in laying out the conditions which brought about legislative action. However, we found this to be the most comprehensive document, and where possible, we presented other evidence to help triangulate or expand on the committee's report.

### **Findings**

Despite steadily growing demand for higher education since the 1960s and 1970s, state fiscal investment in higher education waned in the late 1970s through the start of the 1980s (Mortenson, 2012). For example, the University of Texas at San Antonio, established in 1969, enjoyed significant fiscal investment from the state during most of its first decade (Walker, 1979). Notably, with pressure from the Department of Education's Office of Civil Rights, Governor Clements implemented a plan known as the Texas Plan to address segregation and disparities in the enrollment of Black and Latina/o students in 1983 (Texas Higher Education Coordinating Board, 1997). The state's actions under the Texas Plan did not help the state avoid litigation from Latina/o advocacy groups four years later.

### **The Legal and Legislative Debates Over a New Plan for South Texas**

As implied by the first research question, this development and implementation of a new

plan for South Texas required a variety of arguments based on the region's history, public policy, and legal precedents. In this section, we present how the case was made for what eventually became the South Texas/Border Initiative.

***LULAC vs. Clements (1987)***. The *LULAC v. Clements* (1987) class action lawsuit challenged the constitutionality of the Texas higher education system, especially in how it funded institutions. Al Kauffman, one of the lead attorneys from MALDEF, stated in *The Chronicle of Higher Education* that "The lawsuit had brought the issue to the public's attention and galvanized support statewide for more equitable budgets" (Mangan, 1993, A28). Later, Kauffman (2016) explained that MALDEF's argument could be summarized with 3 D's: degrees, distance, and dollars. Residents in the South Texas region received fewer degrees, had to travel further than students in other parts of the state to receive their education, and the institutions they attended received lower levels of state funding compared to the state's flagship institutions (Kauffman, 2016).

**The Defendants' Response to the Lawsuit.** Defendants in the case included Governors Bill Clements and Ann Richards; Kenneth H. Ashworth, the Commissioner of the Texas Higher Education Coordinating Board (THECB) and all members of THECB; and the chancellors and regents of 11 public universities and systems; and other elected state officials and trustees (Duarte, 2016; Olivas, 2013). The lawsuit claimed that the policies and practices of higher education officials were discriminatory because they denied Mexican Americans participation in a quality education and access to equal resources (Olivas, 2013). In response to these accusations, the defendants claimed they were not discriminating against border area schools on the basis of the lack of course availability at these institutions. The defendant's case focused on emphasizing the Coordinating Board's process of approving programs. This process involved

conducting a cost benefit analysis to avoid duplication of similar programs that already existed in other parts of the state. The argument made by the Texas Higher Education Coordinating Board was that, since its inception, the Board had approved 93.6% of the programs requested by schools in the border area, compared to only 79.5% of requests from schools in the rest of the State (*LULAC v. Richards*, 1993). This argument, however, ignored the reality that most of the institutions in the border area were much younger and newly established compared to the state's flagship institutions<sup>3</sup>.

**The Plaintiffs' Arguments in *LULAC vs. Richards*.** The plaintiffs in the case, including nine Mexican American organizations (e.g., LULAC, the American GI Forum, the Texas Association of Chicanos in Higher Education, among others) and 15 Latina/o students, claimed that the state discriminated in the allocation of resources to undergraduate, graduate, and professional programs to border area colleges and universities (MALDEF, 1987). Plaintiffs argued that the issue was not program approval but rather, the availability of resources to propose and create high quality programs. For example, according to MALDEF attorney Al Kauffman, plaintiffs indicated that adding one comprehensive institution offering multiple doctoral programs, three professional schools, and general physical upgrades would have been sufficient for the region. (Muñoz, 1991). Jose Garcia de Lara, who was the state director of LULAC at the time, commented on the lawsuit when it was filed by MALDEF on December 2, 1987, and said, "We do not ask for the whole loaf of bread, but neither the crumbs. We want parity within our educational system, and we seek compliance from the State of Texas" (Truan &

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<sup>3</sup> For example, The University of Texas at Austin and Texas A&M University in College Station were founded in 1881 and 1871, respectively, whereas Pan-American University (post-STBI, the University of Texas-Pan American) was established in 1927 as Edinburg College.

Cavazos, pg. 27). In effect, the legal action was a means to force the state to revamp the postsecondary educational infrastructure desperately needed in the region.

**The Role of State Leaders.** In what appeared to be a direct response to the pending litigation involving the executive branch of the government, state legislators realized the massive problem they faced in South Texas. In effect, the state needed to fundamentally change how postsecondary institutions in South Texas were being funded. In April of 1988, STBI began to take shape after Lieutenant Governor William Hobby, Jr. and Speaker of the House Gibson Lewis created the Legislative Joint Committee on Higher Education in South Texas. Speaker Lewis commented on the role of the Joint Committee by stating the following:

If our efforts to expand the state's economy are to succeed, we must ensure that all Texans have access to the educational opportunities that will allow them to effectively compete for jobs and become productive citizens. It is the responsibility of this task force to identify the higher education needs of South Texas and determine to what degree those demands are being met (Truan & Cavazos, 1988, pp 27-28).

The Joint Committee was co-chaired by Senator Carlos Truan and Representative Eddie Cavazos, both residents of Corpus Christi, and the creation of this committee signaled that state legislators were eager to resolve inequities brought out in the *LULAC* case. Beginning in late spring 1988, the Joint Committee held public hearings in Austin and various locations in South Texas. The purpose of the hearings was to collect demographic information and deficiencies in the region related to health and economic development, postsecondary enrollment, institutional funding policies, and academic program development. The hearings were also conducted to collect information regarding current resources and future needs of those higher education institutions located in the region. The Joint Committee heard testimony from higher education

institutions, students and faculty, the business community, statewide and local interest groups as well as residents of South Texas that demanded equity of higher education resources (Truan & Cavazos, 1988).

The first hearing was held on May 26, 1988 inside the Old Supreme Court Room at the State Capitol in Austin, Texas (Truan & Cavazos, 1988). During this initial hearing, Dr. Frederick Von Ende, an English professor at Pan American University, provided testimony from his study that found an unequal ratio of advanced degree programs between South Texas and other regions in the state. Von Ende stated that in 1984, the statewide average ratio of advanced degree programs per person was 1 per 5,106 persons, and in South Texas that number was 1 for every 13,689 citizens; 37% below the state average (Truan & Cavazos, 1988). Von Ende, while juxtaposing the availability of advanced degrees with quality of life, also stated that “North Texas, with the most advanced degree programs in the smallest region [South Texas is approximately 4.5 times larger than the North Texas region], also has the highest per capita income, the lowest unemployment rate, and the highest level of educational attainment” (Truan & Cavazos, 1988, p. 70). This was a critical point in the STBI debate given that South Texas had the lowest per capita income and level of educational attainment, as well as the highest unemployment rate in the state. Various stakeholders including Commissioner Ashworth and educational leaders from the Texas A&M and UT System, Laredo State University, Texas A&I University, and Corpus Christi State University also testified on behalf of their respective institutions regarding the status of higher education in South Texas.

Additional hearings were held at Texas A&I in Kingsville on June 28; Corpus Christi State University in Corpus Christi on June 29; Texas Southmost College in Brownsville (also known as Pan American University at Brownsville at the time), and at Pan American University

in Edinburg on August 16. The final public hearing occurred on August 17, 1988 at Laredo Junior College and Laredo State University. Scott Ellif, an educational consultant for Corpus Christi Independent School District, stated in his testimony that “the critical issue is not that I should sacrifice my family’s stability, my home, and my career in order to move opportunity. . . but that potential doctoral candidates in other parts of the state are not forced to make these sacrifices” (Truan & Cavazos, 1988, p. 94).

The Joint Committee was committed to providing immediate and long-term higher education funding to South Texas “so that the matters involved in the suit will not be adjudicated but will be handled by the policymakers of Texas” (Truan & Cavazos, 1988, pg. 4). It is important to note that the *LULAC* case would not be ruled upon until 1992 while the recommendations that came out of the report were submitted to the State Legislature in December of 1988. Furthermore, the Legislative Joint Committee report recommended that the Legislature, the Coordinating Board, the University of Texas System, the Texas A&M System and the University of Houston system “participate in formulating a remedy for the problem of disparities between higher education resources allocated to South Texas and those allocated to other regions of the state” (Truan & Cavazos, 1988, p. 4). In other words, a swift resolution to the border issue was a high priority for the state legislature. The Joint Committee acknowledged that their recommendations were largely influenced by the oral and written testimony from these hearings (Truan & Cavazos, 1988). From those recommendations emerged STBI in 1989, authorized by the 71<sup>st</sup> Texas Legislature, which provided increased funding to improve and expand the quality of higher education institutions and programs along the region that borders Mexico (Flack, 2003).

**The Role of the Texas Higher Education Coordinating Board in the STBI.** As previously noted, the Commissioner of the Texas Higher Education Coordinating Board, Kenneth Ashworth, was named as a defendant in the *LULAC* case. The case was still making its way through the court system from the end of the 1980s through 1992. During the *LULAC* lawsuit, Ashworth stated that the Board had only the power to approve or reject what schools and universities ultimately propose (Muñoz, 1991). However, State Representative Henry Cuellar (Laredo) believed that the Coordinating Board would only give his community more funding conditioned on increases in enrollment. Yet for that to happen, Cuellar argued that the region needed more quality degrees and programs (Muñoz, 1991).

Despite a contentious relationship with the Coordinating Board, state legislators stressed the importance of maintaining an amicable relationship with the Board as crucial to the progress of higher education in South Texas (Truan & Cavazos, 1988). In between two Coordinating Board meetings in December 1987 and October 1988, board members approved an expanded table of programs at Pan American University. This may have been attributed to high profile events such as the *LULAC v. Clements* case filing, the actual creation of the Legislative Joint Committee itself, and the committee's hearings on higher education access and services (Truan & Cavazos, 1988). Progress in South Texas was on the horizon based on the following statement:

The Commissioner and the Coordinating Board have by this and other actions shown a new willingness to cooperate with universities in South Texas on the development of needed programs. It is important that a positive and cooperative relationship between the Board and the universities continue (Truan & Cavazos, 1988, p. 157).

However, cooperation among all constituents would still be needed to strengthen higher education along the Texas-Mexico border region, regardless of the outcome of the lawsuit.

**Structural Reorganization Prompted by STBI.** A total of nine postsecondary institutions located within the 41 counties identified by the *LULAC* case became the beneficiaries of the STBI. Table 1 illustrates special item funding and tuition revenue bonds initiated from STBI. Another major outcome of STBI was that several of these universities were absorbed into the state's two largest university systems, the University of Texas System and the Texas A&M University System. These mergers resulted in a political redistribution of power by giving residents of South Texas opportunities to serve on the Board of Regents of the state's flagship university systems (Olivas, 2013). It should be noted that an earlier merger of Pan American University and the UT system was approved in 1975 by the UT Systems Board of Regents but was later denied by state legislatures due to the fear of loss of local control and representation on the Board of Regents (Truan & Cavazos, 1988).

*Insert Table 1 Here*

However, the need to create a comprehensive university in the region was advanced in 1987 by three legislative resolutions authored by Senators Carlos F. Truan, Hector Uribe, Judith Zaffirini, Carl Parker, and Representative Eddie Cavazos (Truan & Cavazos, 1998). On May 26, 1988, Jack S. Blanton, Chairman of the UT Systems Board of Regents argued for the necessity of the largest system in the state to take the lead in improving higher education in South Texas in his testimony to the Joint Committee on Higher Education in South Texas. Legislators also heard testimony from David G. Eller, Chairman of the Texas A&M University Board of Regents, who expressed the system's interest in reviewing merger proposals from South Texas institutions (Truan & Cavazos, 1988). Altogether, the STBI institutions were provided with over \$880

million of state funding between 1990 and 2003 to finance programs and facilities at their respective institutions (Flack, 2003).

Exigent circumstances made it imperative that the state demonstrate a commitment to enhancing higher education in South Texas, and the campus mergers that absorbed the South Texas and border region institutions into the state's largest university systems were the most expedient method towards that goal. The Legislative Joint Committee also included a comment regarding the inevitable legislation that would follow which stated that, "The South Texas community acknowledged the importance of presenting a united front in forging a common bill that would achieve the principal goal of forging the two institutions and enhancing higher education in South Texas" (Truan & Cavazos, 1988, p. 117). This comment shows how vital a unified voice was in reaching both the short-term goal of merging institutions and the long-term goal of strengthening those institutions to the benefit of Texas citizens.

**How the STBI Addressed Specific Social and Educational Inequalities.** During the Joint Legislative Committee hearings in 1988, Dr. Steven Altman, President of Texas A&I University (later Texas A&M-Kingsville), revealed four important components to a comprehensive approach to addressing higher education challenges in South Texas, which included (a) new program development, particularly at the graduate and professional levels; (b) research capacity enhancement; (c) student retention and performance; and (d) institutional and faculty development. These four strategies became the foundation of STBI and were a significant part of the final recommendations the committee presented to the legislature (Truan & Cavazos, 1988).

Altman's arguments were echoed by system-level higher education officials and legislators. According to Gerald W. Hill, the Vice Chancellor for Governmental Relations for

University of Texas System, the STBI intended to address the need to enhance access to and quality of higher education institutions that would effectively stimulate more educational opportunities in South Texas (Mangan, 1989). Senator Truan cited having to “catch up because of generations of neglect” as the fundamental rationale for STBI and the need for a long-term commitment to the region (Mangan, 1989, A29).

In the fall of 1986, Hispanics made up 3.4% of total doctoral enrollment in Texas compared to 68% for whites (Truan & Cavazos, 1988). A lack of access to professional schools contributed to the region becoming the “poorest, youngest, fastest-growing—and medically, most underserved—population” (Guerra, 2005, para. 3) in the state. A lack of doctoral programs in the region was also highlighted by the following quote from an online news article:

Texas has 589 doctoral programs at its elite universities, but only three are available to South Texas residents. No professional graduate schools are located in South Texas, including El Paso. Barely 10% of the state’s revenue for higher education flow into the Texas border area, where 20% of the state’s population resides (Muñoz, 1991).

For the citizens in South Texas, historic educational poverty resulted in economic poverty. For example, Kauffman (2016) noted that in 1991 dollars, the economic impact of Texas A&M University (with its array of graduate programs and a veterinary school) and its surrounding community was higher than the impact of all the universities in the South Texas region. The STBI was essentially a legislative roadmap on how to improve access at the graduate level. Community and legislative leaders along the border regions had requested more master’s, doctoral, and professional degree programs; increased state funding of fellowships, scholarships, and loans; increases in paid teaching assistant positions; and state subsidization or loan forgiveness programs (Truan & Cavazos, 1988).

**The Border Region University Plan.** A community-authored document known as The *Border Region University Plan* highlighted these and other inequities related to research funding, library resources, laboratory facilities, physical plant value, faculty salaries, and other indicators of university quality (Casso Papers, 1960-2007). The plan served as a proactive and collective resolution to the *LULAC* case and was developed after over 100 meetings with community groups, university advisors, and advocacy organizations including MALDEF, the House Mexican American Legislative Caucus, the Texas Senate Hispanic Caucus, LULAC, the GI Forum, the Association of South Texas Counties, and many others (Casso Papers, 1960-2007). Organizers presented this comprehensive 10-year plan for improving higher education in the region to state leaders including Governor Ann Richards in the fall of 1992 (Kaufman, 2016). The plan underlined how the lack of academic programs at all levels of education limited the region's ability to provide social and economic opportunities for students. This included, among many other suggestions, training and assistance in economic and workforce development, public health, and other career-related fields designed to uplift the local community. The *Border Region University Plan* received overwhelming support from community leaders and state legislators, and recommendations from the plan would be used in writing up specific legislation that would be come to be known as the STBI (Kauffman, 2016).

**The *LULAC v. Richards* Ruling and the End of the Judicial Fight.** *LULAC v. Richards* went to trial in 1991, and the jury found that while the state failed to provide adequate access to higher education in the border region, its neglect was not the result of racial or ethnic discrimination (Duarte, 2016). However, in January 1992, presiding Judge Benjamin Euresti, Jr. ordered that the funding system in Texas for higher education was discriminatory and mandated that a new funding plan be developed and enacted (Duarte, 2016; Elliot, 1992). The state of

Texas appealed this ruling in the case *Richards v. LULAC* (1993), and the lower court ruling was thrown out by the Texas Supreme Court. MALDEF appealed for a reconsideration of the verdict but was denied a rehearing in February of 1994 (Olivas, 2013). Despite this loss in the courts, the flow of money allocated to the South Texas/Border Initiative was already in place. In his response to the Texas Supreme Court decision, Commissioner Ashworth expressed his desire to work with South Texas colleges by stating “The first thing I would say is that this decision is not going to change our responsibility and our attitudes toward working with South Texas. We’re committed to helping them increase programs and educational opportunity” (Mangan, 1993, A25). Reflecting on the Supreme Court decision, Al Kauffman told a newspaper that the lawsuit “was very important to galvanize the interest of the people on the border and the people of the state on the problems of higher education in the area” (Garcia, 1993, p. B1). However, Kauffman warned that the decision could slow down the momentum that the suit provoked (Garcia, 1993).

### **The End of the South Texas/Border Initiative and its Legacy**

A significant component of the STBI centered on expanding graduate programs and offerings, and improving infrastructure. The 1990s saw a boom in the expansion of academic programs in South Texas, especially in doctoral programs and professional schools (Gold, 1996). Prior to STBI, there were only two doctoral programs in the region; by 1996, there were 11 programs approved by the state (Gold, 1996). By fiscal year 2016, there were at least 60 doctoral programs in existence and the region had received an estimated 18% of all higher education funding in the state. (Kauffman, 2016). Olivas (2013) concluded that “this initiative [STBI] brought substantial program resources, program authorization, and political prestige to the border-area institutions.” (p. 115). Each of the institutions that benefited from the STBI experienced a boom in enrollments, and even with the influx of capital, universities could not

expand fast enough and disparities persisted. Border universities like those at Kingsville and Corpus Christi opened new buildings that were already overcrowded, dealt with faculty-to-student ratios higher than the rest of the state, and were paying faculty lower salaries compared to the state average (Gold, 1997). By 2003 and the end of the STBI funding, UT-Brownsville had absorbed a former mall and hotel space because it could not construct new buildings fast enough to keep up with a 25% increase in its enrollment (Flores, 2003). Further, UT-San Antonio rented out warehouse space to provide overflow for the university's burgeoning architecture program (Flores, 2003). As noted by the *San Antonio Express-News*, new facilities were immediately at capacity once they opened (Flores, 2003).

The STBI also received significant pushback from other institutions throughout the state who sought similar levels of funding and legislators who wanted greater accountability of the benefitting universities. Using similar arguments about the burdens of distance and funding equity, institutions in East Texas, such as Stephen F. Austin University and the University of Texas at Tyler, requested \$20 million from the legislature in 1995 (Graves, 1995). As higher education appropriations decreased in the early 2000s, the state's flagship institutions sought greater funding for themselves to avoid raising tuition on students (Jayson, 2002). The Texas legislature also cast greater attention to the retention and graduation rates at institutions across the state. In 1997, a program called the Back to Basics program required that universities increase their retention rates by 20% and graduation rates by approximately 25% in three years (Fikac, 2000). When institutions like UT-Pan American and UT-San Antonio failed to meet these benchmarks by 2000, state legislator Henry Cuellar threatened greater accountability and state oversight over these institutions (Fikac, 2000). This criticism in particular shows how the

STBI institutions would be held to the same expectations as other universities throughout the state

A legislative report released in 2002 extolled the STBI as a great success for the region: the nine institutions contributed to a net growth of 105 bachelor's, master's, and doctoral degree programs; then-UTSA President Ricardo Romo noted that his university was recognized for being the university awarding the most life science degrees to Latina/o students nationally; and UT-Brownsville increased its awarding of bachelor's degrees by 105% (House Committee on Higher Education, 2002). Plans for a pharmacy school at Texas A&M-Kingsville were underway. The school would be named after Irma Rangel, an area legislator who was a key figure in advocating for greater funding for the region. The University of Texas at El Paso received approval to begin a medical school after a decade-long fight to secure the money needed to construct it (Guerra, 2005). The acknowledgement of these achievements in many ways signaled the end of the STBI. Within a year, the money for STBI diminished in the face of a state fiscal crisis (Flores, 2003). El Paso-area state Senator Elliot Shapleigh called the 2005 legislative session "the transition from Robin Hood to robber baron" (Scharrer, 2005, para. 13).

Leaders from the institutions impacted by STBI stated that its legacy would be the thousands of students who benefitted from access to higher education, meaningful careers, and the ability to make positive contributions to society (Cunningham, et al., 1993). Institutions in South Texas gained new academic programs in computer science, chemistry, environmental science, criminology, gerontology, social work, special education, English as a Second Language, nursing, and math (Sharp, 1998). The South Texas border region institutions received what they sought: the right to more equitable educational opportunity and access to quality institutions of higher education for its residents.

### Discussion

Our findings from this study highlight the struggle in South Texas for the right to a quality education. Using a policy ecology perspective (Weaver-Hightower, 2008), we attempted to look at the impetus, inception, and follow through of the STBI from multiple perspectives. We used historical archival data (e.g., legislative documents, newspaper articles) and included some sources from the Texas Higher Education Coordinating Board and lead attorney Al Kauffman that reflected on the impact of STBI. From this policy ecology perspective, the implementation of the STBI was a multi-pronged effort that came to fruition from advocacy groups, higher education leaders, and legislators who explicitly and implicitly admitted that the state funding structure had left South Texas and the Border region behind in higher education. From its inception, the Legislative Joint Committee served as the primary driver in promptly addressing the issue brought out by the original lawsuit and served as one of the most influential mechanisms in advocating for the South Texas community. The committee was charged with providing immediate remedies in addressing inequities of higher education in the border region to ensure that all Texans had access to educational opportunities that would allow them to become productive members of society (Truan & Cavazos, 1988). State leaders clearly wanted the Joint Committee to serve as their voice in order to demonstrate that they were taking the matter seriously. The committee report examined issues of access to higher education both from a geographic and racial/ethnic perspective, and the need for the state, whether judicial or legislative, to be involved in addressing the *access* issue in South Texas. Other challenges in the region, which were highlighted by the committee report, included standardized testing bias and costs associated to taking the test, college readiness assessment, and adequate need-based financial aid (Truan & Cavazos, 1988).

Leaders from the STBI institutions described the initiative as a “dramatic, long-term advancement of higher education” benefiting not only those living in the region but all people of Texas (Cunningham et al., 1993).

In considering the ways education researchers and historians have examined the Latina/o struggle for educational equality, we found that the study of this struggle tended to focus on the K-12 sector (e.g., Alemán, 2006). Considering the recent and controversial reorganization and consolidation of two border-area universities in Texas (Tevis, 2015), access to high-quality undergraduate and graduate-level education remains an issue for this predominantly Latina/o region. It also speaks to the potential for change when communities pair with political and economic leaders to push for change in education. Findings from the *LULAC v. Richards* case indicate that, although the South Texas community lost the legal battle in court, they eventually won the war in the court of public and legislative opinion. Before the case had even gone to trial, events such as the creation of the Legislative Joint Committee in April of 1988 were set in motion. The Texas Legislature even expressed a desire to settle the case before a ruling could be made, a remarkable sentiment considering the Governor and highest-ranking higher education official in the state were named as plaintiffs. This response indicated an agreement and acknowledgement with the plaintiffs in the *LULAC v. Richards* case that social inequities in South Texas did in fact exist, had existed for some time, and needed to be remedied before things worsened. It is hard to tell what the region may have looked like today, had it not been for *LULAC v. Richards* and the publicity it brought with it. Without initiatives such as STBI, there may not have been high-quality institutions in South Texas, such as UT Rio Grande Valle, Texas A&M Corpus Christi, Texas A&M-International, or Texas A&M-Kingsville. It is important to note that these institutions were “reborn” and strengthened as a result of STBI to become a part

of the state's flagship university systems giving them immediate credibility, stability and the ability to enhance their graduate programs; perhaps the most substantial accomplishments of STBI.

Findings also indicate that various individuals throughout the local and statewide community made it known that the region had suffered for far too long and that it was time the state owned up to the historic neglect that had been occurring in South Texas. What was obvious to the local residents of South Texas and these organizations had not been so obvious to state leaders, the higher education community and the legal system. *LULAC v. Richards* was the catalyst that captured their attention and convinced them that action was necessary. Based on several comments made about the South Texas border region in the late 1980's and throughout the 1990's, it was made very clear that justice in South Texas needed to be served with more equitable funding, and eventually had been served through STBI (e.g., Cunningham et al., 1993; Jones & Kauffman, 1994; Mangan, 1989, 1993; Muñoz, 1991).

### **Implications for Future Research, Policy, and Practice**

There are many inequities that were addressed during the period of STBI: access to equal higher education funding, equal educational opportunity, and access to a quality postsecondary education. Those who have interests in learning more about these challenges from a historical context need look no further than what transpired during the fight to implement STBI. Future research might further explore the long-term impact STBI had on the nine institutions and the local communities who benefitted from the initiative. Exploring the lived experiences of the individuals and leaders who were directly involved in leading the fight would also provide a more qualitative perspective in terms of grasping a deeper and personal understanding of the

struggles and educational disparities endured by South Texas communities. We also argue that a study focusing on the efforts of community colleges in this region during this time is needed.

For policymakers and community advocates, the *LULAC* case illustrates how actions from a united front to challenge the status quo can result in important, impactful changes to reverse decades of discrimination. However, there are limits to STBI. While the initiative brought unprecedented amounts of state revenue to higher education institutions in the region at the time, the influx was the result of special item funding that did not facilitate permanent changes to the Texas higher education budget. As such, advocates and legislators may look to the STBI as reason to reconsider funding policies and structures so that allocations to under-resourced institutions become a permanent part of state budgets that are not threatened by economic downturns. We note that in November 2019, Historically Black Colleges and Universities in Maryland reinvigorated their efforts to sue for funding parity in that state (Bonessi, 2019). These efforts originally began in 2006 (Bonessi, 2019) and demonstrate that legal action by itself has limits for challenging the status quo and pushing for permanent change toward greater equity. In Texas, legal action alone did not bring about the STBI, and legislative action made an impact. In Maryland, legal actions have currently led to stalemate, and now HBCU advocates are taking their fight to the legislature.

In terms of practice, the STBI demonstrates the importance of community activism in shaping and reshaping the histories of regional institutions, especially for communities of color. It was clear that educational leaders, legislators, and South Texas residents understood the connection between economic and educational poverty as a mechanism for advocating for change. Recently, we have seen some of the STBI institutions (notably UTEP and UTSA) face criticisms that their current leadership does not reflect the communities and histories of these

institutions (Ayala, 2019; Sundaram, 2019). Therefore, we argue that the STBI demonstrates the importance of community-university engagement.

### **Conclusion**

The South Texas/Border Initiative came to fruition because of the state's historic inability to address the higher education needs of a specific region. This archival project was intended to provide a deep analysis of the rationale and legacy of STBI, what it took for a group of people to address issues of higher education equity, access, and funding in the state of Texas, and what the legacy of this advocacy is. Based on the voices of the people who were directly or indirectly involved in the formulation and execution of STBI, findings from this paper show that the border region was in desperate need of higher education funding initiatives like STBI. However, the access and equal educational opportunity debate today is not over and there is more work to be done. There continues to be distinct gaps in access and educational attainment among Latinas/os and their white counterparts (Gándara & Contreras, 2009). Given that Latinas/os are very close to becoming the majority population in Texas, these challenges will need to be met in order for the state to close the gaps in educational attainment. This is especially true if Texas wishes to sustain the strength of the economy in the future. Leaders from the institutions who benefitted from STBI described it as a "dramatic, long-term advancement of higher education" benefiting not only those living in the region but all people of Texas (Cunningham et al., 1993). Findings also indicate that various individuals throughout the local and statewide community made it known that the region had suffered for far too long and that it was time the state owned up to the historic neglect that had been occurring in South Texas.

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