

School Finance Litigation Update Day Nineteen – November 27, 2012

Dr. Meria Carstarphen, Mr. Michael French and Mr. Larry Harris

The state continued its' cross-examination of Dr. Meria Carstarphen, Austin ISD superintendent, by asking questions regarding the district's strategic plan, teacher compensation program (REACH) and school budgeting. The state also questioned the current AEIS data which show Bowie HS enrolling 2,800 students and spending approximately \$6,000 per student and Reagan HS enrolling nearly 800 students and spending approximately \$10,000 per student. Dr. Carstarphen explained the differing demographics of each high school by saying that Bowie is a traditional high school campus with a middle class, homogeneous population and Reagan HS is a high poverty, high-need campus with a mix of program designs to support and improve student achievement.

David Thompson, representing the Fort Bend plaintiffs, asked Dr. Carstarphen about the percentage of economically disadvantaged students enrolled at Bowie HS (15%), Regan HS (91%), and Travis HS (89%) and the relationship to spending. She responded by saying that at high poverty, high-needs schools, the district is spending more dollars to provide students with an education because it takes more resources to educate vulnerable, at-risk students. Mr. Thompson also asked questions regarding the IDEA Charter School, an in-district charter school. Dr. Carstarphen explained that students attending the IDEA Charter are enrolled in AISD and the district is accountable for their performance. The AISD board position is to provide a rich portfolio of schools to choose from and the IDEA charter school is one of over 100 choices in the district.

Judge Dietz began his questioning of the superintendent by saying he presumes the legislators acted rationally in making the selection, but he wanted to know why did the legislature picked AISD in terms of selecting the property wealth funding formulas for the state? Dr. Carstarphen did not know why the legislators chose AISD values.

Judge Dietz also wanted to better understand what the district does for Bowie HS, with low poverty, low LEP and low at-risk student populations compared to what the district does for Reagan HS, a high poverty, high LEP and high at-risk student populations. Dr. Carstarphen replied by saying that "*Bowie is able to serve the majority of students well.*" There is a lot of flexibility around the school's programming, they are a more traditional HS, they do really well with a comprehensive design, and can do it within a range of efficient student funding. The district tries to manage their over-enrollment. With Regan HS, she elaborated, they have some traditional components but overall those components were not serving them well. In 2009, the campus continued unacceptable performance and was on the verge of being shut down by the state. So Reagan HS was changed to an Early College HS design and they immediately began working with families and kids for them to very quickly become successful. In addition to changing the academic programming, it was also necessary to change the culture and climate of the school. Today, Reagan HS is a different school. She continued by explaining that in addition to "brilliant leadership" it takes more resources to turn-around a school, provide strategic compensation for

teachers, implement rigorous academic programs, provide additional training and support for teachers, open family support centers, hire parent support specialists, etc.

In closing, Judge Dietz referred to the superintendent's previous testimony in which she said that the current funding system does not provide sufficient resources. Dr. Carstarphen clarified her testimony by saying in Austin, there is not enough flexibility in the formula to respond to changing demographics. She provided numerous examples, including *"to implement the best practice model around dual language we have to give up other things to afford to do that design."*

The second superintendent to testify today was Mr. Michael French, Quinlan ISD. Ms. Toni Hunter, representing the Texas Taxpayer and Student Fairness Coalition plaintiffs, asked Mr. French to describe the district. Quinlan ISD is located in the Lake Tawakoni area, enrolls approximately 2500 students, 70% are economically disadvantaged, and predominantly Anglo. Mr. French referred to latest census data that shows 68% of males over 25 in the community do not have a high school diploma and the dropout rates were higher for females. He testified that where there are large percentages of high school dropouts, parents don't have the skills necessary to provide academic support for their children.

Mr. French stated that Quinlan ISD does not have the funds available to successfully educate economically disadvantaged students to meet the current college and career readiness standards. And, when asked, he elaborated on the additional staff and resources (\$9,400 per student) the district needs to meet the current standards. After comparing the differences between Quinlan ISD (M&O tax rate at \$1.04 and \$5,300 per WADA) and the wealthiest 15% of Texas districts which average \$1.02 M&O tax rate and \$7,535 per WADA, Mr. French commented that Quinlan ISD students are losing both college and career "opportunities" due to these funding differences.

Under cross-examination, the state asked, *"Has funding has ever been adequate in Quinlan ISD?, Have you ever made a recommendation to the board to raise the M&O?, "Have you attempted to pass a bond since 2005?"* Mr. French replied "no" to each question and provided a brief explanation detailing his response. The state also asked questions regarding a) the district's salary schedule and if teacher compensation is tied to teacher performance, b) if STAAR results will improve over time, and c) funding for the Pre-K program.

Judge Dietz probed further on the superintendent's testimony regarding lack of resources by asking *"that which you are required to do, are you able to pay for it with Tier 1 funding?"* When Mr. French said he could not, the judge asked *"are you able to pay for it with Tier 1 and Tier 2 funding?"* And again Mr. French said he could not, but that the district does the best that it can. He explained that it's not a lack of effort or know-how. It's a lack of resources. And either the resources have to be provided or the standards have to be changed.

Finally, Judge Dietz asked if there was anything else Mr. French wanted him to know. And he reiterated that the district needs at least \$9,400 per student, all students should be valued equally among districts and that he would rather "educate than incarcerate."

Mr. Larry Harris, Mason-Dixon Polling and Research, was the third witness of the day and was called to the stand by the Calhoun County plaintiffs. Three different districts, (Frisco ISD, Grapevine-Colleyville ISD and Calhoun County ISD) contracted with Mr. Harris to survey voter opinion about increasing tax rates with and without recapture. Mr. Harris detailed the survey methodology, crafting six questions that were clear, unbiased and efficient, who actually conducted the phone calls, and the results of all three surveys. Mr. Harris reported that among registered voters in each district, there was resistance to tax increases under the current recapture provision; but if the recapture provision was removed, then voters approved of the increases.

MALDEF questioned the survey methodology, wording of the questions, organization of the questions, if there was a Spanish version of the questionnaire, and if the questions included information regarding the positive aspects of recapture (Mr. Harris said providing that type of information was not the purpose of the survey).

The state raised similar questions during their cross-examination. Specifically, the state asked about 1) the objective of the survey, 2) contacting any registered voter versus a voter that would vote or had voted in past elections, 3) the order of the questions, 4) the wording of the questions, and 5) since the poll was conducted outside of any possible election, the timing of the survey.

Finally, Michele Davis, attorney for the Calhoun County plaintiffs presented a summary of relevant deposition testimony and documentary evidence from three superintendents:

- Dr. Stephen Waddell, Lewisville ISD,
- Mr. Herb Youngblood, Abernathy ISD,
- Mr. Joseph Patek Aransas County ISD.

Testimony will resume tomorrow at 9:00 a.m.