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CAUSE NO. 362,516

C 8353

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL	>	IN THE 250TH JUDICIAL
VS.	>	DISTRICT COURT OF
WILLIAM KIRBY, ET AL	>	TRAVIS COUNTY, TEXAS

FILED
IN SUPREME COURT
OF TEXAS

JUN 21 1989

JOHN T. ADAMS, Clerk
By_____Deputy

STATEMENT OF FACTS

VOLUME XXXII OF XLVI

FILED
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THIRD COURT OF APPEALS
SUSAN K. BAGE, CLERK

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1590
E33
1987
v.32-33

TAKEN MARCH 25, 1987

MONICA ROSS WEIDMANN
Official Court Reporter
250th Judicial District Court

Travis County Courthouse • Austin, Texas 78701

1 CAUSE NO. 362, 516

2

3 EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL > IN THE 250TH JUDICIAL
4 >
5 VS. > DISTRICT COURT OF
6 >
7 WILLIAM KIRBY, ET AL > TRAVIS COUNTY, TEXAS

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8 STATEMENT OF FACTS

9

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10 BEFORE THE HONORABLE HARLEY CLARK, JUDGE PRESIDING

11

12 APPEARANCES:

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21 -and-

22 MR. RICHARD F. FAJARDO, MALDEF, Attorney at Law,
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25 ATTORNEYS FOR THE PLAINTIFFS

MAY 18 1994

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ATTORNEYS FOR THE PLAINTIFF-INTERVENORS
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-and-
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15 ATTORNEYS FOR THE DEFENDANTS
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3 MR. KENNETH C. DIPPEL, MR. JOHN BOYLE,
MR. RAY HUTCHISON, and MR. ROBERT F. BROWN, with
4 the law firm of HUTCHISON, PRICE, BOYLE & BROOKS,
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6 ATTORNEYS FOR THE DEFENDANT-INTERVENORS

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17 BE IT REMEMBERED that on this the 25th day of March,
18 1987, the foregoing entitled and numbered cause came on
19 for trial before the said Honorable Court, Honorable
20 Harley Clark, Judge Presiding, whereupon the following
21 proceedings were had, to-wit:

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1 MARCH 25,1987

2 (Defendant-Intervenors'

3 (Exhibit Nos. 26-32 marked.

4 MR. R. LUNA: Your Honor, before we start,

5 we're going to call, with permission of Counsel,

6 another witness who is from out of state, out of

7 order. And we're going to work a little bit together

8 this morning and during the day on these witnesses,

9 if we can. Call Dr. Robert Jewell to the stand, Your

10 Honor.

11 DR. ROBERT JEWELL

12 was called as a witness, and after having been first duly

13 sworn, testified as follows, to-wit:

14 DIRECT EXAMINATION

15 BY MR. R. LUNA:

16 Q. Would you state your name for the record, please?

17 A. Robert W. Jewell.

18 Q. Where do you reside?

19 A. 615 Roger Avenue, Kenilworth, Illinois.

20 Q. Dr. Jewell, what is your occupation?

21 A. I'm a public school administrator. I'm assistant

22 superintendent for schools in Community High School

23 District 218 in the southwest suburbs in the Chicago

24 area.

25 Q. Could you speak a little more into the microphone?

1 Pull it towards you a little bit.
2 A. Yes.
3 Q. Thank you. And you say you are a university
4 lecturer?
5 A. I'm a university lecturer at the University of
6 Chicago.
7 Q. Thank you. What is your education background, Dr.
8 Jewell?
9 A. I have a bachelor's degree from the University of
10 Michigan, a master's degree in business education
11 from the University of Michigan, and a Ph.D degree
12 with University of Chicago with educational
13 administration.
14 Q. What years did you get those degrees?
15 A. Bachelor's degree in 1954; the master's in 1958 and
16 the doctorate in 1969.
17 Q. What is educational administration, Dr. Jewell?
18 A. Educational administration is the management of
19 schools, principally, and school districts.
20 Q. And I assume you've had some experience doing that?
21 A. Yes, sir. I've been doing that for a long time.
22 I've been assistant superintendent of schools and
23 superintendent of schools.
24 Q. All right. If you could, would you trace your
25 employment history for the Court, very briefly?

1 A. Yes. Public school teacher in Michigan, California,
2 and Illinois from 1958 until 1964. Taught high
3 school, junior high school, business subjects,
4 English, mathematics, history; taught civil service
5 preparation to adults in California; taught
6 elementary students in an experimental setting at the
7 University of Michigan lab school; and presently,
8 teaching school finance and collective bargaining to
9 graduate students at the University of Chicago. And
10 next year, I'm going to teach the graduate course in
11 school law.
12 Q. What other employment have you had?
13 A. In education?
14 Q. Yes, sir.
15 A. In 1969, I was the executive director for a
16 commission on educational reform in Michigan, working
17 for Governor Milliken with a blue ribbon committee
18 that made recommendations to the legislature for
19 reforming education in much of Michigan. And between
20 1966 and 1968, I was the executive director of the
21 PACE Association. That's a citizens' organization
22 that worked in the Greater Cleveland area to try to
23 improve the quality of education through citizen
24 involvement.
25 Q. Would you describe the types of school districts that

1 you've worked in -- say, in Michigan and other
2 places?
3 A. Yes. I feel fortunate in this regard, because I've
4 worked in all kinds of school districts. I was
5 assistant superintendent at New Trier, which was
6 probably the wealthiest district in northern Illinois
7 and in Illinois, with a very high per pupil
8 expenditure which, since over 90 percent of it
9 graduates to college, had a very small minority
10 enrollment.
11 I was the superintendent of schools in North
12 Chicago, Illinois, which was almost exactly the
13 opposite. It's relative wealth was very low for that
14 area. The percentage of students who went to college
15 was about 30 percent. Minority population was more
16 than 50 percent.
17 And the district which presently employs me is
18 above average for the state, about average for
19 suburban Chicago. Per pupil expenditure is about
20 average. New Trier is very high, North Chicago's are
21 very low. Minority population is about 25 percent of
22 the student body and we send about 50 percent of our
23 graduates to college.
24 MR. KAUFFMAN: What's the name of that
25 district?

1 THE WITNESS: Community High School
2 District 218, doesn't have a name, just a number.
3 Ten communities, it serves ten suburban communities
4 in the southwest area of Chicago.
5 BY MR. R. LUNA:
6 Q. Dr. Jewell, you said you received your Ph.D in 1969,
7 in educational administration?
8 A. Yes, sir.
9 Q. What was the title of your dissertation?
10 A. I can hardly remember. "Household Demand For Public
11 Education" I believe was the title.
12 Q. What did you study for your dissertation?
13 A. I studied the family factors that were related to
14 willingness to pay public school taxes. I looked at
15 household characteristics and statistically tried to
16 relate those factors -- those measurable factors to
17 the willingness of the head of the household to pay
18 higher school taxes.
19 Q. I now hand you what's been marked
20 Defendant-Intervenors' Exhibit No. 26 and ask you if
21 you can identify that?
22 A. This is my resume.
23 MR. R. LUNA: Your Honor, we move that
24 Defendant-Intervenors' Exhibit No. 26 be admitted
25 into evidence.

1 MR. ROOS: No objection.
2 MR. GRAY: No objection.
3 THE COURT: All right. It will be
4 admitted.
5 (Defendent-Intervenors'
6 (Exhibit No. 26 admitted.
7 BY MR. R. LUNA:
8 Q. Dr. Jewell, you said you've had a fairly varied
9 experience. Do you consider yourself a university
10 lecturer or are you a person who spends most of their
11 time in the working world of schools and how they
12 operate?
13 A. I spend the vast majority of my time working in the
14 schools as a public school administrator.
15 Q. What are your duties?
16 A. Well, I'm the assistant superintendent for
17 administrative services at Community High School
18 District 218. Therefore I'm responsible for
19 operations in our six high schools. And I am
20 responsible for staffing. And I have
21 responsibilities for teacher evaluation. But the
22 principal responsibility I have is that the campus
23 principals report to me and I report to the
24 superintendent of schools.
25 Q. When you lecture, you lecture primarily on what

1 subjects?
2 A. School finance for six years, and only a little in
3 collective bargaining. And, as I said, I'm going to
4 begin in school law next year.
5 Q. All right. So you've been actually lecturing at the
6 University of Chicago for six years?
7 A. (Witness nodded head to the affirmative.)
8 Q. How long have you been studying the subject of school
9 finance?
10 A. 25 years.
11 Q. What particular interests do you have in the area of
12 school finance?
13 A. Well, I'm particularly interested in the way school
14 districts spend available funds. How the -- how
15 money is actually allocated. You know, all school
16 districts have a certain amount that they can spend
17 and I'm interested in the specific ways in which
18 public school districts spend their money.
19 I'm very interested in the state policies and
20 how they interface with the local public districts
21 and in the financing of public schools. So I've done
22 a lot of work in looking at what the various states
23 are doing in public education. And of course, my
24 principal interest as an educator, be it a university
25 person or a practicing administrator, is how funds

1 can best be allocated to impact upon the educational
2 achievements of students.
3 Q. As an educator, Dr. Jewell, do you agree or disagree
4 with the assertion that the level of educational
5 expenditures has little relationship to the level of
6 educational achievements by students?
7 A. Well, I agree that it has little relationship when
8 taken by itself. When holding all other factors
9 constant, the level of educational expenditures is
10 almost meaningless in the way it relates to the
11 educational achievement of students.
12 Q. Is there any confusion between the issue of student
13 learning as measured by achievement and in the area
14 of employed benefits, for example?
15 A. Well, I think this is a confusion that exists in our
16 business. Student achievement is what students learn
17 -- output -- it's very difficult to measure. It's
18 very difficult to isolate students -- the reasons
19 that students achieve well or poorly, from the other
20 factors that influence their lives.
21 Now, how much money is spent is clearly input
22 and is clearly measurable. And it clearly has a
23 tremendous impact upon employee working conditions,
24 employee benefits, appearance of schools, amenities
25 -- and as I say, it's very easy to measure. But the

1 impact of those expenditures on student achievement
2 is not easy to measure. And there's every indication
3 that that input, taken by itself, has very little, if
4 any, effect on student achievement.
5 Q. On the national level and among the 50 states, is
6 there evidence that the amount of money spent
7 educating children is related to the educational
8 achievement of those children?
9 A. Well, in preparation for this testimony, I ran a
10 correlation -- statistical correlation between the
11 per pupil expenditures among the 50 states as one
12 variable; and SAT scores, college preparatory --
13 college entrance examination scores, to see what a
14 statistical relationship was between spending and how
15 well students do on this test. And there was a
16 relationship. However, it was slight. The
17 correlation was .21 and statisticians believe that
18 correlations of less than .2 are not significant;
19 that correlations of .2, .3 are of slight
20 significance. So, yes, it was a positive
21 relationship; however, it was very slight.
22 Q. Have you looked at per pupil expenditures on the
23 national level and any other measurements of
24 educational achievement?
25 A. Well, as I said, it's difficult to measure student

1 achievement. One of the things that we can look at
2 is graduation rates, stated in positive terms.
3 Stated in negative terms, I guess that would be
4 dropout rates. And I did run a correlation between
5 per pupil expenditures and the percentage of students
6 in each state who graduate from high school after
7 beginning high school.
8 Q. Well, first of all, what is the range of graduation
9 rates among the 50 states, if you can recall?
10 A. It's quite a pretty good range. I believe Minnesota
11 was first with -- it graduated about 89 percent of
12 students who began high school. And I believe the
13 District of Columbia was -- District of Columbia was
14 last, although it's not a state, graduating about 56
15 percent. And I think the bottom state was
16 Mississippi, graduating about 62 percent. The
17 average for the country just went down in the last
18 report. The average for the country is about 71
19 percent. About 71 percent of the youngsters who
20 begin high school complete, about 29 percent don't.
21 Q. Do you know what the graduation rate for Texas is?
22 A. The most recent data I have shows it's 68 percent,
23 slightly below the national average.
24 Q. What is the correlation, if any, of state per pupil
25 expenditures and graduation rates for those states?

1 A. Okay. On that test -- statistical test, the
2 correlation was minus .04, which means that there's
3 simply no relationship between the level of spending
4 in the 50 states and the graduation rate in the 50
5 states. They're simply not related, statistically.
6 Q. Did you look at those relationships on a
7 state-by-state basis?
8 A. Yes, I did, and found some interesting results. New
9 Hampshire -- well, let me see, State of Minnesota
10 finished first. North Dakota and Iowa was tied for
11 40th in spending and they finished second in
12 graduation rates. Iowa was 24 in spending and 30 in
13 graduation rates.
14 Going back to the college entrance examination
15 scores, New Hampshire had the highest average score
16 for SAT test and finished 28 in the spending. And I
17 think Iowa was third in the -- second or third in the
18 college tests and 24 in spending. Now, the other
19 end, New York was second in spending and 45th in
20 graduation rates. And I think the District of
21 Columbia was third in spending and they were next to
22 last in college entrance exams.
23 So, when you look at them state-by-state,
24 there's really no -- you know, you can see that there
25 really isn't any pattern or any relationship between

1 spending and graduation rates, or for that matter,
2 there doesn't seem to be much of a relationship
3 between spending and student scores on college
4 entrance exams.
5 Q. Now, that's on a national level?
6 A. Yes, sir.
7 Q. Have you had occasion to study, in particular, the
8 State of Texas in that same regard?
9 A. Yes, sir. I looked at -- going through the report of
10 the Texas Research League, which I'm sure you've all
11 been through. I extracted districts that were among
12 the very lowest spending districts in the State of
13 Texas.
14 Q. Did you put together a chart to show what those
15 particular reports indicated?
16 A. Yes.
17 Q. I hand you what's been marked as
18 Defendants-Intervenors' Exhibit No. 27, and ask you
19 if you can identify that?
20 A. Yes, this is an exhibit that I prepared on March 11,
21 which was -- actually, I began to prepare this for a
22 different purpose. I wanted to extract for the Court
23 those districts which have a per pupil expenditure of
24 less than $2,500.00.
25 Q. Well, right now, let's just identify it.

1 A. Okay. I'm sorry, I don't know how to do that.
2 Q. That's fine.
3 A. Okay.
4 MR. R. LUNA: Your Honor, Counsel has a
5 copy of this and we move for admission of
6 Defendant-Intervenors' Exhibit No. 27.
7 MR. ROOS: This one?
8 MR. R. LUNA: Yes.
9 MR. GRAY: Which one is it?
10 MR. ROOS: The one with Orange Grove at the
11 top.
12 MR. GRAY: With the box with Lorena
13 circled?
14 MR. R. LUNA: Yes, sir.
15 MR. GRAY: I have no objection.
16 MR. ROOS: No objection.
17 THE COURT: Okay. It will be admitted.
18 Thank you.
19 (Defendant-Intervenors'
20 (Exhibit No. 27 admitted.
21 BY MR. R. LUNA:
22 Q. Dr. Jewell, with reference to Exhibit 27, would you
23 explain what your review of the statistics showed?
24 A. Yes. As I said, I intended to just pull out the
25 districts that spend less than $2,500.00 per student

1 and then to compute what it would cost to bring those
2 districts up to $2,500.00 per student.
3 Q. Why? Was $2,500.00 an arbitrary figure?
4 A. Well, I just had some thoughts that $2,500.00
5 appeared to be an amount that would enable public
6 school districts to provide an adequate basic quality
7 educational program. But when I started collecting
8 these districts and their per pupil expenditures, I
9 got interested in their test scores. I had 15
10 districts, and one of them didn't report test scores,
11 so I took that one out of the sample. So what you
12 have here, I believe, is the 14 lowest spending
13 public school districts in the State of Texas, who
14 have reported their test scores. The per pupil
15 expenditure or per pupil cost for these districts
16 ranges from $2,042.00 to $2,494.00. I couldn't find
17 any district in Texas that spends less than $2,000.00
18 per student.
19 The average expenditure for these 14 districts
20 is $2,337.00 per year. And I've indicated on this
21 chart, the statewide average is $3,346.00. So, the
22 average level of spending for these 14 lowest
23 spending districts is about 30 percent below the
24 average for the state.
25 Q. Okay. So, when you began looking at these, you were

1 looking primarily on a hypothetical basis for some
2 number here --
3 A. Right.
4 Q. Which led you into these particular study results?
5 A. Correct. Then I gathered the test score data for
6 each district and frankly, I was surprised to find
7 that -- I think -- all but one of these 14 districts
8 scored above the national average, and above the
9 Texas state average, in math and reading and writing,
10 at least on this standardized TEAMS test that was
11 administered in October of 1985. It's my
12 understanding that's a testing to juniors in the
13 State of Texas.
14 The 14 districts, I've computed a composite
15 average for the state, which I simply added reading
16 and math and writing together and divide it by three.
17 Not a very sophisticated operation. But doing it
18 that way, the composite average for the State of
19 Texas is 49.7. And of course, the national average
20 is 50. So, Texas is almost exactly average compared
21 to national norms.
22 Now, on these 14 lowest spending districts, the
23 average score in math is 55.1 compared to the state
24 average of 53.
25 Q. Now, which column are you in?

1 A. Math is the first column.
2 Q. You're under the math column, down at the bottom in
3 the middle?
4 A. Down at the bottom. Okay? I'm in the math column,
5 comparing statewide average to the average of the 14
6 lowest districts. I'm comparing that 53 math score
7 average for the state to the 55.1, which is the
8 average for the 14 lowest spending districts.
9 Moving to the middle column, the average
10 reading score for the state is 46. And for the 14
11 lowest spending districts, it's 50.4.
12 The average writing score -- these are all
13 percentiles -- in Texas, is 50 percentile, and in the
14 14 lowest spending districts, it's 53.9.
15 Then, in the lower left-hand corner of the
16 exhibit, I've added these tests scores altogether,
17 divided by three, so we could have some simple
18 statistics to deal with. The composite state average
19 for Texas is 49.7. The composite average for these
20 14 lowest spending districts is 53.1. These 14
21 lowest spending districts in Texas are getting better
22 test scores than the state, as an average, about
23 seven percent better. Having discovered that to my
24 surprise, I then decided to take a look at the very
25 lowest spending districts in Texas, which I've

1 bracketed in this report, 10, 11, 12, 13 and 14,
2 China Springs, Robinson, West, Whitney and Lorena.
3 Now, these five variable spending districts --
4 the range of per pupil expenditures is $2,042.00 to
5 $2,249.00. And the average per pupil expenditure for
6 these five very lowest spending districts is
7 $2,165.00.
8 Then, we go over again and compare the test
9 scores for these five very lowest spending districts
10 to the averages for the state, and I think you'll
11 find that you're even more surprised. At least I
12 was. The test scores for these five very low
13 spending districts are quite remarkable.
14 I might point to Whitney, which is the second
15 lowest spending district in the state that has
16 student test scores which are 33 percent above the
17 state average. But taking the average for the five
18 lowest spending districts in math, they average 58.8
19 compared to a state average of 53. In reading, they
20 average 54.6 compared to a state average of 46. And
21 in writing, they average -- excuse me, they average
22 55.8, compared to a state average of 50. Now, these
23 five lowest spending districts, they are 35 percent
24 below the state average in spending, but they're
25 almost 14 percent above the state average in student

1 achievement scores.
2 Q. How does that compare to the statistics that you've
3 seen on a national level?
4 A. Well, generally, when you look at the national
5 statistics, there simply is no relationship.
6 Frankly, I was surprised to find an adverse
7 relationship. This exhibit might make it appear that
8 the way to get better education in Texas is to spend
9 less money, and it doesn't mean that at all. I
10 really don't know the reason for that. But I think
11 it does show that spending, by itself, is not related
12 to student achievement.
13 Q. Based upon your education and experience and
14 training, Dr. Jewell, have you found any
15 relationships that have to do with the high level of
16 student achievement with some of the factors that you
17 can put your finger on and that are fairly constant
18 in every state?
19 A. I'm sorry. Would you --
20 Q. Yes. If the data does not show any consistent
21 relationship with expenditures, are there any other
22 factors having to do with learning that are not
23 related to dollars?
24 A. Okay. Yes. I think if you examine school
25 districts-by-school districts around the nation, that

1 you would find a positive relationship between
2 spending and student achievement, to the best of our
3 ability to measure it. But it's a spurious
4 relationship, because the factors that are associated
5 with high levels of spending are normally the factors
6 which truly influence the educational achievement of
7 children.
8 In many districts, where the per pupil
9 expenditures are high, you'll find communities in
10 which the parents have high levels of income; in
11 which the parents have high levels of intellectual
12 ability; in which the parents have high levels of
13 education; in which the parents have high levels of
14 expectation of education for their children; in which
15 there is considerable family stability; in which the
16 children have high levels of intellectual ability;
17 and good work habits; and are closely controlled by
18 their families. And family and community
19 characteristics, such as those, which seem to truly
20 determine student achievement, are very often
21 associated with communities that spend -- which have
22 high expenditures for public schools. But I don't
23 think that -- as I say, I don't think anybody who has
24 looked into it thinks that the high levels of
25 expenditure, by themselves, have any significant

1 influence. I think we -- I think when educators tend
2 to forget that out of all of the time that a
3 youngster has available to him, annually, he spends
4 about 12 percent of that time in school. And of the
5 time in school, probably only half of it is spent --
6 you know, on task learning and teaching. So, a
7 youngster finds himself, in public schools, in a
8 learning/teaching situation five to ten percent of
9 his life; and 90 to 95 percent of the time, he's
10 doing other things. He's with his family, he's with
11 his friends, he's engaged in other activities. And
12 those factors have a considerable effect on -- on his
13 ability to achieve well in school. The schools
14 can't, by themselves, guarantee high quality human
15 products. They don't -- they don't have the ability
16 to do that.
17 Q. Are community and family characteristics, then, just
18 as important as the amount of money spent or perhaps
19 even more important?
20 A. Oh, I believe it's far more important. And I think
21 other researchers, who have looked into this, would
22 agree that they're far more important than
23 expenditures.
24 Q. Dr. Jewell, you said that you have looked in Texas at
25 the low spending districts and their student test

1 scores. Have you examined, also, the relationship
2 between the low student test scores in the state and
3 district spending?
4 A. Yes. Well, having completed the exhibit I just
5 described, I, of course, was curious as to what I
6 would find if I extracted from this Texas Research
7 League report, data on the districts that have the
8 very lowest student test scores and compared those
9 low test scores to expenditures in the districts.
10 Q. I now hand you what's been marked
11 Defendant-Intervenors' Exhibit No. 28 and ask you if
12 you can identify that document?
13 A. I identify this by saying this is a document that I
14 prepared on March 12, 1987. And it is a document
15 which has data on the ten districts in Texas, public
16 school districts, with the very lowest test scores.
17 And it also has a listing of the per pupil
18 expenditure for those ten districts.
19 MR. R. LUNA: We would ask that this
20 exhibit be admitted into evidence, Your Honor.
21 MR. ROOS: No objection, Your Honor.
22 THE COURT: All right. It will be
23 admitted.
24 (Defendant-Intervenors'
25 (Exhibit No. 28 admitted.

1 BY MR. R. LUNA:
2 Q. All right. With regard to Defendant-Intervenors'
3 Exhibit No. 28, would you describe your findings in
4 regard to Texas data?
5 A. Right. Well, when I collect -- when I prepared this
6 exhibit, I was looking not for low spending
7 districts, but districts with low test scores. And I
8 did it by hand. And finally, I believe, I identified
9 the ten districts with the very lowest test scores.
10 I believe there's only one score on here, maybe
11 two, that are above the 25th percentile in any
12 category. The average percentile scores for these
13 ten districts is shown at the bottom of the three
14 columns and is compared to the state average. These
15 ten districts finished in the 17th percentile in math
16 -- perhaps I should explain, although it's probably
17 not necessary. The 17 percentile means that 83
18 percent of the students did better than that. So 17
19 percentile score is a very low score.
20 In reading, the percentile average was 17.3 for
21 these ten districts, and in writing, it was 21.2,
22 compared to state averages of 53, 46 and 50. So I've
23 indicated below the student test scores in these ten
24 districts is 63 percent below the average student
25 test scores -- student test scores in the State of

1 Texas. So obviously, the youngsters in these
2 districts did not perform well on student achievement
3 tests.
4 Q. Now, in regard to expenditures, what were those?
5 A. Okay.
6 Q. How did those relate to the statewide average?
7 A. Right. Having identified the districts that tested
8 very low for their students, I picked off their per
9 pupil expenditures. They're listed in the second
10 column, and again, some -- what I thought were
11 surprising results. I believe there's only one
12 district among these ten that spends below the state
13 average. I remind you again, the state average is
14 about $3,350.00 per student. $3,346.00 per student
15 is spent statewide, on the average, and only Tenaha
16 was below that.
17 The very lowest spending district -- I'm sorry,
18 the very lowest testing district in the state, which
19 I will not name, had a per pupil expenditure that was
20 200 percent of the state average. That district, No.
21 10, is spending $7,040.00 per student, per year. And
22 the state average is $3,350.00.
23 Taken altogether, the average per pupil
24 expenditure for these ten districts with the very
25 lowest student scores was $4,152.00 compared to a

1 statewide average of $3,346.00. So, the average
2 spending for these ten low testing districts is 24
3 percent above the state average, while the average
4 test scores are 63 percent below the state average.
5 Q. Now, having completed your review of this particular
6 exhibit, what do you conclude, Dr. Jewell, from that
7 exhibit?
8 A. Well, I don't conclude that high spending lowers test
9 scores, but I think it just shows again, there's
10 simply no relationship between spending and student
11 achievement. At least in the way -- in the limited
12 ways that we can measure student achievement. This
13 is obviously a standardized test, so all the kids
14 took the same test. And it -- it at least indicates
15 how well the students did on that test, compared to
16 other students. And these scores clearly are -- low
17 spending is clearly high -- and it indicates, again,
18 what I think, what we all know, is that spending, by
19 itself, is not really related to educational
20 achievement among students.
21 Q. And that just reconfirms all of the other findings on
22 the national level?
23 A. Yes, sir.
24 Q. And state level as well?
25 A. Yes, sir.

1 Q. Let me engage you just a moment in some general
2 discussion, Dr. Jewell. And let me ask you that, in
3 regard to a concept, that if a state, and it can be
4 any state, including Texas, increases its state
5 proportion of funds for a public education, does
6 that, in itself, indicate that there would be a
7 better educational result for that state? And are
8 there any studies on a national level that show that?
9 A. Well, I ran some studies -- again, some simple
10 correlations, statistical correlations between the
11 percentage provided by the state of the total
12 spending. Okay? Their reports showing what percent
13 of the total expenditures for each state come from
14 the state. And those percentages range from eight
15 percent of total funding provided by the state, to 99
16 percent in Hawaii. Hawaii is -- it's only got one
17 district, and the state is the district, and all
18 funds are state funds.
19 The national average is about 50 percent at
20 this time. Of all of the money provided to public
21 schools, about half of it is provided from the state
22 and the remainder is -- most of the remainder comes
23 from local sources. And a small chunk of the
24 remainder is federal funding. Federal funding, on
25 the average now, is down to about six percent of

1 total school funding.

2 So, taking that percentage of state sharing, be

3 it 23 percent, or 46 percent, or 75 percent, I ran a

4 correlation of that value, again, against college

5 entrance examinations and against graduation rates.

6 Against college entrance examination, it was really a

7 very negative relationship, showing that the greater

8 the level of state involvement in financing, the

9 lower the scores on college entrance exams. The

10 example is -- the very lowest state and state

11 involvement in financing public schools is New

12 Hampshire, they only provide eight percent of all of

13 the money that's spent in public education. And on

14 average SAT scores, they score No. 1. Okay. They

15 have the very highest score of any state in the union

16 and the very lowest level of state participation.

17 Over at the other end, the highest level of

18 state involvement was Hawaii. And Hawaii finished

19 fourth from the bottom on SAT scores. So, I -- the

20 relationship, the statistical operation showed a

21 negative correlation of more than minus .5, which

22 would appear to indicate that the more the state is

23 involved, the worse the kids do on college entrance

24 exams, which I'm certain is not the case. It's

25 simply a -- to me, it simply means that there's no

1 relationship, or no meaningful relationship, between
2 state involvement and student achievement as measured
3 on college entrance examination, the SAT.
4 Q. What about graduation rates?
5 A. Graduation rates -- again, the relationship was
6 negative, but not so negative. It was minus .18,
7 which is almost significant. But indicating that
8 tendency again, the greater the level of state
9 involvement -- the level of state involvement in the
10 funding of public education, a slight tendency to
11 have lower graduation rates. Indicating again, that
12 I believe that there's no relationship between the
13 state level of participation, graduation rates, or
14 student achievement scores.
15 Q. And finally, what about per pupil expenditures?
16 A. Well, I thought I would find that the greater the
17 degree of state involvement, the higher the per pupil
18 expenditure would be. So, I ran that correlation and
19 found that was not the case. The correlation was
20 again negative, again even smaller. It was more like
21 minus .1, showing, I suspect, that they really --
22 there's no reasonable relationship. Or maybe -- my
23 conclusion, not supported by data -- maybe as the
24 state effort has increased, there's a tendency for
25 the local effort to be decreased. That is, when the

1 state starts doing a lot, perhaps the localities
2 begin to do less, but there's no significant
3 relationship between the two. Where the state is
4 more involved, more money is not spent on each
5 student; college entrance exams are not higher; and
6 graduation rates are not higher.
7 Q. At the very least, that could be some kind of signal,
8 although there is no data to support it. Is that
9 what you're saying?
10 A. Well, again, I don't have the data to support it.
11 But with these -- where you find these states getting
12 more and more involved and providing more and more
13 money, I would expect to find higher and higher
14 levels of per pupil expenditure. I didn't.
15 Therefore, I'm concluding that as the states provide
16 more and more, the localities provide less and less.
17 That's why the total doesn't go up. But I can't
18 prove it.
19 Q. Now, in regard to the State of Texas, have you
20 examined the degree to which this state provides
21 funding for school districts?
22 A. Right. The state -- Texas provides about 50 percent
23 of the state local share and about 46 percent of the
24 state local federal share. So, Texas is a little
25 below average among the 50 states. The other -- the

1 50 states average 50 percent; Texas averages 46
2 percent. Texas is 46 percent.
3 Q. Let me ask you in regard to another area, and that is
4 demographic and enrollment statistics and financial
5 statistics for Texas as compared to the other 49
6 states. Did you take a look at that so that you
7 could compare that back to the educational process?
8 A. Right. These are NEA reports, which is a ranking of
9 the states in a variety of categories, particularly
10 those related to education and has some very
11 interesting data in how Texas compares to the other
12 49 states and to the United States' average.
13 Q. What did you find in that data that you thought was
14 significant?
15 A. Well, one of the findings that interested me the most
16 was -- and it isn't in the document, I had to develop
17 it -- but I was interested in what percentage of each
18 states' enrollment was enrolled in public school. I
19 define that as a burden, a state's burden. And I
20 began by thinking this will be about the same in all
21 of the states -- you know, kind of curious, what
22 percentage of the population of the United States is
23 enrolled in public school and how does it break down
24 among the 50 states. And I thought it would be about
25 the same and it wasn't -- quite a bit of variation,

1 and so I prepared an exhibit on that.
2 Q. I hand you what's been marked Defendant-Intervenors'
3 Exhibit No. 29, and ask you if you can identify that
4 exhibit?
5 A. Yes, this is the "Burden of the States in Descending
6 Order," prepared by me, showing the percentage of the
7 population of each state which is enrolled in public
8 schools.
9 MR. R. LUNA: We ask that
10 Defendant-Intervenors' Exhibit 29 be admitted.
11 THE COURT: Any objection to 29?
12 MR. ROOS: Yes. We object, Your Honor.
13 The underlying document is not in evidence. We don't
14 have that evidence before us to deduce his summaries
15 from it. It clearly should not come into evidence.
16 MR. R. LUNA: Well, I think his testimony
17 was that he relied upon a national publication. And
18 this is merely his study from those documents.
19 THE COURT: Okay. Overruled. It will be
20 admitted. Tell me again what 29 is.
21 (Defendant-Intervenors'
22 (Exhibit No. 29 admitted.
23 BY MR. R. LUNA:
24 Q. Would you describe it, please?
25 A. Yes. Your Honor, this is the public school

1 enrollment for each state, divided by the population
2 for each state. The answer showing the percentage of
3 all people in each state enrolled in public schools.
4 THE COURT: Okay.
5 A. And I thought that it would be about the same for all
6 of the states.
7 Q. All right. Now, if you could, briefly describe the
8 top and the bottom of that scale and then where Texas
9 falls, and why -- what you think this particular
10 study shows.
11 A. All right. The -- let's begin with the bottom. In
12 the State of Florida, about 14 percent of all of the
13 people who live in the state are enrolled in public
14 schools. I believe the reason for this is that
15 Florida is the state where a lot of older people have
16 gone there to retire; they don't have children or
17 their children are raised.
18 MR. GRAY: Excuse me. These are
19 undergraduate schools? They're not state
20 universities, are they?
21 THE WITNESS: These are elementary and
22 secondary public school students.
23 A. And by the way, the average for the nation on this is
24 17.14. That figure does not appear. But the average
25 burden -- that is, percentage of population enrolled

1 in public schools, is 17.14.

2 And you go to the top and you find the State of

3 Utah has almost 24 percent of its population enrolled

4 in public schools. The range between 13.86 and 23.62

5 is 70 percent. So, this burden actually varies by 70

6 percent among the states. The State of Utah, I would

7 guess, doesn't have many youngsters enrolled in

8 private schools as perhaps larger families, younger

9 families, more school-age children. Perhaps the

10 dropout rates there are less. But for whatever

11 reason, 24 percent of their population has to be paid

12 for in public schools, and only 76 percent of their

13 population can help pay for it.

14 In Florida, 14 percent have to be paid for and

15 86 percent can help pay for it. So, it is -- I think

16 it's a pretty good measurement of the burden.

17 And of course, I was interested in how Texas

18 broke down on this.

19 Q. And how did Texas rank?

20 A. Well, Texas, you'll find -- No. 5. And they have

21 slightly more than 19 percent, 19.14 percent of all

22 students enrolled in public schools. And this is

23 about 11 and a half percent above the average for the

24 United States.

25 Texas burden, that is the number of burden

1 defined as the number of people who have to be paid
2 for in the school and the number of people who have
3 to pay for it -- the Texas burden is great.
4 Q. Do you know anything about the per pupil expenditures
5 versus the national average?
6 A. Yes. The national average per pupil expenditure is
7 about $3,720.00.
8 Q. What about for Utah?
9 A. Utah, the per pupil expenditure is about $2,300.00.
10 I think it's $2,297.00 -- it was about $2,300.00.
11 And you know, it's pretty clear that the greater the
12 burden, the tendency is to drive down the per pupil
13 expenditure, which I liken the problems that you have
14 if you have a large family. If you have seven or
15 eight children, you can spend a great deal of money
16 on your children. But the amount spent on each child
17 must be small, because the family is large. And I
18 think Texas has that burden. They have more public
19 school children from their total population. And it
20 makes their per pupil expenditure -- well, it doesn't
21 make it appear -- it appears as if it's below the
22 national average, which it is. But if its burden
23 were normal, it's per pupil expenditure would be
24 above the national average if Texas continued to
25 spend what it's spending at the present time.

1 Q. Did you run a statistical correlation?
2 A. I ran a statistical study on what would happen to the
3 Texas per pupil expenditure if it had a normal
4 burden. Normal burden for the country is 17.14. And
5 that per pupil expenditure would increase about
6 $400.00 a student. And the per pupil expenditure
7 would go up from $3,350.00 to $3,750.00, and it would
8 raise the per pupil expenditure above the national
9 average. But because the burden is great, the monies
10 spent have to be spread among more students, so the
11 per pupil expenditure is less.
12 Q. Why is burden, as you have outlined it here,
13 seemingly important?
14 A. Well, I guess I've alluded to that -- it's simply
15 that -- I think that the number of people who
16 actually pay for it and the number of people who are
17 available to pay for them. And when that -- when
18 that percentage is less than 14, with -- you know, 86
19 percent of the people paying for it, it's quite a
20 difference between when that percentage is almost 24
21 and only 76 percent of the people are there to pay
22 for it.
23 Q. Are you familiar with how Texas ranks in population
24 in regard to the rest of the nation?
25 A. Yeah, it's third. It's right after New York and just

1 before Pennsylvania with about 16 million people, I
2 believe.
3 Q. What about the manner in which the State of Texas
4 spends its total public education budget in regard to
5 the rest of the nation? Did you take a look at that,
6 as well?
7 A. Well, I took a look at -- I took a look at the Texas
8 expenditures for capital outlay and interest on
9 debts, which -- which varies tremendously from
10 national averages. You know, Texas is very high in
11 this regard, so I did look at that.
12 Q. Do you recall what its percentages are?
13 A. Yes. Texas population increased very rapidly over
14 the past ten years. And obviously, they had to build
15 a lot of schools and borrow a lot of money. So their
16 expenditure for capital outlay is about 13 percent of
17 the total expenditure. Nationwide, the average
18 expenditure for capital outlay is about five and a
19 half percent.
20 And Texas, so far as debt service or interest
21 on debts is concerned, is the very highest in the
22 nation. Their interest on debts is about seven
23 percent of their total expenditure; whereas, the debt
24 service costs for the other states is under two
25 percent. The $3,350.00 that's spent in Texas does

1 not include an average of $525.00 per student for
2 capital outlay and almost $300.00 per student in debt
3 service. If those two figures were added on to
4 Texas, the per pupil cost would be $4,100.00,
5 $4,200.00. Those two factors, added to the other
6 states or to the nation as an average, only increase
7 the per pupil expenditure less than $300.00. In
8 Texas, those two factors increase the per pupil
9 expenditure more than $800.00 -- more than $800.00.
10 Q. What is the average dollar cost for capital outlay
11 and debt service in other states?
12 A. The average, taken together, is between $250.00 and
13 $300.00.
14 Q. Have you looked at population density among the
15 states?
16 A. Yes. That range in Texas is, I believe, 31 out of 50
17 in sparsity, with about 61 people per square mile.
18 Interesting to educators because that impacts
19 directly upon student transportation costs. The more
20 people in a state are spread out, well the more the
21 state has to spend to gather them up and transport
22 them to school.
23 Q. How does Texas rank in public school enrollment?
24 A. Well, they're second. The third in total population,
25 but they're second nationwide -- second only to

1 California. And I've looked five different places
2 and I have five different numbers of what the
3 enrollment in Texas is, so I'm settling for about
4 three million -- I think the enrollment is about
5 three million.
6 Q. What is the ratio of public school students to public
7 teachers in Texas?
8 A. In Texas, that ratio is 17.97-to-1, which means that
9 there are -- there is one teacher employed for every
10 18 students.
11 Q. How does that compare with the national average?
12 A. Almost exactly the same. Nationwide, it's two
13 hundreds of a percent variation.
14 Q. You stated that California is the only state that
15 enrolls more students than Texas. And what is their
16 percentage?
17 A. Their ratio is -- is the second worse in the nation.
18 23-to-1 -- approximately 23-to-1. California hires
19 one teacher for every 23 students. Texas hires one
20 teacher for every 18 students.
21 Q. How does Texas rank nationally in regard to average
22 teachers' salaries?
23 A. Well, their ranking is 20 out of 50. But the average
24 is about $160.00 -- $150.00 less. The average
25 teacher's salary in Texas is slightly more than

1 $25,000.00 -- $25,160.00, I believe. And for the
2 nation, it's about $25,300.00. So, it's about the
3 same.
4 Q. Have you looked at any data on Texas teachers' salary
5 trends over any significant period of time?
6 A. Yes. I looked at the teachers' salary increases over
7 a ten year period, from 1975 to 1985. And Texas
8 teachers' salaries went up 122 percent over that ten
9 year period. And of course I compared that to
10 national averages. And the nation as a whole,
11 teachers' salaries increased 101 percent over ten
12 years. So Texas, on teachers' salaries, has averaged
13 about two percent per year more than the nation as a
14 whole over the past ten years.
15 Q. What about teachers' salary increases?
16 A. Well, the salary increases, again, on ranking of the
17 states, Texas finished third in the rate of salary
18 increases during the past ten years. I believe only
19 Rhode Island and Wyoming are increasing teachers'
20 salaries more rapidly than the State of Texas.
21 Q. Do you know anything about more recent teachers'
22 salary increases in this state?
23 A. In the last two years, the State of Texas has
24 increased teachers' salaries 25 percent. And in the
25 nation, as a whole, it's slightly less than 15

1 percent for the last two years.
2 Q. Have you examined the relationship between the level
3 of income in Texas and the number of students
4 enrolled in the public schools?
5 A. Yes. Texas has $71,600.00 of personal income for
6 every student enrolled. And the nation, as a whole,
7 has $82,700.00 of personal income for every student
8 enrolled, on the average.
9 Q. How does Texas rank nationally?
10 A. Texas ranks -- I'm sorry, I've forgotten, the -- I
11 think that -- a lower ranking, in that regard, would
12 mean that -- that their income is low relative to
13 their student enrollment. And if that's the case,
14 you know, I think they rank about 17 or 18, but I've
15 forgotten.
16 Q. If I told you it was 31st?
17 A. I would say you're right.
18 THE COURT: Let's stop there. It's about
19 time for lunch. See you all again at 2:00.
20
21
22 (Lunch recess.)
23
24
25

1 THE COURT: All right, sir.
2 DIRECT EXAMINATION (RESUMED)
3 BY MR. R. LUNA:
4 Q. Dr. Jewell, of all public school revenues spent in
5 all of the states nationally, what percent is
6 provided by the states?
7 A. Nationally, the average is about 50 percent.
8 Q. And what percent is provided by the State of Texas?
9 A. 46 percent.
10 Q. Does the State of Texas levy high taxes against its
11 residents in relation to the rest of the nation low,
12 or how does it stand?
13 A. Low. The taxes per capita in Texas are in the
14 neighborhood of $950.00 for each person. And I
15 should say, not the taxes per capita, the amount
16 spent on public services is about $950.00 per person.
17 The national average is over $1,300.00. There are
18 six states that spend more than $1,800.00. So, Texas
19 appears to be the state in which taxes are lower.
20 Q. Have you looked at state and local government
21 expenditures for public functions other than just
22 education?
23 A. A little bit, yes.
24 Q. All right. What other areas have you examined?
25 A. Well, I looked at public welfare, and highways, and

1 police protection.
2 Q. Where does Texas rank, nationally, in those areas?
3 A. Very low on public welfare -- 48.550, with spending
4 about half as much as other states spend for public
5 welfare.
6 Q. So, generally, public services in Texas don't do very
7 well as compared to the national average, is that
8 what you're saying?
9 A. Yes. When you look at the expenditures for other
10 public services, Texas ranks low compared to the
11 other states, public welfare, highways, or
12 protection.
13 Q. Now, is that same conclusion true about education?
14 A. No. Texas per capita expenditures for public
15 education is above the national average.
16 Q. What is the national average?
17 A. About $800.00. And Texas is about $850.00.
18 Q. All right. Did you look at the proportion of all
19 state and local government expenditures for education
20 as a percent of total expenditures for all public
21 services?
22 A. Yes.
23 Q. All right.
24 A. This is a measurement of -- basically, we're saying,
25 when we look at this measurement of the money that

1 the state spends for public service, what proportion
2 does it spend for public education. And this is one
3 area which Texas ranks at the top.
4 Q. At the top, do you mean first?
5 A. They spent a larger proportion of their total public
6 expenditures for public education than any other
7 state in the union. About 43 percent of all funds,
8 local and state funds, are spent for education. The
9 national average is about 35 percent.
10 Q. Now, does that include higher education as well?
11 A. It does. Although that's a very small part of it.
12 Q. Well, after examining now all of the national
13 statistics that we've been through at great length,
14 what conclusions do you draw in regard to public
15 expenditures for education as compared to public
16 expenditures for other governmental services?
17 A. Well, what the data seemed to say, that Texas doesn't
18 like to tax and -- and perhaps Texans don't like to
19 pay taxes. But for what it does spend on public
20 services, it has a far greater commitment to public
21 education than it does to other public services.
22 It's 22 percent higher -- their proportion of the
23 total pie is 22 percent higher than the national
24 average.
25 Q. In studying and teaching the subject of school

1 finance, and based upon your training and education,
2 have you reached any conclusions as to what the
3 states, and in particular, Texas, should be doing and
4 could be doing relative to public education?
5 A. Yes, I don't think this varies that much among the 50
6 states. I think in all of them you'll find that
7 states have a responsibility to determine minimum
8 standards for the localities and for the local school
9 districts. The states have a responsibility in
10 funding public education, to make the funding more
11 adequate and more equitable. And you'll find, almost
12 without exception, that every state in the union
13 allocates state funds in a manner which provides a
14 higher proportion of total budgets to districts that
15 have less ability to pay than districts that have a
16 high ability to pay. And Texas does that. And I
17 think the state has a responsibility to at least try
18 to reach some conclusion about -- you know, trying to
19 see to it that deliveries to the local districts with
20 state money, local money, or any combination of
21 funding that exists, that there's enough money there
22 to provide an essential basic educational program for
23 the students. One that's a fundamental basic program
24 that can provide a fundamental basic quality
25 education if the -- you know, if the funds are

1 utilized efficiently.
2 Q. Should the state be interested only in minimum
3 standards and an adequate program?
4 A. Well, I believe that when you look at the 50 states,
5 you'll find that the states believe that that's their
6 role. That they have to assure minimum standards,
7 adequacy of program, and leave it to the localities
8 to exceed those minimum standards to the best of the
9 ability of each locality.
10 Q. Have you examined the State of Texas and their plans
11 for the establishment of those minimum educational
12 standards?
13 A. Well, I've looked at the statute to see some of the
14 standards that have been imposed by the state on the
15 localities. Many of these have been in existence for
16 a long time, and many of them emerged from House Bill
17 72, which I suspect has already been discussed at a
18 great length in this case.
19 Q. So, you are then familiar, generally, with the
20 provisions of House Bill 72?
21 A. House Bill 72 and the educational legislation that
22 preceded it. And without going into it in detail, it
23 appears to me that Texas has imposed minimum
24 standards in curriculum, and in mandates, and in
25 providing categorical assistance for student needs.

1 It appears that Texas is doing what all other states
2 do, and perhaps doing it better than the majority of
3 the states.
4 Q. Dr. Jewell, based upon your examination of the
5 national data, the Texas data that you've seen, and
6 the trends, both nationally and in Texas, and based
7 upon your knowledge of school finance, do you have
8 any opinion as to whether or not the State of Texas
9 is providing an adequate educational opportunity for
10 public school pupils in this state?
11 A. Well, it's only an opinion. But my opinion is that
12 state -- that Texas is providing that basic, adequate
13 program. And that the students in Texas are being
14 provided an educational opportunity, which is not
15 less than it should be because of a shortage of
16 funds.
17 Q. And you say that, even having studied and knowing
18 that some school districts are spending substantially
19 less than others for their educational programs?
20 A. Yes. Almost all states have these disparities in
21 expenditures among districts. That's a price you
22 have to pay for having local control. And the
23 districts that spend more money -- I think some of
24 the things we look at today show that it isn't
25 necessarily better just because they're spending

1 more.
2 Q. What principal findings have you made about public
3 education from your studies in terms of the overall
4 cost picture?
5 A. Well, the principal finding that an educator gets
6 when you look at educational expenditures is that
7 education is what we call labor intensive industry.
8 By labor intensive, we mean that the proportions of
9 the personnel costs are very high relative to total
10 costs. And in public education, traditionally and
11 historically, personnel costs have ranged between 75
12 and 85 percent of operating costs.
13 Q. Would you describe a little bit more in detail
14 because you handle so much administration, yourself,
15 how these figures are divided, and in particular, how
16 are teachers paid and upon what basis, both
17 nationally, and as it might relate to Texas?
18 A. Okay. Well, there are a few minor exceptions to
19 this, but, generally speaking, and certainly speaking
20 for Texas, Texas, as a public education system, is
21 labor intensive. Texas data shows that 81 percent of
22 all operating costs are payroll costs. So, it's
23 right about where you would find most other states,
24 typically. And this is a result of analyzing a lot
25 of budgets. Of that operating cost, total operating

1 costs, teachers' salaries are normally about half of
2 the total operating costs. That takes care of 50
3 percent.
4 30 percent more of the total goes for salaries
5 for other employees; administrators, counselors,
6 librarians, school psychologists, social workers,
7 janitors, cafeteria workers, bus drivers,
8 secretaries, teacher-aids, and so forth. So,
9 usually, 30 percent of the total operating costs are
10 salaries of people other than teachers.
11 And then the remaining 20 percent are
12 non-personnel costs; heating, lighting, equipment,
13 supplies, insurance, repairs --
14 Q. Does that also include construction?
15 A. Typically. Although, I think in Texas, that probably
16 -- that percentage would be higher because -- no, I'm
17 sorry, it would not include construction.
18 Construction and interest on debts are added to
19 operating costs. So, no, it does not.
20 Q. Okay. Now, let me ask you, since personnel costs are
21 the lion's share of the budget, and the teachers'
22 costs are the lion's share of those costs, would you
23 tell us very briefly how districts, nationally, tend
24 to pay teachers -- both the inexperienced, or new
25 teacher, and inexperienced teacher within their

1 district? And then how does Texas handle it?
2 A. Well, first of all, I think Texas handles it pretty
3 much the way other places do. But the system with --
4 and everybody here has worked with schools -- the
5 single salary schedule that's at least worked, which
6 has dollar amounts on it, which increase with each
7 year of experience, vertically, and increases as the
8 teacher earns college credits beyond a bachelor's
9 degree, horizontally. So, that when you look at a
10 teacher's salary schedule, if you have ten years
11 experience, you usually go down ten steps. If a
12 teacher has a master's degree, plus 15 semester
13 hours, you go over until you find that. And there's
14 a square, a square with a dollar amount in it, and
15 that's what the teacher is paid. That's the basis
16 for the hiring and that's the basis for paying them
17 after they are hired. And that schedule has changed,
18 usually annually, but teachers are paid purely on the
19 basis of experience and training.
20 Q. Let's -- excuse me, are you through?
21 A. Yes, please.
22 Q. Let's take for example, two districts, a
23 property-wealthy district and a property-poor
24 district. And I think you said you have been
25 employed by both such districts, is that right?

1 A. Yes, uh-huh.
2 Q. So, if we could rely some on your personal
3 experience, as well as the data you've seen, and take
4 us through an example of how different districts
5 might handle their teacher hirings with available
6 funds, both what we call a rich district and a poor
7 district.
8 A. Well, the first thing is -- the first point to make,
9 is when you look at the rich district and the poor
10 district, you're going to find that the labor
11 intensity is probably about the same. It doesn't
12 vary with the wealth of the district.
13 What wealthy districts do is they increase
14 personnel costs by paying higher salaries and by
15 hiring more people. And usually the higher salaries
16 are higher salaries across the board. And usually
17 the number of public school employees is greater,
18 relative to student enrollment across the board in a
19 wealthy district than a poor district.
20 Q. Have you taken an example of how a group, a class
21 might be handled by a district in various respects
22 and the difference in the cost that that might make
23 to the district?
24 A. Sure.
25 Q. What have you done?

1 A. The example I'm very familiar with, having worked in
2 two school districts, when you hire more people,
3 particularly more teachers, the bottom line,
4 financially, is that districts that hire more
5 teachers are going to have teachers spending less
6 time teaching than supervising students. And they're
7 going to have smaller numbers of students present
8 when they do work with them. In other words, they're
9 going to have smaller than average-sized classes.
10 For example, at North Chicago, where I was
11 superintendent, poor district, the teachers spent 275
12 minutes each day teaching and supervising students.
13 It's a poor district.
14 At New Trier, where I was assistant
15 superintendent, a wealthy district, each teacher had
16 to spend 200 minutes each day teaching and
17 supervising students. That's a 37 percent
18 differential. And the result of -- and it has
19 tremendous impact on costs. It would -- eight North
20 Chicago teachers would do the same amount of work as
21 11 New Trier teachers. Or, stated another way, if
22 you need a hundred teachers to run your program at
23 North Chicago, and if you then took the policies, the
24 employment policies of New Trier and superimposed
25 them on North Chicago, you would have to hire 137

1 teachers to do the work that was previously being
2 done by a hundred. So, that variation in the
3 teachers' work load is one of the things that wealthy
4 districts can do, which makes it very nice for the
5 employees who work in those districts.
6 Q. Let me hand you what's been marked
7 Defendant-Intervenors' Exhibit No. 30 and ask you if
8 you can identify that document?
9 A. Yes, this is an exhibit that I prepared, which I try
10 to show the effect of class size on school district
11 costs.
12 Q. By the way, before we go into this, is there any
13 educational benefit or any studies showing that
14 there's an educational benefit to smaller classes?
15 A. Not that I know about. The -- this area has been
16 researched time and time again. And I don't think
17 that there's any conclusive evidence that smaller
18 class sizes produce better educational results. And
19 there's been many studies that show that it didn't
20 impact unless the classes were very, very small.
21 Down in the average class sizes of five to ten
22 students, some researchers have found that there is
23 an influence on student achievement. But in the
24 class size ranges which are normally found in schools
25 from, say, 15 to 35 or 40, the researchers haven't

1 found that educational results vary with class size.
2 However, class size has a terrific impact on teacher
3 working conditions. It's a lot easier to teach when
4 you have small classes.
5 MR. R. LUNA: Your Honor, we move for
6 admission of Defendant-Intervenors' Exhibit No. 30.
7 THE WITNESS: I don't have a copy, Mr.
8 Luna.
9 MR. GRAY: No objection.
10 THE COURT: Any objection to 30?
11 MR. ROOS: No, Your Honor.
12 MR. GRAY: No, Your Honor.
13 THE COURT: It will be admitted.
14 (Defendant-Intervenors'
15 (Exhibit No. 30 admitted.
16 BY MR. R. LUNA:
17 Q. Would you take us through quickly, if you could, that
18 exhibit, and tell us what it shows?
19 A. Well, I prepared this to show the effects of class
20 size on cost. We've talked about researchers haven't
21 found that class sizes affect student achievement,
22 but they do have a terrific -- well, they have a
23 substantial effect on school costs. For example,
24 I've taken a school that has a 120 third-grade
25 students --

1 Q. By the way, is this a hypothetical example?
2 A. Yeah, this data is entirely hypothetical. It's not
3 based upon any school district. And the average
4 teacher's salary is $25,000.00, which is about what
5 we have in Texas.
6 You know, when you have 120 third-grade
7 students to educate, you have some choices that you
8 can make about class size. And you have more choices
9 if you have more money. But the first example,
10 District A decides it's going to have five classes of
11 24 students, equal of 120, and District B decides
12 it's going to have six classes of 20 students.
13 District A can do the job with five teachers,
14 District B has to hire six teachers. The teacher
15 cost then increases 20 percent when the district
16 decides to have classes of -- class size of 20 rather
17 than 24.
18 And then moving down on each of these examples,
19 it's perhaps a little more dramatic. Take the same
20 number of students going to two other districts.
21 District C, perhaps, has limited resources, and it
22 decides, in order to save money, it's going to have
23 four classes of 30 students, costing $100,000.00 --
24 $25,000.00 per teacher. District D is a wealthy
25 district, and it decides to have six classes of 20

1 students. So, District C can do the job with four
2 teachers, District D has to hire six teachers. The
3 cost increase then for that example is 50 percent.
4 And then an extreme example, the final one --
5 well, maybe it's not as extreme as it could be -- you
6 could have three classes of 40 students, that would
7 do it. But taking again, four classes of 30
8 students, costing $100,000.00, then perhaps we come
9 to a very, very wealthy district that can afford to
10 have eight classes of 15 students it. Again,
11 teachers with the student -- the teacher, he or she,
12 is with the students doing the job in District E --
13 teacher will be working with 30 kids. In District F,
14 you're working with 15. Research indicates that the
15 results, if the teachers are equal, the student
16 achievement will be approximately equal, but the cost
17 is a hundred percent higher. The District F has to
18 spend $200,000.00 for eight teachers, whereas
19 District E is doing the job with four teachers at
20 $100,000.00.
21 Q. So, even though the educational effect is the same --
22 that is, the amount of learning that's taking place
23 is the same in both districts, there is a great
24 difference in the cost of achieving the same goal?
25 A. Yes. Well, the educational results being the same,

1 of course, would depend upon the teachers being equal
2 in ability.
3 Q. Okay.
4 A. But yes.
5 Q. Now, assuming that the teachers in the wealthy
6 district have smaller classes and therefore lighter
7 load, what is the combined effect of the higher
8 salaries, the lighter loads, and the smaller classes
9 upon that type of district?
10 A. Well, you know, districts that pay high salaries
11 rather than districts that pay low salaries, that can
12 add 25 percent to your cost very easily. The example
13 I gave on teaching loads was 37 percent more on
14 teacher costs. This example here, if you take the
15 least dramatic, the first example is the 20 percent
16 differential. So, you're talking about 80 or 90
17 percent differential in teacher costs for a wealthy
18 district, by paying more money, having smaller
19 classes and letting the teachers spend more time away
20 from the classroom. And -- you know, that makes a
21 terrific place to work, but it probably doesn't have
22 any influence on student learning.
23 Q. What about non-teaching personnel costs, is there any
24 correlation to that?
25 A. Absolutely. Where you find high teaching salaries,

1 you'll find high salaries in other categories of
2 personnel. For example, in administration,
3 administrators' salaries usually begin where
4 teachers' salaries stop. And then there are various
5 layers of administration. So, if you have middle
6 management at a campus, an assistant principal, or a
7 dean, let's say, you expect to pay that administrator
8 more than the highest paid teacher than you would
9 expect to pay your principal more than your assistant
10 principal. And then in the central administration,
11 the assistant superintendents normally earn more than
12 the principals, and superintendents earn more than
13 assistant principals (sic). So, you have four or
14 five layers of administration that has to be worked
15 in, beginning with the highest teacher's salary. So,
16 what's usually found in most districts is that the
17 superintendent's salary is about double of what the
18 highest paid teacher is. And all other layers of
19 administration are worked in between the
20 superintendent's salary and the salary of the highest
21 paid teacher. So, you do it that way -- you know, if
22 you have high teachers' salaries, you automatically
23 have to have high administrative salaries. And I
24 think the same holds true for other categories of
25 personnel. I know I've found that when you have well

1 paid teachers, you have well paid custodians, well
2 paid secretaries, well paid cafeteria workers. And
3 annually, when you give salary increases,
4 traditionally school districts decide what they're
5 going to do in the way of increasing teachers'
6 salaries, then tend to do the same thing to all other
7 salaries. Teachers get six percent increase this
8 year, everybody gets six percent.
9 Q. Does that same effect carryover to other
10 non-personnel costs, such as plant facilities or
11 maintenance?
12 A. Well, your -- your non-personnel costs are going to
13 go up by virtue of having more employees, you know.
14 And the example I've given here, if you're going to
15 have eight teachers, you're going to have to have
16 eight rooms. You're going to have to build the rooms
17 and you're going to have to clean the rooms. But the
18 extra money that districts have with non-personnel
19 salaries, tends to get used with -- you know, better
20 looking facilities, more coaches on the athletic
21 squads, better athletic facilities, better school
22 auditorium, more lavish performing arts productions,
23 more expensive equipment, newer school vehicles, and
24 those kinds of things. Which again are very nice and
25 people love to have them, but clearly, don't have an

1 effect on the educational achievement of students.
2 But where personnel costs are high, non-personnel
3 costs will also be high, to answer your question.
4 Q. Assume with me for a moment that we had a situation
5 where there was a suggestion that certain money be
6 taken away, in some way, from property-wealthy
7 districts in this state and redistributed to all
8 other districts in this state that are -- would be
9 classified as property-poor districts. And I've
10 asked you to take a look at that --
11 A. Yes.
12 Q. And to analyze that and to see what effect that might
13 have on the State of Texas in its finance system.
14 Have you done that?
15 A. Yes, I have. I've prepared an exhibit on that.
16 Q. I hand you what's been marked Defendant-Intervenors'
17 Exhibit No. 31, and ask you if that's the exhibit
18 that you've prepared?
19 A. Yes. This is an exhibit prepared by me entitled
20 "Impact of Leveling High Spending Texas Districts
21 Down to Average."
22 MR. R. LUNA: Your Honor, we move for the
23 admission of that exhibit.
24 MR. ROOS: No objection, Your Honor.
25 THE COURT: All right. It will be

1 admitted.
2 MR. GRAY: Your Honor, if I might, just so
3 I can understand it, I would like to have one
4 question on Voir Dire.
5 THE COURT: Okay.
6 VOIR DIRE EXAMINATION
7 BY MR. GRAY:
8 Q. Dr. Jewell, when you say the title is "Impact of
9 Leveling High Spending Texas Districts Down to
10 Average," the testimony that's already been
11 introduced in the record is that the state average is
12 about $3,345.00. So is this the impact of leveling
13 everybody down to $3,345.00?
14 A. Everybody on this list.
15 Q. I thought you had told me earlier it was $6,700.00.
16 A. $6,700.00 is where I drew the line for including the
17 districts, that's --
18 Q. So you level everybody down to $6,700.00?
19 A. No.
20 Q. That's what I was confused at.
21 A. Okay. What I did was I took all districts that had
22 200 percent of the state average per pupil
23 expenditure. So I included in here all districts
24 that I could find that spend $6,700.00 per year, per
25 student or more. And then, in leveling them down, I

took money away from them until they were down to the state average of $3,350.00.

Q. Okay. So you only -- and if a district was spending $6,699.00?

A. I took them all the way down to $3,350.00.

Q. If they --

MR. KAUFFMAN: You said $6,699.00?

BY MR. GRAY:

Q. I said $6,699.00. If they're spending below $6,700.00 --

A. I didn't include them.

Q. They stayed at $6,700.00?

A. Right.

MR. GRAY: I now understand, Your Honor.

MR. R. LUNA: Is it admitted, Your Honor?

MR. GRAY: I have no objection. I don't think it's relevant to anything, but I have no objection.

THE COURT: All right. It will be admitted.

(Defendant-Intervenors'

(Exhibit No. 31 admitted.

DIRECT EXAMINATION (RESUMED)

BY MR. R. LUNA:

Q. Dr. Jewell, would you explain your exhibit here and

1 the significance of it? And by the way, have you had
2 a chance to review this since you completed it for
3 accuracy?
4 A. I missed one district. In my review this morning, a
5 47th district should be included, which is Whiteface
6 in Region 17, which has an enrollment of 320 students
7 and a per pupil cost of $6,816.00.
8 Q. Six thousand, how much?
9 A. 816.
10 Q. Does that change significantly your exhibit or any
11 conclusion that you've reached?
12 A. It really doesn't. It would add $1,133,000.00 to the
13 total payback on the last page, lower right-hand
14 corner. It would make that $28,000,000.00 figure --
15 it would be about $29,351,000.00. But for the
16 purposes of this exhibit, it really doesn't have any
17 impact.
18 Q. All right. Now, if you could, carry us through it
19 quickly and tell us what you've done.
20 A. Yeah. Well, in cases of this kind, you usually hear
21 a lot about high spending districts that are two, or
22 three, or four, or five times the state average. And
23 that -- you know, if those districts -- if the extra
24 money of those districts spent could be given to the
25 other districts, well it would be more fair. And the

1 other districts would be able to provide a better
2 education.
3 So, I was curious as to what would be the
4 effect of taking all of these super high spending
5 districts and leveling them down to average. And by
6 taking them down to average, well, then computing how
7 much they would have to give up, which could be sent
8 back to the state for redistribution to the other
9 districts. And I was interested in what the impact
10 of all this would be. So, I arbitrarily decided I
11 would take all districts that have more than twice as
12 much as a state average in per pupil expenditures.
13 And the state average being $3,350.00, I took
14 districts that spent $6,700.00 per student or more.
15 And I found 46 such districts before today, and found
16 one more this morning. So, there are 47 such
17 districts that spend more than twice the amount of
18 the average per pupil expenditure. And then I made
19 the computation, based on enrollment. I would reduce
20 those districts down to $3,350.00 and take the excess
21 and make the payback. On the second page, you'll see
22 the name of each district, the enrollment, the actual
23 per pupil cost; and in the column on the right, how
24 much money would be paid back if that district were
25 reduced to an average per pupil expenditure. Because

1 these are the districts that you hear the most about,
2 in cases such as this, where there are arguments
3 about financial equality.
4 One of the things that struck me right away is
5 that these districts are pretty small. And if you'll
6 look in the enrollment column there, you just don't
7 won't find any very large districts. And some of them
8 -- well, the smallest one is four students -- there's
9 one with five students. And I could only find one of
10 the 47 that spends more than $10,000.00 per student
11 that has more than a hundred students. So, that's
12 basically what the operation was. And the
13 conclusions are on the fact sheet which covers these
14 data.
15 And again, allowing for the fact that I missed
16 one district, if I can leave that out for now -- 46
17 districts would have to make payback to the state,
18 $1,020.00 wouldn't be effective at all. Per pupil
19 expenditures in those 46 districts range from
20 $6,804.00 to $15,437.00. The state average per pupil
21 expenditures $3,350.00. 23 of these districts are
22 small. Of these 46 districts, the average is 132
23 students per district. They don't really enroll very
24 many students. 6,066 students -- that actually would
25 be about 6,300, now that we've found Whiteface -- but

1 6,300 students is a very small proportion of
2 3,000,000. It's -- I don't know -- two-tenths of one
3 percent, perhaps.
4 The 46 districts would make paybacks ranging
5 from $19,000.00 plus to $2,234,000.00 plus. The
6 average payback for each district would be about
7 $633,000.00, which is an average of $4,652.00 for
8 each of the 6,000 plus students.
9 So, obviously, it would have a terrific impact
10 on these high spending districts to be taken from
11 $15,000.00 a year to $3,300.00 a year. But that
12 really wasn't the question. The question was, what
13 would it do for the State of Texas? The total
14 payback to the state would be, now, $29,350,000.00.
15 And if you take that payback and divide it equally
16 among the remaining 3,000,000 Texas public school
17 students, the impact is that it raises the per pupil
18 expenditures between nine and ten dollars each year.
19 So the bottom line impact of that is that the
20 $3,350.00 spent, on the average, would go up to about
21 $3,360.00. And the conclusion is, even though
22 there's a lot of discussion about these very wealthy
23 districts, and if you could level them down, problems
24 would be solved. If you level them down, it doesn't
25 have any impact at all on state finance; doesn't have

1 any worth talking about.
2 Q. Should the State of Texas attempt to equalize
3 educational expenditures by providing more state
4 money to property-poor districts, and less state
5 money to property-wealthy districts?
6 A. Yes, they do that. When you look at the results of
7 -- when you look at districts that have below
8 average per pupil expenditures and those that have
9 above average per pupil expenditures, you can see
10 very nicely that the State of Texas does equalize
11 educational opportunity through financing.
12 Q. I hand you what has been marked as
13 Defendant-Intervenors' Exhibit No. 32 and ask you if
14 you can identify that document?
15 A. Yes.
16 Q. What is that, please?
17 A. Okay. This is a page that's been taken from a report
18 by the Texas Research League, entitled "Bench Marks
19 for 1986-'87 School District Budgets in Texas."
20 Q. Is that Page 18?
21 A. Page 18.
22 Q. That exhibit is already in evidence before this
23 Court.
24 A. The notes are mine.
25 Q. All right.

1 MR. R. LUNA: We move for admission of this
2 exhibit, Your Honor.
3 MR. GRAY: No objections.
4 MR. ROOS: No objection.
5 THE COURT: All right. It will be
6 admitted.
7 (Defendant-Intervenors'
8 (Exhibit No. 32 admitted.
9 A. The state funding formula -- formulas, formulae --
10 formulas are very complicated and very confusing, at
11 least my students in finance find them so. And
12 rather than going through all of that, I thought I
13 would take this page and just show you the bottom
14 line results of the Texas formula and what effect it
15 has on two districts, which are -- one of which is
16 below average in wealth -- quite a bit below average
17 in wealth, and another which is well over average in
18 wealth.
19 MR. GRAY: Excuse me. You don't mean
20 districts, you mean groups of districts.
21 THE WITNESS: Groups of districts, right.
22 A. Looking at the -- and school district wealth is
23 measured by the amount of assessed evaluation that a
24 district has for each student enrolled. Under
25 $100,000.00 assessed evaluation for each student is

1 poor -- it's below average. A district that only has
2 that much assessed evaluation obviously doesn't have
3 very much. The total spending in that district, in
4 this example given, is $2,890.00. Now, that's 14
5 percent below the state average.
6 A wealthy district, although not the very
7 wealthiest -- a group of districts, if you will, over
8 $500,000.00 assessed evaluation behind each student,
9 has $5,020.00 per student to spend, which is 50
10 percent above the state average. And, you know,
11 those are clearly disparities. The lowest spending
12 district is spending 57.6 percent as much as the
13 highest spending district in this example. But look
14 what happens when we look at the breakdown of money
15 provided by the state and money provided by the
16 locality. And in the poor district that's spending
17 $2,890.00, $2,416.00 of state aid, $474.00 comes from
18 local property tax. So, even in this district, which
19 isn't the very poorest, but it's 14 percent below
20 average, the locality's providing 16.4 percent of the
21 total expenditures and the state is providing 83.6
22 percent. And the other example, the wealthy
23 district, although not the wealthiest, when you look
24 at the breakdown there, the state aid is $454.00 and
25 the local funding is $4,566.00. Even though your

1 total expenditure is more, the state is only
2 providing nine percent of the funding for that
3 wealthy district. It's only providing $454.00 in
4 state aid. The bulk of the funding, $4,566.00, comes
5 from local sources.
6 I think there's one example shows -- it's not
7 the wealthiest district, it's not the poorest
8 district -- but it does show, when you're 14 percent
9 below average in wealth, the state is providing 83.6
10 percent of the funding. And when you are 50 percent
11 above average in expenditures, the state's commitment
12 to that district goes down to nine percent. And you
13 don't have to look too long in Texas to find these
14 very wealthy districts, the state is only
15 contributing two or three percent to the total
16 funding. So, I think that answers the question.
17 Texas does fund in a way which equalizes finance
18 based upon local wealth. The formula is complicated,
19 but I think this shows that it does the job.
20 Q. Dr. Jewell, assume with me for a moment that there
21 has been a suggestion during this trial that certain
22 funds be redistributed from local communities to the
23 state, and by the state to other districts.
24 A. (Witness nodded head to the affirmative.)
25 Q. Is there any basis for that in your experience, and

1 on a level other than in Texas, and if so, what's
2 been the result of those states and districts that
3 have tried that?
4 A. Well, in school finance, when you're sending local
5 property tax money back to the state for
6 redistribution, that's termed a recapture provision
7 of a state aid formula. And recaptured provisions
8 have been known about for a long time, and I'm sure
9 that all of the states have looked at them. But
10 there have only been four states that have ever tried
11 them. Maine, Montana, Wisconsin and Utah, where they
12 actually would collect local property tax money from
13 wealthy districts, collect it by the state and then
14 send it, you know, send it back to a less wealthy
15 district. Maine, Montana and Wisconsin gave up on
16 recaptured provisions. And to the best of my
17 knowledge, the only state now that has one is Utah.
18 Utah does send local money back to the state for
19 redistribution, but Utah is 51 -- or 50 out of 50
20 states in per pupil expenditures. It's at the very
21 bottom. And I think there are only five districts in
22 Texas that spend below the Utah average. So
23 obviously, it's the state that's doing everything it
24 can to try to scrape up enough money to provide a
25 basic, adequate, essential program to all of its

1 students. And it must find it necessary to do that.
2 But it's not done in other states. And where it has
3 been tried, it's been proved to be politically
4 unpopular, and it's tended to produce a loss of
5 public support for the schools where people like to
6 -- people don't like to pay local property taxes and
7 have them taken out of their district and sent to
8 other districts.
9 Q. Is that a possible effect within the State of Texas
10 if that were the method that was utilized here?
11 A. I don't think people in Texas would like it any
12 better than people in other states.
13 Q. All right. Are you saying then that it could reduce
14 the local tax effort in this state as well as it --
15 like it has in others?
16 A. Well, if the --
17 MR. ROOS: Your Honor, I object to the
18 question. It assumes a fact he hasn't testified to.
19 He didn't say it lowered the tax effort in the other
20 states, if I recollect his testimony. The question
21 was, to this gentleman, "Will you assume it will
22 lower the tax effort in Texas as it has in other
23 states?" That wasn't what this fellow testified to,
24 I don't believe.
25 MR. R. LUNA: I'll be happy to rephrase it.

1 THE COURT: Okay.
2 BY MR. R. LUNA:
3 Q. Would you go ahead and explain your answer, to the
4 best of your knowledge, what has happened in other
5 states and what could happen in Texas?
6 A. Recaptured provisions generally have been used where --
7 they have been tried, they haven't been maintained.
8 One obvious thing that a locality is going to do if
9 you're going to redistribute local property tax
10 money, is, it's going to reduce local effort. That's
11 the first tactic that you use against it. If your --
12 if local people still have control over local rates,
13 when they find that their money is being taken away
14 from their community and sent someplace else, then
15 they will reduce the rates. The only way then that
16 the state can maintain the level of funding is to
17 step in and mandate high property tax rates and not
18 let the localities reduce them. But that's clearly
19 one of the things they're going to do. If they have
20 any control over local effort, they're going to
21 reduce it when they see the money leave the
22 community. And wealthy districts do like to spend
23 large amounts of money on the education of their
24 children. And, you know, if you level down too much
25 and the wealthy people become convinced that they

1 can't get everything in education they want for the
2 amount being spent, there might be a flight of people
3 -- parents from the public schools or private schools
4 -- that conceivably could happen. If wealthy people
5 feel that they're not -- not enough is being done,
6 educationally, for their child, and they can afford
7 it, they would pull their youngster out of public
8 schools and send them to private schools.
9 Q. Thank you.
10 MR. R. LUNA: No further questions, Your
11 Honor.
12 MR. E. LUNA: Please the Court, at this
13 time, we had made the agreement so that they could
14 hear the direct examination and have some time to
15 consider their cross, that we would put on another
16 witness at this time. And we have brought a witness
17 from out of town that we would like to pull him off
18 the witness stand and put another one on.
19 MR. GRAY: That's fine, Your Honor. They
20 gave us, at the noon break, whatever source material
21 he was quoting from and we are literally Xeroxing it
22 now so we can look at it, because they asked to have
23 it back this afternoon. So, we haven't had a chance
24 to look at it.
25 THE COURT: All right. You may step down,

1 sir.

2 (Witness excused.)

3 MR. E. LUNA: Call Mr. Esquivel. Your

4 Honor, this witness has not been sworn.

5 MR. RUBEN ESQUIVEL

6 was called as a witness, and after having been first duly

7 sworn, testified as follows, to-wit:

8 DIRECT EXAMINATION

9 BY MR. E. LUNA:

10 Q. What is your name, please, sir?

11 A. Ruben Esquivel.

12 Q. Mr. Esquivel, where do you live at this time?

13 A. I live at 1217 Hanna Circle, (Phon.) De Soto, Texas.

14 Q. Where were you born?

15 A. I was born in Havana, Cuba.

16 Q. And where did you go through your elementary and high

17 school years?

18 A. In Havana, Cuba.

19 Q. When did you leave Cuba?

20 A. In November of 1961.

21 Q. What age person were you then?

22 A. I was 18 years old.

23 Q. Who left with you?

24 A. My 12 year old sister.

25 Q. And where did you go?

1 A. Initially, we took a flight to Kingston, Jamaica,
2 where we spent about 17 days trying to get entrance
3 into the United States, which we accomplished, and
4 flew to Miami, where some church groups helped us,
5 and then relocated, my sister and I, to New Jersey.
6 Q. Were you what we called a Cuban refugee, you and your
7 sister?
8 A. In 1961, that's correct.
9 Q. Now, after you went to New Jersey, what did you do?
10 A. I found employment working for a manufacturing
11 company in Cranford, New Jersey.
12 Q. Did you go to school?
13 A. After I began working, I enrolled in college.
14 Q. Before you left Cuba, did you study some English in
15 school?
16 A. I did.
17 Q. But although you had studied in school, when you got
18 to this country in 1961, could you speak English
19 conversationally?
20 A. I could speak. I had a little difficulty
21 understanding what was being said to me, but it took
22 me a while to get used to the accent in that area.
23 Q. Then when you went to New Jersey, did you continue to
24 work full-time and go to school, when you finished
25 college?

1 A. I did, for nine years.
2 Q. For nine years?
3 A. Right.
4 Q. Now, what did you major in, in college?
5 A. In electrical engineering.
6 Q. And what was the name of the school that you went to?
7 A. Newark College of Engineering.
8 Q. Newark College of Engineering?
9 A. Right. It's called, today, New Jersey Institute of
10 Technology. It's a state university.
11 Q. And what kind of engineering degree did you get?
12 A. Electrical engineering.
13 Q. And after getting that degree, did you continue to
14 work and go to school after that?
15 A. Right. After getting the Bachelor's degree in
16 electrical engineering, I enrolled at Rutgers
17 Business School, working towards a Master's in
18 business administration.
19 Q. Now, did you later become a naturalized citizen of
20 this nation?
21 A. About five years after arriving from Cuba, I did
22 become a naturalized citizen.
23 Q. Then after you finished your Master's work at -- or
24 did you finish all of the work for the Master's at
25 Rutgers, except for the thesis?

1 A. Well, while I was attending Rutgers, our business was
2 moved from New Jersey to Dallas, Texas. And I moved
3 with the company, and then I enrolled at the
4 University of Texas at Arlington to continue my
5 Master's program in --
6 Q. All right. How much of the Master's program did you
7 continue?
8 A. Completed all of the course work, but did not finish
9 my thesis.
10 Q. And are you still working with that same company?
11 A. I am.
12 Q. What's the name of it?
13 A. The name is Multi-Amp Corporation.
14 Q. What is Multi-Amp Corporation?
15 A. Multi-Amp manufactures electrical test equipment, and
16 it also provides engineering and technical services
17 to utility companies -- electric utilities,
18 primarily.
19 Q. Now by testing equipment, what is that?
20 A. The equipment the company manufactures is designed to
21 simulate faults, and thereby allowing you to see how
22 a circuit breaker, a relay, an oil circuit replacer,
23 and some other protective devices respond, and give
24 the utility company, or industrial company some
25 assurance that were that device be called to trip a

1 circuit, it will do so, as it was intended to.
2 Q. What is your job with that company?
3 A. Today, I'm president of the company.
4 Q. All right. Now, is that -- how much beyond the
5 boundaries of De Soto does the company operate?
6 A. It's a worldwide business. We sell worldwide.
7 Q. And do you furnish engineering services worldwide?
8 A. We do. Mostly products worldwide, and to a certain
9 extent, also training and engineering services.
10 Q. Mr. Esquivel, you're a married man, are you not, sir?
11 A. I am.
12 Q. Where is your wife from?
13 A. She was also born in Havana, Cuba.
14 Q. And were you married before leaving Cuba or after
15 that?
16 A. We married after leaving Cuba.
17 Q. Had she, up until the time she left Cuba, been living
18 in Cuba all of her life?
19 A. That is correct.
20 Q. Were you married before you moved to De Soto?
21 A. Yes, I was.
22 Q. Do you have any children?
23 A. I do.
24 Q. How many?
25 A. Two.

1 Q. What are their ages?
2 A. Our son is 16. Our daughter is 13.
3 Q. Now, when your son was born, and as he began to get
4 big enough to talk, what language was spoken at home?
5 A. We were living in New Jersey and we spoke Spanish at
6 home.
7 Q. Was that his first language to learn?
8 A. That was his first language to learn, that's correct.
9 Q. And as he started school, English was his second
10 language?
11 A. Second language. He started school, actually, in De
12 Soto, after we moved to Texas.
13 Q. His first year of school was in De Soto?
14 A. That's correct.
15 Q. What year did you move to De Soto?
16 A. 1971.
17 Q. 1971 --
18 A. I'm sorry, 1973.
19 Q. '73?
20 A. 1973.
21 Q. Now, you have only, then, been in De Soto for 14
22 years?
23 A. It will be 14 years later this year.
24 Q. During those 14 years, have you taken part, you and
25 your family, in the things that are going on in the

1 community, as included in the schools?
2 A. We have, yes. Very much so.
3 Q. Have you encouraged your children to take an interest
4 in school?
5 A. Yes, we have.
6 Q. By the way, do you hold any public office?
7 A. I do.
8 Q. What is that?
9 A. I'm president of the board of trustees of the De Soto
10 Independent School District.
11 Q. And how long have you been on the board of trustees?
12 A. Five years.
13 Q. How long have you been president?
14 A. Four years.
15 Q. So, then, some nine years after you moved to De Soto,
16 you were involved enough in the community that you
17 got elected to the board of trustees of your school
18 district?
19 A. Approximately nine years.
20 Q. And then one year after you were elected to the
21 board, your fellow board members elected you
22 president?
23 A. Correct.
24 Q. Any other Cubans on the board?
25 A. No, sir.

1 Q. Any other minority of any type on the board?
2 A. No. If you mean by minorities, Blacks or Asians.
3 Q. Or Hispanics, or any other nationality?
4 A. No, sir.
5 Q. How many women do you have on the board?
6 A. At the present time, two.
7 Q. Two. Now, Mr. Esquivel, do you and your fellow board
8 members and administrators of your school district
9 insist on discipline in that school?
10 A. We do.
11 Q. Do you feel that discipline, in any way, is related
12 to the learning of the students?
13 A. We feel that without discipline, the teachers in the
14 classroom would have a very difficult time working
15 with the students, and the students will have an even
16 more difficult time learning.
17 Q. By the way, what percentage of minority students do
18 you have in De Soto?
19 A. Anglos are about 85 percent, Blacks approximately ten
20 percent, Hispanic and other minorities, about five
21 percent.
22 Q. Now, you told us the age of your two children, I
23 assume they're both in De Soto Independent School
24 District classes?
25 A. They are.

1 Q. We have had some testimony here about the grades and
2 scores in areas of minority students. Let's take
3 first the two children at your house. How do they do
4 insofar as their classes are concerned in De Soto
5 Independent School District?
6 A. Our daughter receives A's at the junior high school
7 and has received straight A's for several years. And
8 our son's performance is at the same level. He's
9 enrolled in the advanced honors program, and he's
10 ranked fifth of the junior class.
11 Q. Of the 15 percent minorities that you have in your
12 school system, would you tell -- moving away from
13 your own family, the minorities generally, how do
14 they measure up test score wise to the Anglos?
15 A. There are those that score high and those that score
16 low. But on the average, it's equivalent to the
17 performance of the Anglos.
18 Q. Why do you think that happens in De Soto Independent
19 School District?
20 A. Well, I think there's a great deal of expectation on
21 the part of the parents in the district. There's
22 also a considerable amount of involvement in the
23 schools by parents. And another factor is the
24 management of the schools on the part of the board
25 and the administration and the teachers. And by

1 management, I mean the discipline management, the
2 financial management -- just trying to run the
3 schools as efficiently as possible.
4 Q. Now, I want to ask you some things about De Soto
5 Independent School District. We have introduced in
6 evidence here an exhibit. I want to take a look, to
7 begin with, at Edgewood ISD. Can you see that from
8 where you are?
9 A. The last line I can see from here.
10 Q. $3,600.00 spent for operating expense -- total
11 curriculum, total current operating expense -- this
12 is as of the year '84-'85. And then their scores on
13 the TEAMS test, 31, 26 and 31. I want to also call
14 your attention to the De Soto ISD total operating
15 expenses according to our TEAM -- to our Bench Marks
16 -- 25 -- current operating expense, can you see
17 that?
18 A. $2,995.00.
19 Q. Sir?
20 A. $2,995.00.
21 Q. $2,995.00, yes, sir. $2,995.00, and the test scores --
22 test scores, 69, 61 and 58. Now, that would indicate
23 that in math, your district produces more than twice
24 the test scores as Edgewood, right? And in reading,
25 that you also produce more than twice as much. And

1 lack two points being twice as much in writing,
2 right?
3 A. That's correct.
4 Q. And on expenditures, you do it for $605.00 less. How
5 do you do it?
6 A. Well, I mentioned earlier, we have a great deal of
7 expectations from the parents of our students, and a
8 great deal of involvement on the part of the parents.
9 Q. Well, suppose there's a family that just doesn't care
10 too much about school. How do you go about involving
11 them in it?
12 A. Well, then that all falls on the school district to
13 motivate those students and help them along. And
14 that's where the teachers do the bulk of the work in
15 that classroom and are backed up by the
16 administration and, ultimately, by the board, in
17 providing for discipline. So, it can be an
18 environment that's conducive to learning, and
19 providing encouragement and support. It's just
20 working hard.
21 Q. Now, on the next area, our Exhibit 25 shows that the
22 state average in wealth is $251,512.00 with a .681
23 cents tax rate, and that Edgewood is much less than
24 that, with only $38,661.00 and a .563 tax rate.
25 While De Soto has a $185,957.00 values per ADA, being

1 less than the state average, right?
2 A. That's right.
3 Q. And De Soto, on the local effort, on the tax rate,
4 you pay a real tax rate of 86 cents, about roughly a
5 third more than Edgewood. Well, about 50 percent
6 more than Edgewood. How do you get your people to do
7 that, to make a more local effort than that?
8 A. The community has been supportive of the school and
9 we have also tried to make sure that we give them
10 input as to where the dollars we're taxing locally
11 are going for. And I feel that as long as we're not
12 wasting it, or putting it into things that they do
13 not feel are of value for their children, that they
14 will continue to be supportive, if we need to
15 supplement, locally, what is necessary to provide for
16 their children's education.
17 Q. Now, De Soto ADA, that year, was $4,158.00, while
18 Edgewood was $14,599.00. So your school district is
19 about a third the size of Edgewood in as far as
20 students are concerned, right?
21 A. As far as ADA.
22 Q. On ADA.
23 Now, in square miles, do you know,
24 approximately, how big your school district is? Do
25 you remember the figures on that?

1 A. Approximately 20 square feet -- maybe 22.
2 Q. 20 to 22 square miles?
3 A. Square miles.
4 Q. What type of school district do you have in the --
5 insofar as the wealth is concerned? Do you have a
6 lot of large industrial plants?
7 A. No, we do not.
8 Q. Would you describe the type of facilities, generally,
9 that make up the less than state average tax base
10 that you have?
11 A. Tax base is mostly residential. Then there is
12 agricultural and then some commercial. But by far,
13 the largest portion of our tax base is residential --
14 apartments and single family homes.
15 Q. They're, at this time, building a Holiday Inn in your
16 school district, are they not?
17 A. No, sir.
18 Q. Not in your school district?
19 A. No, sir, it's north of our school district.
20 Q. Sir?
21 A. It's in the City of De Soto, but it's outside our
22 school district.
23 Q. All right. Do you even have a hotel, or motel, in
24 your entire school district?
25 A. No, we do not.

1 Q. So, while you have some local businesses, you have no
2 substantial amount of industry of any type in De
3 Soto?
4 A. Other than residential and agricultural, we're
5 talking about commercial.
6 Q. All right.
7 A. Stores, and that type of business.
8 Q. Now, Mr. Esquivel, our evidence here shows that there
9 is a school district that is fairly close to you,
10 Highland Park, which has a considerably higher tax
11 base than you, and spends considerably more money
12 than you spend in De Soto. In order to give De Soto
13 more tax base, if it was possible as -- in this
14 Court, would you like to see this Court take De Soto,
15 and maybe Highland Park, and at least, for tax
16 purposes, consolidate those two -- give you more
17 money out there?
18 A. Would we continue to retain local control?
19 Q. Well, would you?
20 A. I'm asking.
21 Q. Well, you and Highland Park might share it, or
22 whoever.
23 A. We would like our local control of that district --
24 the De Soto District. And it depends on what strings
25 get attached. So, we would rather stand on our own.

1 Q. Even though some form of consolidating you with some
2 other school district, or groups of school districts,
3 for tax purposes, might result in more money, you
4 would prefer to make the local effort and keep your
5 own school district, is that what you're telling us?
6 A. That's correct.
7 MR. E. LUNA: Pass the witness.
8 MR. TURNER: No questions, Your Honor.
9 MR. O'HANLON: None.
10 THE COURT: Over here?
11 MR. KAUFFMAN: Yes.
12 CROSS EXAMINATION
13 BY MR. KAUFFMAN:
14 Q. Mr. Esquivel, it's my understanding that your
15 district is one of the Defendant-Intervenors' in this
16 lawsuit, is that correct?
17 A. That's correct.
18 Q. Why are you a Defendant-Intervenor in the lawsuit?
19 A. Because, to our understanding, the attempt to change
20 the way that state funds are allocated to districts
21 was not going to be necessarily fair -- a fair
22 redistribution of those taxes. We felt that after
23 House Bill 72, and the way that equalization was put
24 in place, although not perfect, because I don't feel
25 there's anything that we can devise, when it comes to

1 dividing a piece of pie, would ever be perfect -- at
2 least we felt it was equitable, and continued to
3 provide our local district with local control. And
4 allowed the local residents to determine whether they
5 wanted to provide additional funding to improve the
6 programs over and above what we were receiving from
7 the state.
8 Q. Mr. Esquivel, if your district had an additional
9 $400.00 a student, what would you do with it?
10 A. If we had an additional $400.00 per student?
11 Q. Uh-huh.
12 A. We'll probably implement our five year computer plan
13 in one year.
14 Q. Okay.
15 A. That would probably be one thing we would do.
16 We may reduce, further, the teacher/pupil ratio
17 to help teacher loads.
18 Q. Okay.
19 A. I don't know how far $400.00 per student would go
20 towards those items, but --
21 Q. Okay.
22 A. Those are things, in planning our local budget, are
23 those types of things that we would like to do.
24 They're not -- not having them, I don't think, is
25 hurting the education of our students, but it would

1 be nice things to have and put in place --
2 Q. Okay.
3 A. -- if we had an extra $400.00.
4 Q. If you could reduce the pupil/teacher ratio, do you
5 think that would help your teachers to educate the
6 kids in your district?
7 A. Right now, we are around 22, 21 -- we've had to bring
8 some portable -- one portable building in --
9 Q. Uh-huh.
10 A. -- to be able to maintain the required ratio. So, it
11 would reduce it some.
12 Q. Okay. Don't you think that if you did have smaller
13 classes, the teachers would have even more time to
14 spend with the kids in the classrooms in your
15 district?
16 A. On a per student basis, yes.
17 Q. Don't you feel it would make the conditions better
18 for your teachers if they had smaller classes?
19 A. The teachers would love it, yes.
20 Q. Okay. Do you feel that if the teachers love their
21 work, it would be even easier to keep teachers in
22 your district or to attract teachers to your
23 district?
24 A. We don't have a problem in that area. Our turnover
25 is minimum.

1 Q. Do you feel that your district would do even better
2 on these scores? Mr. Luna was talking about you all
3 were doing pretty well, could your district do even
4 better, you think?
5 A. I'm not sure. Those scores have been improving, at
6 least in the last five years that I've been
7 monitoring it. So have the SAT scores improved in
8 the last four years, five years. So, whatever we're
9 doing is working. And more money always helps. At
10 what point you reach diminishing returns, I don't
11 know.
12 Q. Do you feel that in your district more money helps
13 you to provide a better educational opportunity for
14 the kids in your district?
15 A. I think it would help enrich and provide some extras.
16 Q. By enrich, do you mean that it would provide for your
17 children more program offerings, more opportunities
18 to take different types of courses, better working
19 conditions for your teachers, that sort of thing?
20 A. It always helps to have more money.
21 Q. Okay. By helping, you mean it would help the
22 children in your district?
23 A. It would help the teachers, sure.
24 Q. And it would help the children in your district,
25 also, is that correct?

1 A. It always helps.
2 Q. It would help the children in your district?
3 A. It will help -- I don't know, necessarily, to improve
4 further their education, but it certainly may help
5 their enjoyment. If we can give them a swimming
6 pool, I know they will be very joyful about that.
7 But that's, again, one of the things we haven't put
8 in our schools because of limited funds.
9 Q. Okay. Is there anything else you haven't done in
10 your schools, because of limited funds, other than
11 the swimming pool?
12 A. As I said, the computer program is one that we are
13 facing, you know, every four year period.
14 I could give you a list -- and we're working on
15 our budget, and I'm sure we could come up with a
16 number of items we could do if we had additional
17 funding.
18 Q. Okay. Give me some that are on your mind -- things
19 you've talked about at the board meeting? I mean,
20 I've never met a superintendent who didn't have a
21 list of things that they needed, or a board president
22 who didn't.
23 A. Uh-huh.
24 Q. I was just wondering if you really feel you've got it
25 all?

1 A. I think computers are the things that we would like
2 to have more of right now. All of our needs are
3 being met adequately.
4 Q. Okay. In terms of your tax rate, I think you said it
5 was 86 cents. Are you aware that the Highland Park
6 District has a tax rate of around 40 cents?
7 A. I believe that's right. I'm not certain if it's
8 exactly right, but --
9 Q. 33 cents?
10 MR. GRAY: 33, according to Bench Marks.
11 Q. 33 cents. Are you aware of that?
12 A. I'll take your word for it.
13 Q. Okay, fine. And Highland Park spends about --
14 according to their figures, I guess they spend about
15 $800.00 more than your district, is that right?
16 A. $800.00 more per student?
17 Q. Per student in your district.
18 A. We spent $2,995.00 -- they spend more than that.
19 They spend one thousand one hundred and some dollars
20 more per student.
21 Q. Spend about $1,200.00 per more?
22 A. More, right.
23 Q. And they have a tax rate that's less than half of
24 your tax rate?
25 A. Right.

1 Q. I guess you're going to tell us you feel that's fair
2 to the taxpayers in your district to pay twice the
3 rate and get half of the money?
4 A. Well, I think part of the reason the rate is lower
5 is because if some of the homes that are in our
6 district were in Highland Park, their values would be
7 much higher -- it's the same home. So, those
8 homeowners, parents that are taxpayers, are paying
9 more dollars. Although their rate is lower, the
10 dollars they're paying are higher.
11 Q. I mean, if you were lucky enough to find a house in
12 Highland Park for $150,000.00, you'd still pay a lot
13 less taxes on that house than you would on a
14 $150,000.00 house in De Soto, is that right?
15 A. Well, $150,000.00 house in De Soto, if it was in
16 Highland Park, it would be worth, maybe, two or three
17 times what it's worth in De Soto. So, you'll end up
18 paying the same amount of taxes. Although the rate
19 is lower, the evaluation is higher, so your dollar
20 cost for that same house ends up being about the
21 same.
22 Q. Maybe you didn't get the question. $150,000.00 house
23 -- a house that has a $150,000.00 value on it in
24 Highland Park, and $150,000.00 house in your
25 district, you're going to pay twice as much taxes as

1 the person in Highland Park, right?
2 MR. O'HANLON: That fact is not in
3 evidence. I don't think there is a $150,000.00 house
4 in Highland Park.
5 THE COURT: Well, he's using it by way of
6 illustration. We appreciate your humor, anyway.
7 A. I understand the question. And it's exactly the same
8 way I understood it the first time you mentioned it,
9 but we're looking at the cost to an individual for
10 the type of house that they can afford.
11 Q. Uh-huh.
12 A. $150,000.00 house in De Soto would be appraised, in
13 Highland Park, the same house, probably three times
14 as much. Therefore, if I was living in Highland
15 Park, in the same house I live in De Soto, I would
16 end up paying about the same amount of dollars.
17 Q. You still haven't answered my question. I didn't say
18 the same house, I said if you lived in a house in
19 Highland Park --
20 A. Right.
21 Q. $150,000.00 value, a house in De Soto, $150,000.00
22 value -- in De Soto, you pay twice as much tax, is
23 that right?
24 A. Correct.
25 Q. In De Soto, you're still going to have $1,200.00 less

1 per student spent on your kids than the people in
2 Highland Park have on theirs, is that right?
3 According to the figures --
4 A. That's right.
5 Q. All right. And as the president of the board of De
6 Soto, you're going to tell the Court that's okay with
7 you, that system doesn't bother you at all?
8 A. That's correct.
9 Q. Okay. In terms of the buildings that you build in
10 your district -- let's look at your tax rate for a
11 second -- of that 86 cent tax rate that you have,
12 about half of it goes to build buildings, and half of
13 it goes to programs in the district, is that right?
14 A. No.
15 Q. What is the breakdown?
16 A. And again, I may be talking about a different year
17 than what's being used here, but I would say we're in
18 the low 20 cent range for interest and debt.
19 Q. Okay. And then that puts you at about what on
20 maintenance and operations?
21 A. About 66 cents, 65 cents, 64 cents, in that
22 neighborhood.
23 Q. Okay. Did you know that people in Highland Park, of
24 their 33 cent tax rate, pay about three cents for
25 buildings and the rest goes to their programs?

1 A. I'll take your word for it.
2 Q. Does that cause you any concern, that they only have
3 to pay three cents for buildings, you have to pay 20
4 cents for buildings?
5 A. No, I think it's happening to us because we're
6 growing and maybe they're not.
7 Q. Your district is also going up slightly in wealth
8 during the last few years, is that right?
9 A. Has what?
10 Q. Your district is also going up slightly in wealth in
11 the last few years, is that right?
12 A. Since that chart was prepared, yes. Uh-huh. Still
13 below the state average.
14 Q. Okay. If you were to be informed that a proposal
15 that your -- Defendants have entered as a Defendants'
16 Exhibit -- showed that without instituting any sort
17 of taxing authorities or doing consolidations of any
18 sort, that your district would obtain an additional
19 $400.00 per student without any change at all in your
20 local control. Would you still feel that was against
21 the interest of your constituents in your district?
22 A. Anytime anyone wants to send our district $400.00 per
23 student, with no strings attached, we'll certainly
24 consider it.
25 MR. KAUFFMAN: Excuse me just a second,

1 Your Honor. I've got too many notebooks here.
2 THE COURT: We're going to stop for
3 afternoon break. We'll get started up again at ten
4 'til.
5 (Afternoon recess.)
6 MR. KAUFFMAN: Your Honor, I pass the
7 witness.
8 MR. GRAY: I just have a very brief
9 question or two, Your Honor.
10 CROSS EXAMINATION
11 BY MR. GRAY:
12 Q. Mr. Esquivel, my name is Rick Gray. And as I
13 understood part of your testimony, you attribute a
14 good deal of the success that the De Soto school
15 district has to the involvement of parents and the
16 kind of support for education the child receives at
17 home during off school hours, is that correct?
18 A. That is correct.
19 Q. And I take it that you would agree with me that if a
20 child is not going to have -- receive positive
21 reenforcement or motivation through the home -- and I
22 mean, using my terminology for that -- I mean parents
23 that either can, have the ability to and the
24 willingness to work with the child, read to the
25 child, help the child with homework, in general,

1 serve as an extension of the school?
2 A. You're right.
3 Q. If you don't have -- and I take it, your school
4 district has that kind of parental involvement?
5 A. We do.
6 Q. If you have a school district where your families are
7 such that they -- the parents are, say, for example,
8 uneducated, cannot help the children, or two, don't
9 have the motivation to help the children -- at any
10 event, you get it where you don't have the
11 assistance you have from the children, I take it that
12 you would agree with me that the school becomes more
13 important in its role of educating the child in the
14 sense that if the child is going to get motivated or
15 to get educated, it's got to get it at the school
16 since it's not -- or can't get it at home.
17 A. I hate to separate the two parts of your question.
18 The first part being if the parent is uneducated. I
19 don't think that prevents a parent from expectations
20 as far as their children is concerned.
21 My mother had a sixth grade education, my
22 father had a high school education, yet their
23 expectations were high. So as to that part, I don't
24 think that is a factor.
25 Second part where the parents do not have the

1 motivation to do it, then yes, more then falls within
2 the school district to make up for what's not being
3 taken care of at the home.
4 Q. Okay.
5 A. I would expand, also, and say even in our community,
6 we have single parents. And even they're -- even a
7 single parent can still provide that expectation and
8 that involvement effectively.
9 Q. I take it, as to your own children, your son and your
10 daughter, who are clearly doing well in school -- I
11 take it you and your wife have worked with them
12 through their years in school, read to them, helped
13 them do homework, help them understand problems,
14 things of that sort?
15 A. That's correct.
16 Q. And I take it that your house contains things such as
17 the World Book, or Encyclopedia America, dictionaries
18 -- educational aids that your children have access to
19 at your home?
20 A. I'm embarrassed to say that we don't have an
21 encyclopedia, they have a small dictionary. But they
22 have access through the school library and the city
23 library to encyclopedias. We do not own an
24 encyclopedia or World Book.
25 Q. Do you have librarians in De Soto?

1 A. We do.
2 Q. Does the De Soto school district provide for
3 counselors for children for -- school psychologists
4 or things of that sort, if their children are having
5 problems in school?
6 A. We do.
7 Q. And I take it, you think those types of aides,
8 librarians and counselors, psychologists are
9 important, as far as the educational process goes, of
10 keeping kids in school and helping them learn while
11 they're in school?
12 A. Although we're spending less than the state average
13 to educate our children, we are providing school
14 counselors, even at the elementary levels, to help
15 the children. And we correlate with Lancaster,
16 another community, neighboring community, to provide
17 for the special-ed students, so we're filling those
18 needs.
19 Q. Okay. Thank you, sir.
20 MR. GRAY: I have no further questions.
21 REDIRECT EXAMINATION
22 BY MR. E. LUNA:
23 Q. Mr. Esquivel, he was asking you about your son doing
24 rather well -- by the way, I know you're a little bit
25 modest and you don't like to say these things, but I

1 just want to ask you, how does your son rank in a
2 class of how many?
3 A. I believe I said fifth. And the class size is about
4 450.
5 Q. Fifth in a class size of 450?
6 A. 450.
7 Q. Now, in -- parents are not motivated to do something,
8 would you tell the Court whether or not your district
9 has a way of contacting parents, even though they may
10 not be motivated, or interested in motivating their
11 children, to try to get them involved?
12 A. Yes, we do. And of course, we cannot force them, but
13 we try to encourage every principal to direct the
14 teachers to establish communications, even when
15 they're not hearing from the parent. For example,
16 the open houses that we have twice a year, making
17 sure that the parent makes an effort to attend those
18 evenings. Also sending information home of what
19 activities are taking place in their classes, and
20 ways in which the parents can help.
21 For those parents that can come to school
22 during the day, we started a volunteer program,
23 where, with some training, we're utilizing parents
24 that have the time available to come in and help the
25 teachers and relieve some of their load, in that

1 manner, through volunteer help.
2 Q. Mr. Esquivel, we've talked about you and the school,
3 and your capacity as a corporate president. Do you
4 do anything in your community to help the indigent
5 people who can't help themselves -- what do you do in
6 that area?
7 A. Well --
8 Q. You, as an individual?
9 A. I try to give back what I have received, to share
10 with others. And I do that by giving them my time.
11 In addition to doing it through the school, I also --
12 I'm on the board of managers of the Dallas County
13 Hospital District, which, as you know, operates
14 Parkland Memorial Hospital and provides care for
15 those that cannot afford to pay for health care --
16 hospital care.
17 Q. Takes care of all of the indigents in Dallas County?
18 A. That's correct.
19 Q. Now, how about social service work, are you involved
20 in that?
21 A. I'm also on the board of the Community Council of
22 Greater Dallas, which is a resource organization for
23 all community service organizations in Dallas County.
24 It's an integral part of the United Way of Greater
25 Dallas, and it provides referral and assistance to

1 those that have need for all kinds of crisis and
2 economy.
3 Q. Including the indigents in the community or other --
4 A. Anyone with a problem, mainly. Most of the services
5 are based on a scale system where they pay according
6 to their ability.
7 Q. If they have the ability, they pay some, if they
8 don't --
9 A. If they can't, they don't pay anything.
10 Q. Mr. Esquivel, we've had some testimony in this record
11 about buildings -- the cost of buildings and how much
12 you spend. I would like to ask you to tell us about
13 -- let's start with your administration building. I
14 believe some of our districts here have brand new
15 administration buildings. I guess in a district like
16 yours, you probably do, too. Do you?
17 A. No. It's not a brand new administration building.
18 The administration building is -- the original
19 building that the district built in 1939 or '38.
20 Q. 1938 or '39 --
21 A. That's correct.
22 Q. -- your administration building?
23 A. That's correct.
24 Q. Now, why is it, that you, like Socorro, in El Paso
25 County, for example, haven't built brand new

1 administration buildings. Why do you use that old
2 1939 building instead of building a new one?
3 A. It's a matter of priorities.
4 Q. Just don't feel like you need it?
5 A. Not when the money can be used to build elementary
6 schools.
7 Q. Oh, okay.
8 A. I would like to have a new administration building,
9 but that's not where our priorities are right now.
10 Q. Somebody wants to spend you plenty of money without
11 any strings attached, you might do it, is that what
12 you're saying?
13 A. Possibly, yes.
14 Q. You haven't seen that happen very often, though?
15 A. No.
16 Q. Now, with respect to your campuses, how many total
17 campuses do you have in your district?
18 A. We have seven buildings.
19 Q. All right. Would you tell us about the age of the
20 other buildings? Do you have any buildings -- any
21 '50 models?
22 A. Yes, I think the -- one of the elementary schools was
23 built in the '50s.
24 Q. Did you have a couple of them built in the '50s?
25 A. A couple of them -- two elementary schools.

1 Q. And some in the '60s?
2 A. Right.
3 Q. And did you open an elementary school last year or
4 this year?
5 A. We opened a fifth and sixth grade school last year,
6 this current year.
7 Q. Now, other than that one, is there any other school
8 that you have -- any other building that's been built
9 since, say, 15 years ago, since 1972?
10 A. We opened a second intermediate school in the last 15
11 years, also -- fifth and sixth grade.
12 Q. So, of all of the schools, you only have two of them
13 that are less than 15 years old?
14 A. 15 years, that's correct.
15 Q. Did it ever occur to you, or your parents, and your
16 student body, that they ought to feel depressed in
17 going to those schools that are 15 to 30 years old?
18 A. Not to my knowledge.
19 Q. What happens if you get a leak in the roof and the
20 tiles are colored, what do you do?
21 A. First we fix the leak, and then we replace the tile.
22 Q. You do it right away or do you wait a few years?
23 A. Well, we do it right away.
24 Q. So then, is what you're telling us is you maintain
25 your buildings?

1 A. We do.
2 Q. Keep them clean?
3 A. Yes.
4 Q. And do the students have an academic atmosphere, in
5 your opinion, even though the buildings -- most of
6 them are 15 to 30 years old?
7 A. I believe they have a good atmosphere.
8 MR. E. LUNA: I believe that's all.
9 MR. TURNER: No questions, Your Honor.
10 THE COURT: Anything over here?
11 MR. GRAY: Nothing further, Your Honor.
12 THE COURT: All right, sir. You may step
13 down, Thank you, sir.
14 (Witness excused.)
15 MR. E. LUNA: We call Dr. Long back to the
16 stand, Your Honor.
17 THE COURT: Okay.
18 DR. DAN LONG,
19 was recalled as a witness, and after having been reminded
20 that he was still under oath, testified as follows, to-wit:
21 CROSS EXAMINATION (RESUMED)
22 BY MR. KAUFFMAN:
23 Q. Dr. Long, during your testimony, you talked about the
24 racial ethnic composition of the Carrollton-Farmers
25 Branch District. I've had a chance to review the

1 racial ethnic breakdowns of districts in the state,
2 and just tell me if this sounds right to you, that
3 the Carrollton district is 75 percent White, 12
4 percent Hispanic, four percent Black, and eight
5 percent Asian, is that correct?
6 A. That's very close.
7 Q. Also, yesterday, we were talking about the
8 expenditures of Carrollton-Farmers Branch and how you
9 exceeded the expenditures of Midway by around
10 $1,100.00 per student. And then we found that, given
11 that you have 15,000 students, that you're spending
12 $16,500,000.00, $17,000,000.00 more money per year
13 than you would if you were spending at Midway's rate.
14 Do you recall that conversation?
15 A. Those were your figures. I did not challenge them at
16 the time and haven't bothered to refigure them,
17 because that's not going to -- I do not think anyone
18 is proposing -- not even you are proposing that that
19 type of change come about.
20 Q. Well, depends on how the rest of the testimony goes,
21 I think.
22 A. I have confidence that will not appear.
23 Q. Okay. Will you tell the Court, though, what would
24 happen in your district if you were to have to reduce
25 your budget by $16,000,000.00 to $17,000,000.00.

1 What things would you cut out?
2 A. Mr. Kauffman, since that is so hypothetical, so
3 farfetched, it's really never entered my mind, but we
4 can sit here and fantasize, if you like, about a
5 situation like that.
6 The major expenditures, in any district, has
7 been testified, and all reports show, approximately
8 80 to 85 percent will be accounted for in salaries.
9 So, the first thing we would have to do is look at
10 the number of employees that we have or we would
11 reduce the salaries of those employees. So, we
12 basically have a choice of a reduction in force or
13 reduction in salary; neither of which would be
14 popular in our community and certainly would not be
15 popular with our staff.
16 Q. Okay.
17 A. Now freezing them at the current place is one thing;
18 reducing them is totally different.
19 Q. What else?
20 A. That would be where the major changes are coming,
21 because that's where -- as we've all agreed, and I
22 have not heard you disagree, that 80 to 85 percent of
23 all expenditures are in personnel. The rest of it
24 you're not going to be able to reduce. The lights --
25 we're not going to reduce lights; we're not going to

1 have a cold Friday or -- and tell the kids to bring
2 their coats. We're not going to flush the commodes
3 every other day. We're going to pay lights and gas,
4 and we're going to pay our insurance, as we have
5 before. Basically those are fixed prices. Very
6 little can be taken out of those, a slight amount.
7 The real changes, we'll come in and we'll reduce
8 people and reduce salaries. That's where we're going
9 to make the changes.
10 Q. Let's talk about reducing people. How many teachers
11 do you have in Carrollton-Farmers Branch?
12 A. 860, 870, something like that. I would have to check
13 the record to be exact on that.
14 Q. Well, I guess I need someone to check my computations
15 for me, if someone will. But the way I figure it, if
16 you -- to make up this $17,000,000.00 by reducing
17 teachers' salaries, you would have to reduce them by
18 about $20,000.00 a teacher. Does that sound about
19 right to you?
20 A. No, I don't have -- I haven't figured that, Mr.
21 Kauffman. If you want to figure it for me, that's
22 fine. This is all hypothetical--
23 Q. Well, but that's what it comes to. Let's look at it.
24 You've got $16,000,000.00, $17,000,000.00, and you
25 divide that by 870 teachers, and if you just reduced

1 all of that from your teachers --
2 A. Well, now, I don't believe I said that that's what it
3 was, Mr. Kauffman. I said there were two approaches
4 that you said, you would reduce teachers and you
5 would reduce salaries, and that's where most of the
6 money would come from. Slight changes in the other
7 19 percent of expenditures that we have in the
8 district.
9 Q. Okay. All right. Well, let's go through that,
10 because I checked it and it looks like I'm correct.
11 You would have to reduce your salaries by $19,500.00
12 per teacher. Now, you're certainly not going to do
13 that?
14 A. We're not going to reduce salaries to teachers unless
15 somebody makes a tragic mistake in the state and
16 recommends that it be done. I do not anticipate
17 that, so $19,000.00 may be as feasible as $5,000.00.
18 Q. To reduce your teachers' salaries?
19 A. If we're fantasizing.
20 Q. What we're saying is, obviously you could not make up
21 all of the $17,000,000.00 just by reducing teachers'
22 salaries, is that not correct?
23 A. I don't know. I haven't figured it.
24 Q. Okay.
25 A. No. We're not going to reduce teachers' salaries by

1 $19,000.00. I don't know that that's an accurate
2 figure.
3 Q. Okay. We'll proceed. Assuming that you can't make
4 it all up by reducing teachers' salaries, then you'd
5 have to reduce your number of teachers significantly,
6 is that right?
7 A. Yes, that's what I said, yes, sir.
8 Q. So you would probably have to reduce your number of
9 teachers from 870 to some smaller numbers to save
10 some of the $17,000,000.00, wouldn't you?
11 A. Yes, sir.
12 Q. Okay.
13 A. That's right.
14 Q. So, if you -- I guess, if you could discard 200
15 teachers and your average teacher's salary is about
16 $25,000.00 a year, is that right?
17 A. Yes.
18 Q. You could save --
19 MR. E. LUNA: We object to this. This is
20 not material to anything that's before the Court,
21 coming from some hypothetical thing like that. I
22 don't know what it's material to. We object to
23 spending time, unless he's got some kind of remedy
24 that he's trying to propose, and if he is, he'll tell
25 us what it is. If he's not proposing it in a remedy,

1 it's absolutely not material to anything before the
2 Court.
3 THE COURT: I'll overrule.
4 BY MR. KAUFFMAN:
5 Q. Well, if I'm correct here, and I'm fairly sure my
6 math is correct, here -- average $25,000.00 salary,
7 and you reduce 200 teachers, you would save
8 $5,000,000.00, so we still have $12,000,000.00 to go.
9 A. I don't disagree with that, but I haven't figured it.
10 Q. Okay. So now, if we just have to save
11 $12,000,000.00, and now you're down to 670 teachers,
12 you'd still have to reduce their salaries $15,000.00
13 or $20,000.00. And you can't do that, either, can
14 you?
15 A. It's according to the law that -- or the proposal
16 that you're going -- maybe your proposal -- if your
17 proposal could recommended a reduction of this
18 magnitude to a district, it may be farfetched enough,
19 that it -- this would be part of the law. We're
20 going to comply with the law, whatever the law is.
21 And if this is what you're proposing for Texas, these
22 types of unbelievable reductions in funds, then the
23 same person who created this may be the person who'd
24 say "Carrollton-Farmers Branch, reduce your teachers'
25 salaries by $20,000.00 or $15,000.00." I can't say

1 that wouldn't happen. Any -- when we get this far
2 afield from reality, I guess anything could happen.
3 Q. So, the sort of numbers I'm talking about, reducing
4 your budget by $17,000,000.00 are, in your own words,
5 far afield from reality, is that correct?
6 A. Sure. Any time you have major reductions in any
7 school operation in the State of Texas, that's -- you
8 know, we may be in trouble in the state, we're not in
9 that big of trouble.
10 Q. Okay. So, obviously, for your district,
11 Carrollton-Farmers Branch, to spend at the level that
12 Midway spends, is far afield from reality, then,
13 isn't it?
14 A. Unless we stand still and let Midway catch up with us
15 in time to come; that certainly is a possibility, and
16 that may be a requirement.
17 Q. Okay. Let's talk a little bit about the cost of your
18 program there in Carrollton-Farmers Branch. And
19 before I go on -- I'm sorry, I recall, in your
20 deposition, we talked about elementary counselors?
21 A. That's correct.
22 Q. Is it correct that you do have one elementary
23 counselor for each one of your elementary schools, is
24 that correct?
25 A. That's right.

1 Q. And you have, roughly, 9,000 elementary students, is
2 that about right?
3 A. No, it wouldn't be quite that many.
4 Q. 7,000 or 8,000 elementary students?
5 A. Yeah.
6 Q. Okay. So, let's say for 7,000 elementary students,
7 then you have 16 elementary counselors, is that
8 correct?
9 A. We have 15. One school is very small. As you
10 remember, we discussed that the principal also serves
11 as counselor.
12 Q. And do you feel that those counselors are helpful in
13 promoting the educational development of those
14 students at the elementary schools?
15 A. Yes. If we did not, we would not have them there.
16 Q. Okay. So, that is certainly something that your
17 district provides to its students that is helpful for
18 their educational opportunities?
19 A. Right. We've made that decision. See, as the report
20 shows over here, we're very close to what Edgewood
21 expenditure is now. Whether Edgewood made that
22 decision to spend or not, I don't know. We happened
23 to decide that that would be one way we could spend
24 our funds.
25 Q. Okay. Do you feel that the work of those counselors

1 is helpful in allowing your students to perform well
2 on these tests -- these standardized tests that we've
3 talked about in some detail?
4 A. Yes, we do.
5 Q. You also told me, I think, about a special high
6 school that you had for children, I guess, with
7 disciplinary problems?
8 A. Yes, we did discuss that. It's called Valley View
9 Learning Center. It's an alternative high school,
10 and it's -- but once again, we're serving students
11 who would be in high school, so we're just serving
12 students. We're not talking about great additional
13 costs. Those students are going to be served, either
14 on the campus of one of our two high schools, or
15 they're going to be dropouts, or we serve them there.
16 So we are dedicated to serving these students, so we
17 have them there. That's not a program that any
18 district our size could not have with no major
19 expenditures.
20 Q. Let's talk about that learning center. Is it in a
21 separate building?
22 A. It is.
23 Q. Does it have its own administration, principals or
24 directors?
25 A. It has one principal, as we've discussed.

1 Q. Okay. Have you put any special resources into the
2 learning center? Any special counselors, or special
3 intensive work with those students, to help you
4 reduce the dropout rates?
5 A. Intensive work, we've put a great amount of work in
6 there. But it's not a costly program, as such. It
7 basically pays its own way. By saying it pays its
8 own way, these are youngsters that have the right to
9 education in Carrollton-Farmers Branch Independent
10 School District. If they were not served there, they
11 would be served at the high school, and the costs are
12 very similar. So, as I said earlier, if a school
13 district, similar in size, it would be very difficult
14 for a small school district to offer this, but a
15 school district that's similar in size, could offer
16 this program if they took the initiative, and the
17 community was really committed to keeping kids in
18 school, they could do this.
19 Q. Well, do you feel that that learning center which
20 has, what, 170 students in it?
21 A. Has 193. I believe I told you between 160 and 165.
22 I was incorrect, it's a -- the last time I checked,
23 it was 193.
24 Q. Well, the learning center, for those 193 students, do
25 you see that as advantageous for those students?

1 A. We --
2 Q. Excuse me, Dr. Long, you have to let me finish.
3 A. I thought you were finished, Mr. Kauffman. I would
4 not cheat you out of the opportunity to ask a
5 complete question, sorry.
6 Q. Do you feel that the learning center that you are
7 providing the students there, does help them in their
8 educational development by keeping them in school and
9 preventing them from dropping out?
10 A. Yes, we do. If we did not, we would not have the
11 program.
12 Q. Dr. Long, I would like to look with you at the Bench
13 Marks and I would like to look at a little bit
14 different figure. There is, in Bench Marks, as well
15 as a current operating expense figure, there is
16 something called state and local funds. And if we
17 can look on -- I guess it's on Page 820 -- excuse me,
18 it's 828. Look on 828, please.
19 A. Thank you. Okay.
20 Q. Okay. If you'll look at Carrollton-Farmers Branch.
21 A. Yes, sir.
22 Q. Have you found your district? Over in the far
23 right-hand column there, does that show that the
24 state and local taxes for your district are
25 $3,962.00?

1 A. Yes, it does.
2 Q. And the state and local taxes for Highland Park are
3 $3,993.00, is that correct?
4 A. Yes, sir.
5 Q. Now, if we can look at some of these other districts
6 that your attorney was speaking about, I would like
7 you to look on Page 852 of Bench Marks, the very last
8 page. And I would like for you to look at the
9 Edgewood school district. Have you found that?
10 A. Yes, sir.
11 Q. Okay. Does that show that the Edgewood school
12 district had state and local taxes of $2,940.00?
13 A. It does.
14 Q. Okay. So, the state and local taxes -- that is, the
15 revenue exclusive of federal revenue of Edgewood, is
16 around $1,000.00 per student less than in your
17 district, is that correct?
18 A. According to this report, that's correct. But that's
19 only part of the picture.
20 Q. I understand.
21 A. As you know, it's the amount of dollars that are
22 delivered to youngsters, and those dollars are within
23 $100.00 of what Carrollton-Farmers Branch has.
24 Q. In terms of the dollars that are spent on the
25 students in your district, your district is in an

1 urban area in Dallas County, and as a result, it's my
2 understanding that you have higher than the average
3 price differential index, is that correct?
4 A. Ask the question again. I'm not sure that I got the
5 details of that. I think I --
6 Q. Your district, Carrollton-Farmers Branch, is in an
7 urban area of Dallas County --
8 A. Suburban area.
9 Q. Suburban area. And as a result, I think you have
10 higher than the average price differential index for
11 a school district in the state, is that right?
12 A. Yes, I believe that's correct.
13 Q. And that is supposed to be an indication that your
14 district has higher types of expenses because it's
15 operating in an environment with higher costs, such
16 as Dallas County, is that right?
17 A. I don't think anyone would argue that. I think
18 anyone who has looked closely at it would say that
19 our cost of operation -- our costs of operation are
20 higher than you would find in other areas of the
21 State of Texas.
22 Q. Okay.
23 A. With exception of the Gulf Coast.
24 Q. Do you agree with the concept that when you look at a
25 school district, you must look not only at the money

1 that it spends on the students, but on the cost of
2 doing education in that district?
3 A. I think that was a reason for the PDI.
4 Q. Okay. Is it also part of House Bill 72 to add on
5 extra costs onto the Foundation School Program for
6 things like special education, bilingual education,
7 small and sparse add-ons, special ed. add-ons, that
8 sort of thing. Are you familiar with those concepts?
9 A. I know about those concepts and it's certainly been
10 testified to repeatedly in this court case.
11 Q. Do you agree though that there are, in fact, special
12 costs that come with certain types of students, that
13 as a general matter, require school districts to
14 spend extra monies on those students?
15 A. If you're talking about special ed. youngters --
16 Q. Yes.
17 A. Yes, they are, and the state provides extra money for
18 that.
19 Q. Okay.
20 MR. KAUFFMAN: May I approach the bench,
21 Your Honor?
22 THE COURT: Yes, sir.
23 Q. Dr. Long, I would like to show you what the
24 Defendants have marked as a Defendants' Exhibit 33,
25 which is some material on the various

1 Defendant-Intervenors' districts. And if it's okay,
2 I'll stand right behind you --
3 A. All right, sure.
4 Q. -- and look over your shoulders to look at these, if
5 I could.
6 One thing this document shows, as I understand
7 it, is that between 1986-'87 and 1987-'88, the state
8 finds that your district will become even wealthier,
9 is that correct? We can look at the wealth per ADA
10 in your district.
11 A. Oh, you mean the taxable -- if you're talking about
12 by wealth, if you mean property tax per ADA, we would
13 anticipate an increase, yes.
14 Q. Okay. I'm speaking in terms of the wealth of your
15 district in terms of property wealth per ADA.
16 A. Right.
17 Q. That there is a projection of an increase between
18 '86-'87 and '87-'88, is that correct?
19 A. Yes, there is. But of course, that may be fallacious
20 if you've looked at the value of property in urban
21 areas. There's a good possibility that there would
22 be drops.
23 I don't know whether you've priced houses or
24 commercial property recently or not, or have visited
25 the unoccupied commercial buildings. That's a

1 projection, but that's a projection that was made
2 rather early, and it may not hold. But there is a
3 possibility that would be true.
4 Q. Okay. Well, these are the projections of the Texas
5 Education Agency.
6 A. Right. But they may not be familiar with the real
7 estate situation in Dallas County.
8 Q. Okay. Did the Texas Education Agency also project
9 that between '86-'87 and '87-'88, your district would
10 go up from 210 percent of the wealth per ADA of the
11 state, up to 226 percent of the wealth per ADA, is
12 that correct?
13 A. That's their projection, yes, sir.
14 Q. Okay. Also on this, there are figures on the cost
15 per student of education in the Carrollton-Farmers
16 Branch. There is cost per student figures, do you
17 see those?
18 A. Yes, I do.
19 Q. And do they show that there's a figure for what they
20 call the total Foundation School Program per total
21 ADA for your district?
22 A. Yes, they do.
23 Q. And there's also figures for all programs per total
24 ADA and all programs per weighted ADA, is that
25 correct?

1 A. For -- show me -- oh, the weighted --
2 Q. All programs for weighted ADA.
3 A. Right.
4 Q. Now, if I can work through this with you, from Mr.
5 Moak's testimony, he told us that this reflects the
6 overall costs of education and in particular, your
7 school district. You're certainly familiar with
8 those sorts of concepts, are you not?
9 A. I'm probably not as familiar as Mr. Moak is, but ask
10 me some questions and let me have a chance to answer.
11 Q. What I would like to do with you is look at the ratio
12 of your cost -- your weighted student costs to your
13 regular student cost, and then compare that to some
14 of the other districts we've been talking about in
15 this case, if we could. So --
16 A. Well, I think the significant thing is -- here, as we
17 look at this, while you're putting that on the board,
18 is that we're losing money. And if that's what
19 you're getting at, we're going to have probably
20 between $1,000,000.00 and $3,000,000.00 less next
21 year to operate our school districts with that we had
22 this year. We're going to lose that kind of money,
23 if that's what you're talking about. And I'll attest
24 to that, because we've lost money every year, if
25 that's what we're talking about.

1 Q. Well, I appreciate that. But at the time you're
2 losing that $1,000,000.00 to $3,000,000.00, your
3 property values on which you tax to raise local
4 monies are going to increase significantly as well,
5 is that correct?
6 A. That's right. We wouldn't be losing money if that
7 were not happening, because, as you know, there's an
8 interrelation between increased value and reduction.
9 So, the system is working. As our property values go
10 up, we receive less money from the state; that money,
11 in turn, flows to districts like Edgewood.
12 Q. That's not my question. My question is that at the
13 time that your state aid is decreasing, your property
14 value, in your district, is increasing.
15 A. That __
16 Q. So, for the -- let me finish -- for the same tax
17 rate, you can raise more money in your district to
18 offset that loss of state aid, isn't that right?
19 A. No, it's not enough to -- it's not enough to
20 compensate for our cost of operation, which includes,
21 as I testified earlier, we have over 600 students
22 right now. We have to prepare for those additional
23 students. Yes, we can raise additional dollars. But
24 to say that we'll raise enough additional dollars to
25 compensate for the increased cost of operating our

1 schools, is incorrect. Taking this portion of it, it
2 looks great. The realities, though, are that we will
3 have additional costs which will more than offset any
4 increased values we have. And once again, those
5 values were projected very early, before the full
6 implications of our present real estate situation
7 developed. And we're not going to have those kinds
8 of values.
9 Q. Okay. Well --
10 A. But I will agree with you that, yes, rates are going
11 -- if they stayed the same, we'll raise more dollars
12 next year if nothing happens.
13 Q. I understand. Well, if the State Education Agency is
14 correct --
15 A. And they're not.
16 MR. RICHARDS: Well, we agree with that.
17 THE WITNESS: They're not on that one.
18 BY MR. KAUFFMAN:
19 Q. Well, let's take it one at a time. The State
20 Education Agency is the one that projected that your
21 state aid would go down, is that correct?
22 A. We projected that our state aid would go down.
23 Q. Okay. Well, the state -- the same state that
24 projected your state aid to go down, projected your
25 property to go up at the same time, is that right?

1 A. Well --
2 Q. Is that correct? It's on this page.
3 A. It is correct, and we have said that we agree with
4 that.
5 Q. Okay. That --
6 A. That we will have some increase in value. Which, in
7 turn, as you know under House Bill 72, because
8 there's equalization in this state, money will no
9 longer flow to Carrollton-Farmers Branch and will
10 flow to Edgewood. So the system is working. We
11 agree with that. I just happen to disagree with the
12 amount of increase it will have.
13 Q. Well, if I understand these figures correctly, the
14 state has projected that the wealth in your district
15 is going to increase from 6.8 billion dollars to 7.5
16 billion dollars, is that right?
17 A. That is right.
18 Q. Okay.
19 A. That's what's printed there.
20 Q. That's what's printed there?
21 A. That's right.
22 Q. Okay. So, if that is correct, then your property
23 values are going to be going up $700,000,000.00
24 between '86-'87 and '87-'88, is that right?
25 A. If that is right, then that is correct --

1 Q. Okay.
2 A. But it is not right.
3 Q. Okay. Are you going to write Mr. Moak a letter and
4 tell him?
5 MR. O'HANLON: Actually, it's the State
6 Property Tax Board.
7 Q. Okay. So the State Property Tax Board is incorrect.
8 Is that what you're saying to us?
9 A. Those figures -- there will not be that great of an
10 increase.
11 MR. E. LUNA: We object to arguing with the
12 witness. Everybody knows that real estate values
13 have been going down lately. He's just arguing with
14 the witness, Your Honor. That's a projection, and
15 that's what the projection says, and I think we ought
16 to go on from there.
17 MR. KAUFFMAN: I'm going anyway. Okay.
18 BY MR. KAUFFMAN:
19 Q. Dr. Long, will you agree that the Carrollton-Farmers
20 Branch District, in general, is a district with below
21 average costs, as far as costs per student, in the
22 State of Texas?
23 A. Below average costs?
24 Q. Yes.
25 A. No, we spend more than the district -- I mean, more

1 than the state average.
2 Q. Let me make my question clear, then. You're certain
3 your expenditures are above the state average,
4 certainly, is that correct?
5 A. Yes.
6 Q. Okay. In terms of the Foundation School Program for
7 your district though, the addition of all of the cost
8 factors that go up -- to come up with your Foundation
9 School Program for your district, would you agree
10 that your Foundation School Program per student is
11 lower than that in the majority of districts in the
12 state?
13 A. Do you mean the amount of money we receive? We --
14 within another year, we'll be receiving -- or
15 certainly within two years, we'll be receiving no
16 money from the Foundation School Program. And from
17 that standpoint, yes, we're far lower than other
18 districts in the State of Texas because we'll be a
19 budget-balanced school district.
20 Q. Well, maybe I'm not making my question clear enough.
21 Let me try again. Your district is given a number,
22 which is called the Foundation School Program for
23 your district, which includes state and local shares,
24 is that right? Are you familiar with the Foundation
25 School Program? Certainly, you are.

1 A. Yes, I am.
2 Q. Okay.
3 A. I just know it's disappearing. That's the important
4 thing to me is that money is not flowing to this
5 district and going somewhere else. Now, beyond that,
6 I am missing what you're asking.
7 Q. When you say money -- let me try again. The
8 Carrollton-Farmers Branch District, a computation has
9 gone through -- when you add up the number of
10 students you have, and their extra weights, and your
11 PDI, and all of that goes, and you come up with a
12 number for the Foundation School Program for your
13 district, is that right? Are you familiar with that
14 process?
15 A. The assistant superintendent for business handles
16 that, he brings it to me. The details of it, no, it
17 would be wrong for me to say that I'm familiar with
18 that.
19 Q. Okay. Are you familiar with the concept, which is
20 given us by the Texas Education Agency, that there is
21 a figure for the total Foundation School Program per
22 total ADA for your district?
23 A. Yes, I know that there's a figure that we get. Once
24 again, it's an insignificant figure.
25 Q. All right. Well -- okay. According to this

1 document, the Defendants' Exhibit 33, the total
2 Foundation School Program per total ADA for your
3 district is $1,904.00, is that right?
4 A. That's what it says, yes, sir.
5 Q. Okay. So, according to the Texas Education Agency,
6 the cost per student in your district for the
7 Foundation School Program is $1,904.00. Okay?
8 A. That's the figure that appeared there, yes.
9 Q. All right. And I will show you the documents later,
10 but let me put this up here. For Carrollton, it's
11 $1,904.00. Okay. For Edgewood, it's $2,261.00. For
12 Socorro, it's $2,103.00. And for a second, you'll
13 believe me that I read off the same column --
14 A. I'll believe you.
15 Q. -- for each one of these districts.
16 A. No problem.
17 Q. Does this show you, at least according to the Texas
18 Education Agency, that the total Foundation School
19 Program per ADA, for your district, is lower than for
20 these other districts?
21 A. I can't disagree with the figures, they're just
22 irrelevant in our particular case because we're not
23 getting money from the state. It doesn't matter if
24 it's $1,900.00 or $1,300.00, we're not getting money
25 from the state.

1 Q. But the concept of how expensive it is to educate
2 your kids in your district is an important concept to
3 you, isn't it?
4 A. We work our own budget, since we're working,
5 basically, from our own funds.
6 Q. Okay. When you and the state join together to fund
7 the education for children in your district, one of
8 the concepts that both of you have to consider is,
9 are your kids average kids to educate, or high, or
10 more expensive kids to educate, isn't that right?
11 A. Well, the needs of our youngsters certainly
12 determines our budget, if that's what you're asking.
13 Q. Okay.
14 A. Now, the state has a formula that they work on -- as
15 I say, it's an irrelevant formula, as far as
16 Carrollton-Farmers Branch goes, because we're not
17 getting that money.
18 Q. But this is the figure that goes into the formulas
19 that they used to figure out how much money you are
20 going to get, isn't it?
21 A. But it really doesn't mean anything, because we're
22 not getting anything like $1,904.00 per student. But
23 it is a formula that the state has, I'll accept that.
24 But for us to be talking about Carrollton-Farmers
25 Branch and $1,904.00, it's irrelevant.

1 Q. Well, in '86-'87, didn't your district receive
2 $7,000,000.00 in state aid?
3 A. I don't -- which year was this?
4 Q. 1986-'87. This year.
5 A. Well, we received -- but that's not money that came
6 from -- all of it didn't come from Foundation School
7 Program.
8 Q. The total state aid is $7,000,000.00, is that
9 correct?
10 A. I cannot argue with you on that. We'll assume that,
11 if you're reading that out of there.
12 Q. Okay. Now, if you lost that $7,000,000.00, could you
13 adapt to that process?
14 A. We're not going to lose the $7,000,000.00 because
15 about half of that is constitutionally guaranteed,
16 unless we're planning to change the Constitution of
17 the state.
18 Q. Okay. Let's assume that you're right, that half of
19 it is guaranteed. You have $3,500,000.00 less, and
20 you have a total budget of, what, $60,000,000.00?
21 What's your total budget?
22 A. $55,000,000.00, maintenance and operations.
23 Q. So, out of the $55,000,000.00, you lost
24 $3,500,000.00. Could your district adapt to that
25 fairly easily?

1 A. No, but we would.
2 Q. What sort of harm would that cause you to reduce your
3 budget by $3,500,000.00?
4 A. First of all, we had hoped that we would be able to
5 raise taxes and compensate for part of that loss, but
6 with the present requirement that if you go over
7 eight percent, you face a rollback, that definitely
8 puts a lid on us. Then we just have to go back and
9 begin making some cuts, as we said earlier. Now,
10 we're talking about a figure that's more reasonable,
11 because we're going to lose it. It appears, with the
12 change in the local fund assignment for this next
13 year, we will lose an amount between $2,000,000.00
14 and $3,000,000.00. We were anticipating losing
15 between $1,000,000.00 and $2,000,000.00 and going
16 another year or two before being budget-balanced.
17 But yes, we could -- we could begin or would begin --
18 wouldn't want to, but would begin reducing the number
19 of employees, and probably not increasing salaries,
20 giving them a cost of living increase, as other
21 districts in the state will be doing.
22 Q. Well, if you lost that $3,500,000.00, then your
23 district would either have to raise taxes some amount
24 or cut its program somehow, is that correct?
25 A. Yes, sir.

1 Q. Let's assume for a second you decided not to raise
2 taxes, just to cut its program. You'd have to do
3 things like, either, not hire new teachers to replace
4 old ones, or have larger classes, or some changes
5 like that would be necessary, is that right?
6 A. Yes, sir. Those arrangements would have to be made
7 so that we could adequately staff. Part of that
8 would be a reduction in force, part of that would be
9 not replacement of people who were retiring or people
10 who were moving.
11 Q. Okay. During the last two years, I think you
12 testified that you've gotten less state aid over each
13 of the last two years, is that right?
14 A. Yes, sir.
15 Q. And each time, you have made up that difference by
16 increasing your tax rate to offset those state aid
17 losses, is that correct?
18 A. Yes, sir, that's correct.
19 Q. And I assume that each one of those years, your board
20 of directors felt it was necessary to replace that
21 money that was lost, because it would be necessary
22 for the children of that school district, is that
23 right?
24 A. They felt that it would be wise to continue the
25 program that we had rather than cut back.

1 Q. Okay. And the reason it would be wise is, that it's
2 good for the education of the kids in your district,
3 isn't that right?
4 A. Well, it is good to the extent that when you start
5 cutting back on programs, you develop some problems
6 that only cutbacks develop. And so, they made --
7 they made the decision that the district would
8 attempt to continue the programs that we have had in
9 the past.
10 Q. Okay. Well, you said it could cause problems. Now,
11 are the problems eventually going to lead to
12 something that would hurt the kids in your district
13 if you didn't spend that money?
14 A. Well, I want to distinguish -- and I think I probably
15 spent enough time on this -- there is a tremendous
16 difference between cutting back and failing to
17 increase. Now, what you're talking about is cutting
18 back, which psychologically is a totally different
19 act in a community than failure to increase. Cutting
20 back would bring some genuine concerns on the part of
21 some of our parents.
22 Now, if you're asking me would it affect -- and
23 this is what school is all about -- would it affect
24 the performance of children, as we measure them,
25 maybe imperfectly, but the best way we can measure

1 them now, objectively, I can't say that it would.
2 You've already heard me say that I thought it was
3 possible to operate school -- our school district
4 with a lower pupil/teacher ratio than we do now.
5 Q. Uh-huh.
6 A. And the next follow-up on that would have been, well
7 why don't you do it? We don't do it because the
8 community doesn't want it. Teachers and parents
9 believe it's a benefit. But repeated reports of what
10 research tells us is that's simply not true.
11 Q. Well, your school board has decided that in terms to
12 educate the kids of its district, it is worth raising
13 the taxes to offset that loss, because if it didn't,
14 it would be bad for the kids in your district, isn't
15 that right?
16 A. No. Let me go back over that again.
17 The two places we said we would make changes
18 was either in reducing salary or in reducing
19 personnel.
20 Q. Okay.
21 A. Now, we can -- we're -- I would not anticipate with a
22 $3,000,000.00 loss, a reduction in personnel -- some
23 astronomical -- I mean, in salaries. I would
24 anticipate that we would freeze salaries where they
25 are, not offer a cost of living increase, and begin a

1 reduction in force. I believe that we could operate,
2 if we had to, with a higher pupil/teacher ratio, and
3 not affect the education of children. It won't
4 happen in our community, I don't think, because
5 parents believe that pupil/teacher ratio is -- a low
6 pupil/teacher ratio is essential to the success of
7 youngsters. Research says that's not true. Now,
8 we're caught between a situation of trying to
9 distinguish between what people want and what kids
10 need. I know what people want, they want low
11 pupil/teacher ratio. What kids need is not
12 necessarily that, if we can believe the hundreds of
13 research reports from around the country.
14 Q. Dr. Long, is it your testimony, then, from an
15 educational point of view, you, as an educator, are
16 saying that if your district were to receive
17 $3,500,000.00 of state aid, it would not make any
18 difference to the district from an educational point
19 of view; is that your testimony?
20 A. It's very --
21 Q. Is that your testimony, Dr. Long?
22 A. Ask the question again, would you please? Before I
23 answer, you seem so determined to pin me to that,
24 maybe I'd better hear it again.
25 Q. Let me ask the question again. Is it your testimony,

1 then, from an educational point of view, that the
2 children in your district would not suffer because of
3 a decrease of $3,500,000.00 in state aid, is that
4 correct?
5 A. There would be some adjustments, but there would be
6 no long-range suffering, if that occurred.
7 Politically, for the sake of teachers, for the sake
8 of administrators, for the sake of the school board,
9 there would be much suffering. But for the sake of
10 the performance of youngsters, no, I think we could
11 adjust to that.
12 Q. Okay. Now, your district is still, I guess, spending
13 that $1,100.00 per student more than Midway. And I
14 understand --
15 A. And $100.00 more than Edgewood, yes, sir.
16 Q. Well, just try to answer the question, please.
17 You're spending $1,100.00 more than Midway, is
18 that correct? That's what your attorney said.
19 A. Yes, sir, I have read that.
20 Q. I know that from what you're saying, to make a
21 precipitous decrease in that amount would cause great
22 consternation, in effect, in your district, to all of
23 a sudden decrease your funding by $1,100.00 per
24 student. That's what you've testified to, here,
25 today, isn't it?

1 A. Yes, sir.
2 Q. Okay. Now, let us say that, oh, 10 or 15 years ago,
3 the decision had been made to keep your expenditures
4 in line with Midway, instead of keeping them in line
5 with Richardson and Highland Park. You're saying
6 that that could be done, and in your testimony, that
7 would not, in your mind, affect negatively the
8 education of the kids in your district, is that
9 right?
10 A. I don't think it would -- I don't think it would be a
11 major effect. I think we would see our neighbor, De
12 Soto, who, for $2,900.00, does a pretty good job of
13 educating kids. They just happen to sit in a
14 different situation than we do, and they made that
15 commitment, and they've done a pretty good job of it.
16 I think it can be done.
17 Q. So your testimony is it would have no major negative
18 effect on the education of your kids in your district
19 if you were presently in Midway's expenditures, is
20 that right?
21 A. If Midway's costs were what our costs were, as far as
22 employment and our operating costs, but it's two
23 different areas. But if you're saying that can a
24 school district in Dallas County service children for
25 less money and is willing to not do some of the

1 things that are done in our community, yes, I think
2 that's true, I think De Soto has demonstrated that.
3 Q. Well, we've heard some testimony about districts that
4 are spending around $2,000.00 a student per year --
5 $2,100.00, $2,200.00. And let's assume, for a
6 second, that people in those districts feel that they
7 really do need more money to educate their kids. And
8 you have testified that you probably, to educate your
9 kids, don't need as much money as you have, is that
10 right?
11 A. Well, we're not -- if you're asking are we ready to
12 give up any of the money that our local taxpayers are
13 raising to pay, I'm saying no. We have come to the
14 realization that we're not going to have any
15 foundation school fund money flowing to us, and we've
16 learned to live with that. If you're saying we want
17 to take away the money that our people are raising
18 locally, and we're going to pay, in local taxes, for
19 someone else's operations, I can tell you there's no
20 question in my mind the reaction of our community,
21 and my reaction, too. We're not interested in
22 raising money locally to send to somewhere else.
23 Now, if you're talking -- I'm not sure that that's
24 not what we're -- what you asked.
25 Q. I'm saying if you look at the total amount spent on

1 kids in your district, regardless from the source,
2 you're telling us that, in fact, you're spending more
3 per kid in your district -- by you, I mean a
4 combination of you and the state, spending more per
5 kid in your district than you need to spend, is that
6 right?
7 MR. E. LUNA: We object to that. He never
8 testified to that, Your Honor. Everytime they set a
9 budget, they find that's the need. His question was,
10 "Could you do it for less if you had to." There's a
11 whole lot of difference between could you do it for
12 less if you had to and whether you need what you're
13 spending. We object to his arguing with the witness.
14 THE COURT: Well, I don't know that it's
15 arguing. Go ahead, there, and put your question.
16 MR. KAUFFMAN: Okay.
17 BY MR. KAUFFMAN:
18 Q. Let me try this again, sorry. I'm saying, if you
19 look at the total amount spent on the children in
20 your district, which is, either $3,700.00 or
21 $3,900.00, depending on which one of these figures
22 you look at, your testimony is that you don't need to
23 spend that much money on those kids to give them an
24 adequate education.
25 MR. E. LUNA: We object to that. He never

1 testified to that, Your Honor.
2 MR. KAUFFMAN: If he said no, he can say
3 no.
4 MR. E. LUNA: Okay.
5 THE COURT: All right.
6 MR. E. LUNA: And it's repetitious. He's
7 asked that at least ten times, Your Honor. And the
8 witness has never said that they didn't need the
9 money. And we object to him continuing to repeat it.
10 He asked him could he do it for less. That witness --
11 nobody ever testified to that, but Counsel.
12 THE COURT: Okay. I think I understand,
13 but I'm going to let him put his question.
14 MR. E. LUNA: So at least ask him, don't
15 ask it but this last time, Judge?
16 THE COURT: Let's see what it is.
17 MR. KAUFFMAN: One answer, and I'll stop.
18 BY MR. KAUFFMAN:
19 Q. Okay. Dr. Long, let me try this again. It is your
20 testimony, as I understand it, that the total amount
21 spent on the children in your district, including
22 state, local funds, whatever, is, in fact, higher
23 than you need to provide a good education for the
24 children in your district, is that right?
25 A. No. That is not my testimony.

1 Q. Okay. Is your testimony, then, that you do need the
2 amount of money you spend on the children in your
3 district every year to give them a good education?
4 A. The testimony that I am giving is that our district
5 pays for what it wants in the way of education. The
6 state is getting out of the business of furnishing us
7 money, and we recognize that. Now, if the local
8 taxpayers decide that this is what education should
9 be like in Carrollton-Farmers Branch, then they
10 should have the prerogative of doing that. It's a
11 free society, and we're still independent, relatively
12 independent, as far as an independent school district
13 goes. So, no, I'm not saying that we're ready to
14 give up that money.
15 Can other districts in the state provide an
16 adequate or minimal education in this state for
17 $2,500.00? Texas Education Agency says they can.
18 These people say they can, Midway said they could
19 yesterday.
20 But no, we're not ready and we're not -- to
21 talk in terms of where the dollars come from, as if
22 local taxpayers who have decided to spend their money
23 for this, to say that's unimportant, I can't agree
24 with that, Mr. Kauffman.
25 Q. Are you saying that your district, Carrollton-Farmers

1 Branch, could not provide an adequate education for
2 $2,500.00 per student?
3 A. Mr. Kauffman, I have never, in the history of
4 Carrollton-Farmers Branch, been faced with the
5 possibility of losing $1,100.00 per student. I do
6 not know what would happen. I also think that it's
7 remote that that will happen. I cannot see this
8 state living through the political repercussions of
9 asking districts, similar to ours, to take an
10 $1,100.00 cut in the state. So, I haven't studied
11 that, I don't know. I take my hat off to Midway, and
12 to our friends from De Soto, for the fine job they're
13 doing.
14 Q. You have no opinion, then, or you do not know whether
15 the Carrollton-Farmers Branch District could provide
16 an adequate education for children for $2,500.00 or
17 $2,600.00 a year, is that right?
18 A. I guess you're right. I have not been there, I've
19 not experienced that, do not ever anticipate
20 experiencing it. So, I have not dwelt on that.
21 Q. In your district -- I know you said that you do what
22 you can to raise the money -- as I understand it,
23 your district has roughly, now, about $500,000.00 of
24 property per student in the district, is that about
25 right?

1 A. Yes, sir, that's correct.
2 Q. And, as I recall some of the earlier testimony, I
3 think that means that for two cents tax rate, you can
4 raise an additional $100.00 per student, is that
5 about right?
6 A. I haven't figured that out, but a cent raises a good
7 bit of money with a tax base like that, that's
8 correct.
9 Q. How much does a cent raise in your district?
10 A. It raised about $660,000.00 this last year, I
11 believe.
12 MR. RICHARDS: $660,000.00?
13 THE WITNESS: I believe that's it.
14 BY MR. KAUFFMAN:
15 Q. Well, let me see, then -- for one cent, then, if your
16 figure of $660,000.00 is right, then for one cent,
17 you can raise about $50.00 per child. For two cents,
18 you can raise about $100.00 per child, is that right?
19 A. (No audible answer.)
20 Q. And you're aware that there are districts in the
21 state, like Edgewood, that have to raise something
22 like 40 cents of tax rate to raise $100.00 for their
23 children, is that right?
24 A. Yes, I'm aware that it requires a higher tax rate to
25 raise the same amount of money. I am also aware that

1 there are school districts who are making a genuine
2 effort. However, I am aware that there are school
3 districts who are not making an effort, as much as we
4 are, and then are coveting what we have, without
5 making effort at the local level.
6 Q. You said coveting. I remember when we talked in your
7 deposition, I think, about that matter, is it your
8 feeling that the people who are pursuing this lawsuit
9 are being covetous about your money?
10 A. It appears that way to me, as I have sat here through
11 this. I would think so. It seems that if someone
12 has something, and someone wants to take it away --
13 maybe I don't have the right definition of coveting.
14 Q. So, I guess that that would certainly include the
15 people in Wilmer-Hutchins, who are paying about 30 or
16 40 cents higher tax rate than you are, or have about
17 $800.00 less per student to spend than yours, but
18 they're still being covetous about your money, then?
19 MR. E. LUNA: I object to that, Your Honor.
20 A. I haven't seen that they're covetous at all --
21 MR. E. LUNA: We object to that.
22 Wilmer-Hutchins is not even in this lawsuit. As far
23 as I know, they're not even a party to this lawsuit.
24 MR. KAUFFMAN: They're a poor district.
25 MR. E. LUNA: Well, they're not a party of

1 this lawsuit. Wilmer-Hutchins is not doing anything
2 in this case, and Counsel knows it. We object to
3 that. And he's asking about philosophy, what
4 somebody thinks, and it really doesn't have anything
5 to do with what's before this Court. We ask the
6 Court not to let him -- he's just harassing that
7 witness, Your Honor, is what he's doing, and he ought
8 not to be permitted to do it. That's nothing -- that
9 has nothing to do with what this Court has to decide,
10 as to what somebody might think if somebody -- if
11 somebody is entitled to something under the law,
12 whatever somebody might call it in their mind,
13 doesn't make any difference. It's just not material
14 as to what term somebody might apply to it. If
15 somebody is entitled to it under the law, they're
16 entitled to it. If they're not, they're not. We
17 object to him going into what you would call it if
18 somebody is entitled to something under the law.
19 THE COURT: I'll overrule. I'll let him
20 cross-examine, but he's not going to get to do so
21 again until 9:00 tomorrow morning. Court recessed
22 until 9:00 in the morning.
23
24 (Proceedings Recessed until
25 (March 26, 1987.

3-87-190-CV

CAUSE NO. 362,516

C 8358

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL	>	IN THE 250TH JUDICIAL
VS.	>	DISTRICT COURT OF
WILLIAM KIRBY, ET AL	>	TRAVIS COUNTY, TEXAS

FILED
IN SUPREME COURT
OF TEXAS

JUN 21 1989

JOHN T. ADAMS, Clerk
By_____Deputy

STATEMENT OF FACTS

VOLUME XXXIII OF XLVI

FILED
OCT 09 87
THIRD COURT OF APPEALS
SUSAN K. BAGE, CLERK

TAKEN MARCH 26, 1987

MONICA ROSS WEIDMANN
Official Court Reporter
250th Judicial District Court

Travis County Courthouse • Austin, Texas 78701

1 CAUSE NO. 362, 516

2

3 EDGEWOOD INDEPENDENT SCHOOL > IN THE 250TH JUDICIAL
DISTRICT, ET AL >
4 >
>
5 VS. > DISTRICT COURT OF
>
6 >
>
7 WILLIAM KIRBY, ET AL > TRAVIS COUNTY, TEXAS

---

8 STATEMENT OF FACTS

9

---

10 BEFORE THE HONORABLE HARLEY CLARK, JUDGE PRESIDING

11

12 APPEARANCES:

13 MR. ALBERT H. KAUFFMAN and MS. NORMA V. CANTU,
14 Attorneys at Law, 517 Petroleum Commerce Building,
201 N. St. Mary's Street, San Antonio, Texas 78205.

15 -and-

16 MR. PETER ROOS, Attorney at Law, 2111
17 Missions Street, Room 401, San Francisco, California
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18 -and-

19 MR. CAMILO PEREZ-BUSTILLO and MR. ROGER RICE,
20 META, Inc., Attorneys at Law, 7 Story Street,
Cambridge, MA 02138

21 -and-

22 MR. RICHARD F. FAJARDO, MALDEF, Attorney at Law,
23 634 South Spring Street, 11th Floor, Los Angeles,
California 90014

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25 ATTORNEYS FOR THE PLAINTIFFS

1 APPEARANCES CONT'D

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-and-
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MR. DAVID R. RICHARDS, with the law firm
6 of RICHARDS & DURST, Attorneys at Law, 600 West 7th Street, Austin, Texas 78701
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ATTORNEYS FOR THE PLAINTIFF-INTERVENORS
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MR. KEVIN THOMAS O'HANLON, Assistant
10 Attorney General, P. O. Box 12548, Austin, Texas 78711-2548
11
-and-
12
13 MR. DAVID THOMPSON, Office of Legal Services, Texas Education Agency, General Counsel, 1701 N.
14 Congress, Austin, Texas 78701
15 ATTORNEYS FOR THE DEFENDANTS
16
17 MR. JIM TURNER and MR. TIMOTHY L. HALL, with the law firm of HUGHES & LUCE, Attorneys
18 at Law, 1500 United Bank Tower, Austin, Texas 78701
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-and-
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MR. ROBERT E. LUNA, MR. EARL LUNA, and
21 MS. MARY MILFORD, with the Law Office of EARL LUNA, P.C., 2416 LTV Tower, Dallas, Texas 75201
22
-and-
23
MR. JIM DEATHERAGE, Attorney at Law,
24 1311 W. Irving Blvd., Irving, Texas 75061
25 -and-

1 APPEARANCES CONT'D

2

3 MR. KENNETH C. DIPPEL, MR. JOHN BOYLE,
MR. RAY HUTCHISON, and MR. ROBERT F. BROWN, with
4 the law firm of HUTCHISON, PRICE, BOYLE & BROOKS,
Attorneys at Law, 3900 First City Center,

5

6 ATTORNEYS FOR THE DEFENDANT-INTERVENORS

7

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16

17 BE IT REMEMBERED that on this the 26th day of March,
18 1987, the foregoing entitled and numbered cause came on
19 for trial before the said Honorable Court, Honorable
20 Harley Clark, Judge Presiding, whereupon the following
21 proceedings were had, to-wit:

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1 MARCH 26, 1987

2 MR. DAN LONG

3 was recalled as a witness, and after having been reminded

4 that he was still under oath, testified as follows, to-wit:

5 CROSS EXAMINATION (CONTINUED)

6 BY MR. KAUFFMAN:

7 Q. Dr. Long, at the end of the day yesterday, I think we

8 were talking about your interpretation of this

9 lawsuit and the approach of the Plaintiffs in this

10 lawsuit. Do you recall that conversation about

11 covetness, and those issues?

12 A. I think we mentioned -- I think you mentioned the

13 term covetness.

14 Q. And that was a description that you used as the

15 Plaintiffs' approach in this litigation, is

16 covetness, is that correct?

17 A. Well, the term could -- if defined the way I define

18 it, possibly could be the case, yes.

19 Q. Okay. But I mean that is a term you used to describe

20 the lawsuit in your deposition about two months ago,

21 is that correct?

22 A. That's a term that I used, yes.

23 Q. Did you also describe this lawsuit as a socialist

24 plot?

25 A. No, I did not. I said that there are people in our

1 community who do that. I did not ascribe to the fact
2 that that's what it is, because it is not that. I'm
3 saying we have a problem in understanding. If you'll
4 go back and look at my words, there, there's quite a
5 distinction between a socialist plot, as such, from
6 my standpoint, with a background -- a limited
7 background in government, I certainly can see that
8 that's not. I think the thing that you and I were
9 describing, if you'll remember -- recreate the time,
10 that this was a description that I was saying that
11 people in the community, some people in the
12 community, believe.
13 Q. Okay. Was your testimony the following, did you say,
14 "In fact, our people see it as a -- our taxpayers see
15 it as a socialist plot?"
16 A. That's right. Some of our people do. At least
17 that's the words that were used to me.
18 Q. Okay.
19 A. I did not ascribe to that.
20 Q. I understand.
21 A. Would not ascribe to that.
22 Q. When you're saying, "our people," you're talking
23 about "our people, our taxpayers," in your school
24 district?
25 A. Some of the taxpayers have said that to me.

1 Q. Okay. Dr. Long, you were talking about the decrease
2 in state funds that your district would undergo in
3 these years under House Bill 72. Was it your
4 testimony that your district is going to lose, I
5 think, 1.8 to $2 million, is that correct?
6 A. This year?
7 Q. This year.
8 A. Yes, sir.
9 Q. Okay.
10 A. We anticipate that.
11 Q. Okay. And now, let's make sure we understand what
12 this year is. You mean between the '86-'87 and
13 '87-'88 years, you'll lose that?
14 A. No, between '85-'86, '86-'87, we'll lose, possibly,
15 as much as 1.9 million.
16 Q. Okay. And what is your effective total tax rate this
17 year, in 1986-'87?
18 A. Our tax rate for 1986-'87 is 81.9 cents.
19 Q. And that's effective tax rate of what, do you know?
20 A. I don't know that, Mr. Kauffman.
21 Q. Do you recall, yesterday, when we looked at the
22 exhibit of the State of Texas, Exhibit 33, where they
23 list various factors about districts that --
24 Plaintiff-Intervenor districts, the Plaintiff and
25 Defendant-Intervenor districts, and there's

1 information on Carrollton-Farmers Branch, including
2 information from the State Property Tax Board on the
3 property value of your school district,
4 Carrollton-Farmers Branch, do you recall that?
5 A. Yes.
6 Q. Okay.
7 A. I don't believe we identified it, at that time, as a
8 report from the State Property Tax Board.
9 Q. Well, I think previous testimony has told us that
10 those are property values from the State Property Tax
11 Board that have been -- that have been, and are
12 being, used by the Texas Education Agency.
13 A. I accept that. I just did not understand that,
14 because yesterday, you told me it was TEA. I thought
15 it was a TEA projection. I misunderstood your
16 statement.
17 Q. I would like to have you check my numbers here, for a
18 second. But does that show that the projected
19 property value of the Carrollton-Farmers Branch, and
20 by that, I mean Exhibit 33, Defendants' Exhibit, show
21 that the projected property value for Farmers Branch
22 in '87-'88, is approximately 7.5 billion dollars? Is
23 that what that Exhibit 33 shows?
24 A. Yes, it does.
25 Q. Okay. And does it show that the property value for

1 the '86-'87 school year is approximately 6.8, or 6.9
2 billion dollars?
3 A. Yes, it does.
4 Q. And if you will believe my math, for a second, the
5 difference there, as I see it, is $670,152,000.00, is
6 that correct?
7 A. I would assume that it is correct. It looks
8 approximately right.
9 Q. So, if the State Property Tax Board is correct, the
10 Carrollton-Farmers Branch District will have 670
11 additional million dollars of property in the '87-'88
12 school year to tax, is that correct?
13 A. Mr. Kauffman, the State Property Tax Board does not
14 set the values by county. As you know, a county
15 appraisal district will set those. And so we are
16 dependent upon the county appraisal district to set
17 that.
18 Now, the local fund assignment will be
19 established by the State Property Tax Board, but they
20 do not increase local values upon which we can tax.
21 So, there -- there is a matter of two figures there
22 that we must distinguish. One sets our rate for
23 local fund assignment, the other is established by
24 the Dallas County Appraisal Board -- sets our local
25 values. So, although there is a difference of $670

1 million there, we are subject to the figures. And
2 our abilities to tax are based upon what the county
3 appraisal district will give us. And this figure
4 may, or may not, reflect what the county appraisal
5 district is going to do in their appraisal process.
6 Q. Okay. Well, if the State Property Tax Board is
7 correct, and if the Texas Education Agency, in their
8 projections, is using the appropriate numbers, the
9 increase in property value for Carrollton-Farmers
10 Branch between '86-'87 and '87-'88, is going to be
11 $670 million, is that correct?
12 A. I don't mean to be contentious, but I think --
13 Q. Is the answer to that yes, Dr. Long?
14 A. Ask the question again. I think the answer is no,
15 because I think, once again, you're mixing up county
16 appraisal values and what the state -- what the state
17 assigns us, gives us no power to tax, whatsoever.
18 So, I don't want to argue on that, but you're asking
19 me to ascribe to a figure that's here, and then
20 saying it will increase our power to tax; it does
21 not.
22 Q. Well, this is the -- these are not, hopefully, at
23 least, these are not arbitrary numbers. These are
24 numbers which are the State Property Tax Board
25 figures for the property value in your school

1 district, Carrollton-Farmers Branch, is that right?
2 A. I will agree to that, certainly.
3 Q. Okay. So those numbers, whatever their source, show
4 an increase in $670 million between '86-'87 and
5 '87-'88, is that right?
6 A. Yes, sir, they do.
7 Q. Okay.
8 A. But I respectfully submit that that is a meaningless
9 figure, from the standpoint of the Carrollton-Farmers
10 Branch District's ability to tax. It's a very
11 meaningful figure to us in that it will reduce the
12 amount of money that we get from the state, but it,
13 in no way, enhances our ability to raise local taxes.
14 That will have to be done by the Dallas County
15 Appraisal District.
16 Q. Okay. At this time, though, you don't have any
17 information that the Dallas County Appraisal District
18 says that your district is worth more or less than
19 these numbers, do you?
20 A. Yes, we have the figure for this year. We do not
21 have the figure for next year's yet. We're
22 anticipating a slight growth, but not -- not this
23 much.
24 Q. What is your figure for this year, from the Dallas
25 County Appraisal District?

1 A. I don't have -- I don't have that figure before me, I
2 would have to go to the record to get it. There is a
3 -- there is a difference between the two, just as
4 there is throughout the state. I know of no county
5 appraisal district that has exactly the same figures
6 that the State Property Tax Board has. And we're
7 dependent upon the appraisal district for our taxing
8 power.
9 Q. Okay. Well, let's just go, for the time being, that
10 the figures that the state is using in its
11 projections, showing $670 million increase in
12 property value. I had your effective tax rate at 76
13 cents, and this -- for this example --
14 A. That's close.
15 Q. We'll use that.
16 A. I'll not --
17 Q. If you have a $670 million increased property value,
18 at a tax rate of 76 cents per $100.00, my figures
19 show that you'll have an additional $5 million in
20 local tax revenue during the next year; does that
21 sound about right to you?
22 A. Once again, I don't want to be argumentative, but
23 you're asking me to attest to something that does not
24 exist, Mr. Kauffman. You're asking me to -- if
25 you're asking, are your figures correct, I won't

1 argue with that. But what you're doing is, you're
2 taking a figure from the State Property Tax Board,
3 and asking me to say that we will have revenue to the
4 tune of $5 million. That has nothing to do with our
5 local ability to tax the values on which we tax,
6 because we don't tax on these values.
7 Q. Now, when you say, "nothing to do," you don't really
8 mean completely irrelevant, you mean it might be off
9 a little bit, but certainly, you are not far off
10 these values, are you?
11 A. No, we're close to those values, but what I'm saying
12 is, if you're presenting this as an increase of $670
13 million, that is a figure that the State Property Tax
14 Board will use for setting our local fund assignment,
15 which means that we will receive less money from the
16 state. But it does not provide us an opportunity to
17 tax, based on $670 million, because the Dallas County
18 Appraisal District may, or may not, increase values
19 by either all, or part of that, so -- and I would not
20 anticipate that they would do that.
21 Q. Okay. You're certainly not telling us, are you, that
22 the state is projecting an increase in, roughly, ten
23 percent in your property values, but in fact, your
24 property values have gone down during that year?
25 A. No, sir.

1 Q. You're not saying that?
2 A. I'm not saying that they have gone down, no, sir.
3 Q. If the figures from the state are correct, and my
4 analysis is correct, even if it's off $1 million, $2
5 million one way or another, you're still going to be
6 able to recoup from your increase in property value
7 $3 million, $4 million, $5 million, which is more
8 than your projected decrease in state aid, without
9 raising your tax rate a cent, isn't that right?
10 A. I don't know that I'm in a position to say that.
11 Q. You won't say it's not true, though, will you?
12 A. Well, I can't say it's not true, because I haven't
13 run the figures, Mr. Kauffman.
14 Q. Okay. Yesterday, Dr. Long, we spoke something about
15 the annual performance report of the State Education
16 Agency.
17 I need to go ahead and mark this. This will be
18 Plaintiffs' Exhibit 31, the Annual Performance Report
19 for the Carrollton-Farmers Branch District.
20 (Plaintiffs' Exhibit No. 31 marked.)
21 Q. Dr. Long, I now have two copies, so I don't have to
22 look over your shoulder, here. I would like to
23 review some of these numbers with you. If you would
24 go to the -- if we can look at Page 4 for a second,
25 the Texas Education Agency has given us figures on

1 your average teachers' salaries, your average support
2 staff salaries, average campus administration
3 salaries, and average central administration
4 salaries, is that right?
5 A. Yes, sir.
6 Q. And does this Page 4 of Exhibit 31 show that the
7 Carrollton-Farmers Branch District pays about
8 $4,000.00 above the average for the state on
9 teachers' salaries?
10 A. Yes, it does.
11 Q. Okay. And the Carrollton-Farmers Branch District
12 pays about $5,000.00 above the average on support
13 staff salaries?
14 A. Yes.
15 Q. And the Carrollton-Farmers Branch District pays
16 around $10,000.00 above the average on campus
17 administration salaries?
18 A. That's a figure that appears here.
19 Q. Okay. And the Carrollton-Farmers Branch District
20 pays about $10,000.00 above the average, for the
21 state, in central administration salaries, as well,
22 is that correct?
23 A. That's true.
24 Q. If we can go back to Page 3 of this document for a
25 second, this is information on test scores. And you

1 have talked a bit about the test scores in your
2 district, is that right?
3 A. I think they have been mentioned, I don't know that
4 we've -- that I, personally, have talked much about
5 them.
6 Q. Okay. Well, on test scores for the
7 Carrollton-Farmers Branch District, let's look at
8 grade eleven, at the bottom of Page 3; do you see
9 those figures?
10 A. Yes, sir.
11 Q. And does that show that of the 1,020 students in the
12 eleventh grade tested, in Carrollton-Farmers Branch
13 District, that only two percent were low income, is
14 that correct?
15 A. Yes.
16 Q. And in the state, as a whole, of the eleventh graders
17 tested, 12 percent were low income, is that right?
18 A. That appears to be correct.
19 Q. Okay. So, in your district, with its scores, two
20 percent of the tested children were low income, and
21 in the state, as a whole, 12 percent were low income,
22 is that right?
23 A. Yes, that's a figure that appears here.
24 Q. Okay. Let's go on to Page 7 of the document, Dr.
25 Long. And on Page 7 of Plaintiffs' Exhibit 31, is

1 the Texas Education Agency description of the tax
2 effort of the Carrollton-Farmers Branch District, is
3 that correct?
4 A. If you will point that, what you're discussing.
5 Q. (Indicating.)
6 A. All right.
7 Q. And does the Texas Education Agency show that
8 Carrollton-Farmers Branch District has about a 61
9 cent total effective tax rate?
10 A. Yes, it does.
11 Q. And does the Texas Education Agency show that the
12 state has a 66 cent total effective tax rate?
13 A. Yes, yes, it does.
14 Q. So, according to the Texas Education Agency, your
15 district taxes are five cents below the state
16 average, is that correct?
17 A. That was true for last year. That's no longer true.
18 Q. Okay. And for the '85-'86 school year, your
19 district, the Carrollton-Farmers Branch District,
20 taxed about nine cents lower than other districts
21 within your group, is that right?
22 A. Yes, sir. I would respectfully submit that we
23 increased taxes 14 cents this last year, so this
24 situation has changed.
25 Q. Okay.

1 A. But what you're describing was true for the 1985-'86
2 year.
3 Q. Okay.
4 MR. KAUFFMAN: Your Honor, I move that
5 Plaintiffs' Exhibit 31 be admitted.
6 THE COURT: Okay. It will be admitted.
7 (Plaintiffs' Exhibit No. 31 admitted.)
8 Q. Dr. Long, when you say that your district raised your
9 tax rate 14 cents -- now, I know this is a real
10 confusing area, but there are a lot of different ways
11 to describe these tax rates, aren't there? I mean,
12 you have nominal rates, total effective tax rates, in
13 all those numbers, aren't there?
14 A. Yes, it is -- I would say your description of it as
15 confusing, is correct.
16 Q. Okay. And when you talked about raising your tax
17 rate 14 cents, you're saying that the numbers you put
18 on your budget, when you're sending your budget to
19 TEA, they ask you what's your maintenance and
20 operations tax rate, that number has gone up 14
21 cents, is that right?
22 A. Yes, sir.
23 Q. That is not necessarily the same number that the
24 Texas Education Agency uses for total effective tax
25 rate, is it?

1 A. No, no, it's not.
2 Q. Okay. And the Texas Education Agency figures and the
3 Bench Mark true rate figures look at the actual
4 dollars that you raise, compared to the actual
5 dollars of your tax base, and come up with a rate
6 based on that, is that correct?
7 A. That's right.
8 Q. Okay.
9 A. They take the percentage of the Dallas County
10 Appraisal District values, compared to the State
11 Property Tax Board values, and then apply that
12 percentage to our rate, to come up with the true
13 rate, that's correct.
14 Q. Okay. Dr. Long, in your deposition, we talked at
15 some length about teachers' salaries and the effect
16 they had on education of children; do you recall a
17 fairly long conversation we had?
18 A. Yes, sir.
19 Q. And do you agree that you said that, "Higher salaries
20 do make a slight difference in terms of getting
21 better teacher candidates and reducing turnover?"
22 A. I think I said that I wouldn't be in a position of
23 saying that lower salaries produce better teachers.
24 Q. Okay. Didn't you also say that, "Higher salaries
25 will make a slight difference in getting better

1 candidates or reducing teacher turnover?"
2 A. Yes, I said that.
3 Q. Okay.
4 A. Something to that effect.
5 Q. Okay. Is that still your testimony, that higher
6 teachers' salaries will make a slight difference in
7 getting better candidates and reducing turnover?
8 A. I think it can. The two do not follow -- I think
9 it's how you recruit, and a number of other factors,
10 but I believe I also said, at the time, it would be
11 logical to say that you want to attempt to operate
12 with less money, or reduction in funds.
13 Q. Okay. Well, do you recall that I asked you, at your
14 deposition;
15 "QUESTION: Well, do you think salary has
16 some effect on turnovers?"
17 And you answered,
18 "ANSWER: Certainly. Slight, though."
19 Do you recall that?
20 A. Yes, I would not change that. I thought that was the
21 same thing I was saying then.
22 Q. Okay. And you also said at your deposition that
23 "Salary has a slight effect on reducing turnover," is
24 that correct? You said that, too?
25 A. Yes.

1 Q. Okay.
2 A. I think that's true.
3 Q. Dr. Long, I have looked at the chart that was
4 prepared by your attorneys on test scores in various
5 districts, and on their expenses per student over
6 current operating expenditures, TEAMS test, and
7 whatever. And if you will, for a second, believe me,
8 and I'm sure your attorneys and others will check me
9 on these figures -- I've gone back and taken those
10 same districts and looked at the state and local
11 taxes that those districts have, and looked at the
12 enrichment of those districts from the Bench Marks
13 for '85-'86. And if I can -- just so we're talking
14 about the same terminology, I would like to read to
15 you what Bench Marks defines these numbers as.
16 State and local taxes per ADA is the portion of
17 state taxes to provide the state foundation aid plus
18 local property taxes. This represents the tax
19 resources available for the educational program in
20 each district. Also, I have put for the total
21 enrichment figures, including both local enrichment
22 and state enrichment. Local enrichment is the per
23 student amount by which maintenance tax levy is
24 adjusted for uncollectables -- 1.5 percent -- exceed
25 the local fund assignment. This figure indicates an

1 amount beyond the Foundation Program cost that the
2 district can expend on its education program for
3 local taxes. Statewide average is $700.00 per ADA.
4 And this total enrichment figure also includes state
5 enrichment per ADA, which is the enrichment
6 equalization part of state foundation aid distributed
7 to school districts with student market values of
8 property less than 110 percent state average, and
9 levying at least the average property tax for
10 maintenance purposes.
11 Does that help you somewhat understand what I'm
12 talking about here?
13 A. I'm not sure. Ask the question. If I --
14 Q. Okay. You're familiar with the concept that Bench
15 Marks does look at the state and local taxes that a
16 district has at its disposal, in revenues, to spend
17 on its students, is that correct?
18 A. (Witness nodded head to the affirmative.)
19 Q. Is that yes?
20 A. Yes.
21 Q. Okay. And you're also aware that Bench Marks, as
22 well as the state, looks at a figure for enrichment,
23 talking about the amount that your district spends
24 above the Foundation School Program, are you familiar
25 with that concept as well?

1 A. Yes, sir.
2 Q. And if my numbers are correct, does this show that
3 Highland Park spends $1,856.00 above its Foundation
4 School Program, and your district, Carrollton-Farmers
5 Branch, spends about $1,200.00 or $1,300.00 above the
6 Foundation School Program?
7 A. That's what the chart says, and I have no reason to
8 disagree with the chart, Mr. Kauffman.
9 Q. And if this chart is correct, it shows that the four
10 -- the four districts -- well, first of all, the two
11 districts in Dallas County spend significantly above
12 what these low scoring districts do in terms of state
13 and local taxes, is that correct?
14 A. Yes.
15 Q. Okay. And even those small districts in Central
16 Texas, which, on your attorney's chart, appear to
17 have lower total operating expenses, if you'll look
18 at state and local taxes, their state and local taxes
19 are about the same as these low scoring districts, is
20 that correct?
21 A. It appears to be, yes, sir.
22 Q. We'll go over these one at a time, and I'll try to
23 read the numbers slowly enough so we'll get them down
24 here. What we have done is, we've looked at the
25 state and local taxes and total enrichment for these

1 eight school districts. And Dr. Long, tell me if I'm
2 correct, that the Highland Park ISD, the state and
3 local revenue is $3,993.00 and the total enrichment
4 is $1,856.00, is that right?
5 A. Those are the numbers that appear on the chart, Mr.
6 Kauffman.
7 MR. R. LUNA: At this point, I'll have to
8 object, Your Honor. He's asking him to confirm
9 something for the record that he's never seen, he
10 doesn't know -- there's no proof that those are
11 accurate. I'm sure that they are, and so perhaps
12 it's something we could confirm at break, when
13 Counsel reads them at break. We have no objections
14 after we've looked at them.
15 THE COURT: I'll sustain the way that
16 question went.
17 MR. KAUFFMAN: Your Honor, we'll go ahead
18 and move to put it into evidence if we can, then.
19 This will be Plaintiffs' Exhibit 32. And the only
20 reason I haven't moved yet, is I haven't put the
21 names of the school districts, but I'll add that. We
22 move that Plaintiffs' Exhibit 32, reflecting state
23 and local taxes and total enrichment -- all of these
24 numbers are in an existing exhibit in the case, I
25 think it's Plaintiff-Intervenors' Exhibit, the Bench

1 Marks. We'll move this be admitted as Plaintiffs'
2 Exhibit 32.
3 THE COURT: You all want a little time to
4 make those figures right?
5 MR. O'HANLON: I don't have any objection,
6 Your Honor. I saw a puzzled look on your face. The
7 reason why some of those numbers are a little bit
8 different is that the state and local for that
9 category includes money raised to retired debt,
10 that's why. It may appear that districts are
11 spending less than they're raising.
12 MR. R. LUNA: And we would like to have an
13 opportunity just to check against the book. There's
14 been no witness to testify that they're accurate, but
15 I'm sure they're okay.
16 THE COURT: Why don't you offer that up
17 later?
18 MR. KAUFFMAN: Yes, sir.
19 THE COURT: Go on during break time or
20 lunch. Fix it up the way you want it to be, and give
21 them a chance to object.
22 MR. KAUFFMAN: Okay.
23 BY MR. KAUFFMAN:
24 Q. Dr. Long, during the last few years, I think your
25 district has built a new junior high school?

1 A. Yes, sir. We opened a new junior high school this
2 year.
3 Q. What's the name of that?
4 A. Blalack, Charles M. Blalack.
5 Q. And you've also built four or five new elementary
6 schools during the last few years?
7 A. Would you define few years before I respond to that?
8 Q. All right. Let's say during the last four or five
9 years, have you built four or five new elementary
10 schools?
11 A. We haven't built four or five in the last five years.
12 I believe I'll have to look back and see -- we built
13 three or four within the last five years, I believe.
14 Q. And during the last five years, have you also added
15 about 20 percent space to your high schools in
16 Carrollton-Farmers Branch?
17 A. Within the last five years -- 15 to 20 percent, yes,
18 sir, that would be a reasonable figure.
19 Q. Dr. Long, did you have a meeting at your school
20 district at one of your junior highs, when you
21 invited certain districts to come in and talk about
22 joining together as Defendant-Intervenors in this
23 litigation?
24 A. Did we have a meeting of whom, Mr. Kauffman?
25 Refresh --

1 Q. Of school superintendents, or school officials, to
2 try to get together and meet with some attorneys and
3 talk about joining in this lawsuit as
4 Defendant-Intervenors?
5 A. Did I have a meeting?
6 Q. Well, was there such a meeting at one of your
7 facilities?
8 A. There was a meeting in which Mr. Luna announced that
9 this lawsuit was active, and I believe it was North
10 Texas Area Association of School Boards.
11 Q. Uh-huh.
12 A. We did not call the meeting, they were using our
13 facility. At that meeting, Mr. Luna announced that
14 there was -- Edgewood versus Kirby was alive and
15 moving, and that we needed to take a look at that and
16 determine whether it was in the best interest of the
17 schools of the State of Texas and our own schools.
18 Q. And at what one of your facilities was that meeting
19 held?
20 A. That was at Blalack Jr. High School.
21 Q. So, at Blalack Jr. High School, there was a meeting
22 of -- was it North Texas School Officials?
23 A. North Texas Area Association of School Boards.
24 Q. Okay. And at that meeting, Mr. Luna made a
25 presentation on the Edgewood and Kirby litigation?

1 A. I can't remember the details. It was announced,
2 though, and that there was a statement of some
3 concern on his part and my part, at that time.
4 Q. Okay. And is Blalack Jr. High a very nice facility,
5 very beautiful facility?
6 A. It's Blalack, and yes, it is a nice facility.
7 Q. I assume it would not surprise you to hear that a
8 superintendent, who later joined as a
9 Plaintiff-Intervenor, did so, after he saw what a
10 beautiful facility you had at Carrollton-Farmers
11 Branch, and saw what you could do with your tax
12 monies over there?
13 MR. R. LUNA: Objection. I think that's a
14 hearsay statement, and we object to that.
15 THE COURT: Okay. I'll sustain.
16 Q. Dr. Long, is the Carrollton-Farmers Branch part of a
17 group of school districts called the Texas Learning
18 Technology Group?
19 A. Yes. Yes, we are.
20 Q. And is that a consortium of districts that have
21 gotten together and contributed funds to develop some
22 new curriculum and computer-aided instruction, that
23 sort of thing?
24 A. Yes, sir, that's correct.
25 Q. Okay. And Carrollton-Farmers Branch was a district

1 that contributed approximately $110,000.00 to that
2 effort, is that right?
3 A. Yes, sir. I don't know the exact figure, but it was
4 -- it's in that range.
5 Q. Okay. And is the Carrollton-Farmers Branch serving
6 as sort of a home base for that project, using some
7 of your facilities and computers to develop this
8 project?
9 A. Well, there will have to be computers purchased,
10 we'll not be using what we have now. Yes, we're one
11 of the pilot sites in the state.
12 Q. Okay. And as a pilot site, you'll be working with
13 people from universities in developing new curriculum
14 for -- I think it's ninth-grade physical science, is
15 that right?
16 A. See, the curriculum was developed by science teachers
17 in the state, along with outside help.
18 Carrollton-Farmers Branch will not be developing it.
19 We will be running it and having the teachers
20 determine its effectiveness, but we will not -- we're
21 not -- we're cooperating with other districts, but we
22 don't take the responsibility for development, that's
23 beyond our ability.
24 Q. And certainly, your school board decided that that
25 $110,000.00 was a good use of tax monies, to be able

1 to contribute to a project like that, is that right?
2 A. Yes, we anticipate getting that money back.
3 Q. Dr. Long, are you aware that Dr. Walberg, who has
4 testified in this case, went to Highland Park in
5 Dallas County and discussed with them his approach in
6 theories regarding schools and school finance and
7 school programs, are you aware of that?
8 A. I know that Winston Power told me that he had invited
9 Dr. Walberg to come and meet with some people in the
10 community, the details of which, I do not have.
11 Q. Okay. Did you have a chance to talk to Dr. Power
12 about his conversations with Dr. Walberg and Dr.
13 Walberg's theories on school expenditures?
14 A. He and I have had some conversations about that. I
15 don't have any details, but yes, he and I had some
16 conversations about that -- a conversation about that
17 would be more accurate.
18 Q. And do you know when Dr. Walberg came down? Was that
19 a few years back?
20 A. Either a year ago or three years ago. He came to
21 North Texas State University to provide a report on
22 his research to a group of superintendents. And I
23 believe that same day, or that same evening, he went
24 to Highland Park to meet with some people there in
25 Highland Park.

1 Q. Okay. And did you discuss with your board, at any
2 time, some of the approaches that Dr. Walberg takes
3 to the use of expenditures in public schools?
4 A. Yes, I have mentioned that to Dr. Walberg -- to the
5 board, about Dr. Walberg's position -- especially the
6 one on pupil/teacher ratio, and the fact that
7 research does not indicate that that's the most
8 effective way to spend money. Yes, we have talked
9 about that.
10 Q. And since you have had these conversations with your
11 board regarding Dr. Walberg's research and approach,
12 your board has continued to spend more per pupil
13 every year, is that right?
14 A. Well, Dr. Walberg's statement was -- and what we were
15 talking about was not spending more per student, it
16 was increasing the pupil -- or decreasing the
17 pupil/teacher ratio is what we mentioned to them,
18 yes.
19 Q. But are both parts of my question correct? Since you
20 discussed with your board Dr. Walberg's research
21 approach, your board has continued to spend more per
22 student on students in the Carrollton-Farmers Branch
23 District, is that right?
24 A. Yes, but I -- but my conversation with a board about
25 a conversation with an expert in the area -- you

1 know, there's -- I don't know how much character
2 there is, but yes, as you described the sequence,
3 that is correct.
4 Q. Well, as you've described your own positions on these
5 issues, they seem to be fairly close to Dr.
6 Walberg's, aren't they, in terms of pupil/teacher
7 ratios and expenditures per student?
8 A. He and I both believe research -- what research has
9 to say.
10 Q. You all have --
11 A. Yes, sir. From that standpoint, we're alike. He
12 sees the studies, and I've seen the studies -- maybe
13 we're both wrong, but we're looking at what's
14 recognized as the best studies in the country, and
15 we've attempted to draw conclusions from that.
16 Q. Well, whether you're both wrong, or both right, the
17 conclusions you've drawn to date are fairly similar
18 as far as the effects of pupil/teacher ratios and
19 expenditures, is that right?
20 A. Yes, that's right.
21 Q. And certainly you've discussed with your board your
22 own conclusions from that literature and research, is
23 that right?
24 A. Yes, sir, we have, numerous times.
25 Q. Dr. Long, you also talked during your testimony about

1 consolidation issues, and I wanted to discuss with
2 you some issues regarding consolidation.
3 First of all, I am not aware of any particular
4 proposal here to consolidate large numbers of
5 districts, but let's assume, for a second, that there
6 is a proposal to consolidate districts and what
7 effect that might be. Would you agree with me that
8 if there is a consolidation of two school districts,
9 that one superintendent is going to lose his job as
10 superintendent?
11 A. It probably would be much like the Beaumont
12 situation, where one superintendent continues as
13 superintendent and the other acts as assistant
14 superintendent. I don't think it's a matter of
15 whether -- the bureaucracy will not disappear, the
16 bureaucracy will increase, so the bureaucrats will
17 survive.
18 Q. So the bureaucrats will survive?
19 A. The bureaucrats will survive. I think that's a
20 correct statement.
21 Q. One person who was the head man, head superintendent,
22 will at least go down to the second superintendent,
23 assistant superintendent, is that right?
24 A. Unless he finds a job in another district somewhere,
25 and is promoted -- and that occurs, too.

1 Q. Okay. Also, in Dallas, and I certainly don't know
2 the geography there as well as you do, but as I
3 recall, Highland Park is a district that is
4 completely surrounded by the Dallas ISD, is that
5 right?
6 A. That is correct.
7 Q. And there is a high school north of Highland Park in
8 Dallas, in a predominantly anglo section, called
9 Hillcrest High School, are you familiar with that?
10 A. I know it exists, and I have driven by the school.
11 Q. And under the present Dallas plan, there is a fair
12 amount of integration up there at Hillcrest, with
13 Blacks from central or south Dallas traveling up to
14 Hillcrest to go to school there, is that right?
15 A. Mr. Kauffman, I'm not familiar with the Dallas
16 desegregation order. It's extremely complicated, and
17 I would hesitate to say the effect upon a single
18 school. There is a desegregation order in Dallas, it
19 does exist, and there is movement of students in the
20 district. But beyond that, it would not be proper
21 for me to comment on it. I do not have that
22 knowledge.
23 Q. Certainly your knowledge of the Dallas geography,
24 though -- I assume would tell you that to travel from
25 central or southern Dallas to get to Hillcrest High,

1 which I think is up there on Meadow Lane or Preston
2 Avenue, you have to travel within about five or ten
3 blocks of Highland Park High School, don't you?
4 A. I don't know five or ten blocks -- if you -- I want
5 to say that there's a high school located north of
6 Highland Park, and if you're going from downtown, I
7 don't know how close you would go --
8 Q. But it's real close?
9 A. It's according to where you start. I don't know what
10 you mean by real close, but yes -- you would go in
11 the vicinity, there is no question about that.
12 Q. Okay. Your school district has around four percent
13 Black students at this time, is that correct?
14 A. Yes, sir, that's true.
15 Q. And you share a border with the Dallas ISD, is that
16 right?
17 A. Yes, sir, that's true.
18 Q. And the Dallas district has around, what -- 50, 55
19 percent, 60 percent Black students, something like
20 that?
21 A. No, not that many Black students.
22 Q. What would you say it is?
23 A. I don't know, but it's not 50, 55 percent Black. I
24 imagine you have that in your files there, somewhere.
25 Q. I think we do, but the Dallas district --

1 A. No, it doesn't approach that.
2 Q. Well, we'll look it up. But let me say, generally,
3 if you add Whites --
4 A. Once again, I think that's right --
5 Q. Okay.
6 A. I don't have the figures. I didn't mean to be
7 argumentative, but I don't believe -- it's not quite --
8 exceed 50 percent -- I feel it's not true in Dallas.
9 Q. If you look at the Black population, the Black
10 students in the district, it's around 40, 50, 60
11 percent, somewhere in that range, isn't it?
12 A. I don't know. I don't think it's that high, Mr.
13 Kauffman.
14 Q. Let's say --
15 A. They have a large Black population. I'm not trying
16 to say they don't, I just don't believe it's that
17 high.
18 Q. Okay. Dr. Long, during your testimony you talked
19 about the effects of consolidation and the effects on
20 education in districts that are, or would be,
21 consolidated. Can you quote to us, or are you aware,
22 of any studies showing what happens to the education
23 in districts after consolidation?
24 A. I can't quote to you a study, no, sir. I didn't
25 realize I would need to provide that kind of

1 information, so, no.
2 Q. Are you aware of any?
3 A. I'm not aware of any, but I can assure you that there
4 have been studies that have been done in this area,
5 because it's an area that has been studied
6 repeatedly.
7 Q. When you offered your opinion on that, your opinion
8 was not based on any research or studies that you're
9 aware of, is that correct?
10 A. It's not based upon any research or studies I could
11 quote from, that's correct. It's a matter of --
12 excuse me, go ahead.
13 Q. Was your opinion that consolidation would have
14 negative effects on the education of kids based on
15 any studies that you can even name, or that you're
16 aware of, that you can generally describe to us here
17 in the courtroom?
18 A. No, sir. I believe I said that a moment ago. I'm
19 not in a position to do that in the courtroom, today,
20 under oath. I do not have the names. There are
21 myriad subjects in educational administration that I
22 cannot name, research projects, and this would be one
23 of them.
24 MR. KAUFFMAN: I'll pass the witness, Your
25 Honor.

1 CROSS EXAMINATION

2 BY MR. RICHARDS:

3 Q. Doctor, I had a McLennan County question or two, if
4 that's all right.

5 A. Well, let's go home.

6 Q. My colleague, Mr. Roos, has just been fascinated with
7 what's happened in places like McLennan County, and I
8 wanted to ask you, do you remember the little
9 community of Yellow Dog?

10 A. Yes, since it was right across the road from my house
11 when I lived in that --

12 Q. Being from San Francisco, he was fascinated by what
13 had happened to Yellow Dog, is it any longer there?

14 A. Well, Yellow Dog was across the road from my house,
15 and when the Highway 81 was built, the new -- as we
16 called it, the New Temple Highway, they took a steam
17 engine, jacked up the old Yellow Dog and moved it
18 over to the new highway. Then progress caused the
19 old Yellow Dog to disappear when that becomes
20 Interstate 35. It no longer exists, sadly enough.

21 Q. Sorry, Peter, it's gone.

22 Let me hand you just a clean copy of Bench
23 Marks. I'm going to ask you a couple of questions
24 you might not be able to help me with, but do you
25 understand, generally, the state's accounting system

1 with respect to how fund expenditures are allocated
2 and where they're placed? I'm not going to push you
3 too hard, do you have some general background on it?
4 A. If you will let me rely upon your term general --
5 Q. Okay.
6 A. We can do that --
7 Q. All right.
8 A. I do not pretend to be an expert on that.
9 Q. I'm really gonna focus here, just for a second, on a
10 couple of questions. Do you have any notion of what
11 your costs per ADA are with respect to provision of
12 food service?
13 A. They are none.
14 Q. You don't provide any food service?
15 A. We provide food service, but we do not -- if you're
16 asking do we use tax money to supplement, we do not.
17 Q. I'm not asking you that. You have some costs, you
18 have some receipts, right?
19 A. Right. It's an enterprized fund, that's true.
20 Q. And it shows up, does it not, if you'll look at pupil
21 service -- look at Page 8 to Bench Marks, Item Five,
22 pupil service expenditures --
23 A. Yes, sir.
24 Q. Includes guidance and counseling, social work, as
25 well as food services, do you see that?

1 A. Yes, sir.
2 Q. Now, when your Carrollton-Farmers Branch figures are
3 put together, the costs of providing food service
4 show up there, do they not -- or do you know?
5 A. I must say I really don't know. I know in this
6 report, that's the case. What 679 requires, we treat
7 it as an enterprized fund and it sets apart. And in
8 our reports to the agency --
9 Q. It shows up?
10 A. It shows up there.
11 Q. So you don't know. I asked Mr. Dameron the other day
12 -- and he said he doesn't have any food service costs
13 -- whether that understated, significantly, his
14 actual current operating expenses, inasmuch as food
15 services shows up there. You can't tell me one way
16 or the other on that, can you?
17 A. Well, since it's an enterprized fund, it would be a
18 wash.
19 Q. It may be a wash, but it may show up over here,
20 later, in receipts, but it also shows up first, here,
21 as expenditures, is that correct?
22 A. I have to confess, I do not know.
23 Q. You if -- if you don't --
24 A. We can check it and find out; I really don't know.
25 Q. All right. Fine.

1 You talked a little bit about the history of
2 Carrollton-Farmers Branch, and let me just run by a
3 couple of short questions there. I suppose the
4 growth in the district has been mainly since the
5 '50s, as Dallas began to surge, is that correct?
6 A. Yes, sir.
7 Q. Sometime in the mid-'50s, you said the little town --
8 there was a school district called Addison that used
9 to be there, is that right?
10 A. Yes.
11 Q. And as the Addison district disappeared, part of it
12 became Carrollton, and became part of
13 Carrollton-Farmers Branch District, and another part
14 went to Dallas Independent School District, is that
15 right?
16 A. We received only a very small portion of Addison.
17 The majority of that, people opted to go into the
18 Dallas communities.
19 Q. All right. Now, the Carrollton-Farmers Branch
20 District, we know where it is, basically, northwest
21 Dallas County, is that correct?
22 A. Yes, sir.
23 Q. As I understand it, it overlaps into at least five --
24 A. Six.
25 Q. Six different incorporated municipalities, is that

1 right?
2 A. Yes, sir.
3 Q. And they are Dallas, Carrollton, Irving, is that
4 true?
5 A. Irving.
6 Q. And what are the others?
7 A. Farmers Branch, Coppell -- did we miss Addison --
8 Dallas, Carrollton, Farmers Branch, Irving, and
9 Coppell.
10 Q. And I believe you also testified that as to these
11 cities, none of them were totally contained within
12 your school district, is that right?
13 A. That's correct, sir.
14 Q. So the citizens who live there may well have you to
15 look to for a school district, and then of course,
16 obviously, another city government, is that correct?
17 A. Yes, sir, that's true.
18 Q. You actually overlap into another county, do you not?
19 A. Yes, sir, into Denton County.
20 Q. So you're partly in Denton County, partly in Dallas
21 County, is that right?
22 A. Yes, sir.
23 Q. And your citizens are suburbanites, by and large, is
24 that correct?
25 A. Yes, sir.

1 Q. Commuting to where, to work in Dallas, or Irving, or
2 elsewhere?
3 A. In Carrollton-Farmers Branch, as well, because there
4 are a number of jobs in the cities.
5 Q. Right. But my recollection there, and I could be
6 wrong, I remember there are some industrial
7 facilities within the district, is that correct?
8 A. Commercial -- not much in the way of industry there.
9 Q. Okay. So it's essentially -- I was trying to
10 understand the tax base. The tax base is essentially
11 residential and commercial facilities, is that
12 correct?
13 A. Right. And warehouse showrooms are a large -- in the
14 area.
15 Q. Okay. And I gathered from your testimony, that you
16 got a nice windfall when the Carpenter Ranch got
17 converted into Las Colinas, is that correct?
18 A. Ask that question again, I couldn't understand --
19 Q. I gather what you said the other day, in your
20 testimony yesterday, that the development of Las
21 Colinas within your school district produced a very
22 significant surge in your property wealth, is that
23 correct?
24 A. Well, it wasn't -- I wouldn't call it a surge, but it
25 has been a continuous improvement in our tax base as

1 a result of Las Colinas. We didn't see, in any one
2 year, a surge, as a result of that.
3 Q. Over what period of time has it been developed, just
4 give me a rough idea?
5 A. Well, Las Colinas, the lakes were built in Las
6 Colinas years before I went to Carrollton-Farmers
7 Branch. And I've been there 11 years, so I don't
8 know when Mr. Carpenter started that.
9 Q. Okay.
10 A. It's been a long and slow process -- controlled
11 development process.
12 Q. Right. Well, actually, it's a model development in
13 terms of planning, and as you say, they built lakes
14 and lagoons out there in anticipation of building --
15 A. Those are not in our district. Those are in Irving,
16 I might have to say.
17 Q. You don't get the lakes and lagoons out there?
18 A. No, sir, nor the high-rise buildings there.
19 Q. What did you get?
20 A. What we always had.
21 Q. What kind of commercial development did you get?
22 A. Basically warehouse showrooms, low and mid-rise
23 business offices.
24 Q. Some multi-storied structures, did they come in?
25 A. When I say low-rise, I meant multi-structured.

1 Q. Hotels, did you get some hotels?
2 A. No, sir. We don't have a hotel in the Las Colinas
3 area; those hotels are in neighboring districts.
4 Q. Do they all fall in the Irving district?
5 A. Well, two of the hotels fall in the Irving district,
6 but we don't have a hotel on that end of our
7 community.
8 Q. Historically, this was a 5,000 acre Carpenter family
9 ranch, is that right?
10 A. I believe it began about 4,000 acres.
11 Q. 4,000 acres. I guess on your books at one time,
12 probably an agricultural, is that right?
13 A. Years ago, yes, it was. Because it was a working
14 ranch.
15 Q. Right there, cheek by jowel, with Dallas Fort-Worth
16 Airport?
17 A. Well, it's located close by, yes, it is.
18 Q. Do you have any idea the approximate amount of value
19 that's added to your tax rolls in the development of
20 Las Colinas?
21 A. No, I don't, but once again, when I'm saying that,
22 I'm not trying to deceive the Court.
23 Q. I know.
24 A. It's a valuable property, and we're pleased to have
25 it. I would not have any idea what the value for

1 Las Colinas would be.
2 Q. Or you don't have any notion of what percentage
3 increase it may have meant in your property values
4 over the decade it's being developed?
5 A. No, I wouldn't. It's -- it hasn't been a major --
6 because there's so much of Las Colinas that's
7 undeveloped.
8 Q. Is there some still undeveloped portion within your
9 district?
10 A. Oh, yes, the majority of Las Colinas is undeveloped.
11 Q. I presume it promises for the future, if they
12 continue to develop, additional tax base for you, is
13 that right?
14 A. Yes, sir, it should continue. If the business
15 climate in this country changes, it should have a
16 good future for development. Right now, as we
17 discussed yesterday, that's a different story.
18 Q. Well, actually, every report I've read on Dallas real
19 estate has said that Las Colinas was the one
20 development that wasn't suffering in the real estate
21 downturn. I don't know. Do you have different
22 information?
23 A. Yes, sir. The Dallas Morning News, recently, has
24 written several articles that they are concerned
25 about the empty space there, the failure to utilize

1 them. There are some tracts there that were bought.
2 There are very definite problems in the reduction of
3 value of the land that was held for speculation in
4 that particular area. I'm not forecasting booms for
5 Las Colinas, that's not my role. But it is not the
6 same as it was a year, or two, or three years ago.
7 Q. The basic developer of Las Colinas, at least a
8 person, I guess, who had the vision, was the
9 Carpenter family, is that correct?
10 A. Yes, sir.
11 Q. And I think you've already said they're not residents
12 of your district, are they?
13 A. No.
14 Q. As a matter of fact, they're probably residents of
15 Highland Park, aren't they?
16 A. I'm not familiar with those districts.
17 Q. Mr. Gray here, who grew up in Highland Park, says
18 that.
19 MR. GRAY: I went to school with their
20 sons.
21 Q. And of course, that's a massive development -- it
22 took infusion of capital from everywhere, I suppose,
23 to put it together, is that right?
24 A. I'm not privy to their books --
25 Q. Okay.

1 A. I don't know, but it is a massive development --
2 that, we can agree on.
3 Q. Okay. Well, you had said that your school district
4 was mainly made up of middle class, lower-middle
5 class working people. They're not the financiers
6 of --
7 A. No, sir, they're not. No, sir, they're not.
8 Q. I was intrigued, yesterday, and I'm -- I would like
9 to ask you a few more questions about your --
10 something you sound proud of, and seem to be properly
11 proud of, and that's what you've done with respect to
12 dropouts -- your dropout program, and could you talk
13 with me a little bit more about that anti-dropout
14 program?
15 A. If you'll ask questions, I'll be happy to try to
16 respond. And you're right, we are proud of that.
17 Q. I was just interested, you said you had a high
18 dropout figure at one point, half a dozen, maybe a
19 few years ago --
20 A. Yes, sir.
21 Q. 18 or 19 percent, I'm not sure of what your figure
22 was.
23 A. No, the figure was more like 27 or 28 percent.
24 Q. Okay.
25 A. Some 11, 10 to 11 years ago.

1 Q. And you've managed, through efforts of a district, to
2 bring that -- you say, in closer to the 10 to 12
3 percent range, is that right?
4 A. No, we haven't hit ten percent. That would be our
5 goal. I think that's the national goal, is ten
6 percent. We haven't been able to do that, but we
7 have approached that goal.
8 Q. I'm just curious -- tell us, so we understand, the
9 kinds of things, the steps you took, as a district,
10 to address the problem and try to get it under
11 control?
12 A. I think the first thing you do in a case like --
13 Q. Not you, just tell us what you did, as a district,
14 not in a philosophical sense, but in a practical
15 sense -- what did you do?
16 A. I was going to tell you.
17 Q. Okay.
18 A. My philosophy determines what we do.
19 Q. Okay.
20 A. Let me choose my words differently. I did not mean
21 to start a philosophical treatise here.
22 First thing you do, you have to identify the
23 problem. You have to be honest with yourself, and
24 you have to be honest with the community, and we
25 attempted to do that. And we discovered we had a

1 genuine problem of some magnitude, and we believe
2 that it merited our attention.
3 One of the -- if you're going to solve a
4 problem, you're going to have to recognize the
5 problem, and then you have to be committed to
6 changing that problem. And as with most things in
7 life, attitude plays an important part. Once again,
8 that's philosophical, but one of the things we did,
9 we changed attitudes on our staff by saying kids are
10 important, we can make a difference, and we started
11 working on that.
12 We also took a look at some youngsters who were
13 not in school that we thought we could bring back
14 into school if we offered a program that they could
15 -- that they could use, that would be of benefit to
16 them. So we established a center -- alternative high
17 school, if you prefer, in which we were going to
18 bring in youngsters who, one, either indicated they
19 had the indications of a dropout -- and we've
20 attempted to do a profile on those and determine what
21 the profile was.
22 And then, No. 2, once they were there, we tried
23 to provide them with a program that would benefit
24 those youngsters in a surrounding -- as I said, we
25 now have 193, we started off with less than 100

1 youngsters in a small environment where there was
2 attention and caring that could be manifested to the
3 benefit of the youngsters.
4 Q. And is this the Valley View Learning Center you
5 talked about?
6 A. Yes, sir, it is.
7 Q. So the establishment of that learning center was sort
8 of an integral part of combating the dropout rate?
9 A. Yes, it was. Yes, it was.
10 Q. I mean, did you -- you say you tried to create
11 programs that addressed specific concerns of these
12 youngsters, is that --
13 A. Right.
14 Q. Give us --
15 A. We try to be flexible. Much of it is contract
16 learning, where a youngster comes in -- they have to
17 be willing -- the parents and youngster come in, they
18 have to make a commitment to this, they sign off on a
19 contract that they will finish certain work at a
20 certain time, and we work on an individual basis and
21 on a contract basis, and allow them, basically, to
22 work at their own speed.
23 Q. This facility, at the Valley View Learning Center,
24 was this a facility you already had, you just
25 converted it for this purpose, or did you build it,

1 or what did you do?
2 A. It was a building that's probably -- I don't know the
3 age, it's probably 60 years old, something like that.
4 And yes, we did some painting and plastering, and --
5 Q. Well, I mean, had it been in utilization, or was it
6 an abandoned building that you rehabilitated?
7 A. It was abandoned. It was in pretty bad shape. It
8 was abandoned, we rehabilitated it, and are using it
9 for this purpose.
10 Q. Okay. You said, and I think you said, that you then
11 created programs that you thought were going to try
12 to address the specific needs or desires of these
13 kids. And I'm just -- were these programs different
14 than those that were available in the --
15 A. No, it was English, science, math, and programs of
16 this particular type. It's just that they were
17 delivered in a different manner, in that they were
18 delivered through a contract basis. The youngsters
19 came in, agreed to do certain things, and basically,
20 it was a more individualized program than we had had
21 before.
22 Q. Okay. Other than the Valley View Learning Center, I
23 think you've already testified, I guess, in earlier
24 questions, in which you've got counselors in all of
25 your grade schools, and I assume they're part of this

1 process, too, aren't they?
2 A. Yes, sir.
3 Q. What role do they play in terms of trying to curtail
4 or prevent dropouts?
5 A. If youngsters have success early in school, if
6 parents are involved in the schools, and the
7 youngster feels good about him or herself, they have
8 a better chance of staying in school and finishing
9 school. And yes, counselors play some role in that.
10 Counselors cannot substitute for caring teachers.
11 Q. Okay.
12 A. But they do -- they do supplement teachers.
13 Q. I've heard the expression "visiting teacher." Is that
14 a term that means anything to you? I mean, is it
15 something you had at Carrollton?
16 A. Not under current legislation, I do not. I'm not
17 familiar how we define "visiting teacher."
18 Q. You said you have your teachers go out and actually
19 go to the homes, I think, or was that someone else?
20 A. No, sir, I believe that was someone else.
21 Q. Oh.
22 A. I did hear someone say that. We would like for that
23 to happen. When I was a teacher, I did that, but
24 that doesn't occur very often now.
25 Q. And when you started the Valley View Learning Center,

1 you said a decade ago, you had approximately how many
2 students in it, at that time, do you recall?
3 A. We started smaller than we are now. I can't remember
4 the first year's enrollment, but I think 40 to 60
5 would be the range.
6 Q. And it's now grown to, say, about 170 or 180, or
7 something like --
8 A. Between 190, 195.
9 Q. And these are 9th through 12th grade, is that
10 correct?
11 A. Yes, sir.
12 Q. Now, I'm not trying to put words in your mouth -- you
13 may not have said this -- did you also characterize
14 these people as discipline problems, that went into
15 this --
16 A. No, sir, I didn't. These are youngsters that have a
17 variety of needs and not discipline problems, as
18 such. In fact, a discipline, a true discipline
19 problem would not fit into this, because the program
20 allows some contracting and independence. It
21 requires some commitment on the part of the youngster
22 that's there.
23 Q. Could you give me just an approximation of the number
24 of people who live in your district -- not ADA, do
25 you know how many?

1 A. No, because of the census tracts, the way they're
2 laid out, I really couldn't give you that. It would
3 -- it would be a guess.
4 Q. Don't want any guesses.
5 Back on the wealth thing a moment. I think
6 you've cleared it up in my mind, but has
7 Carrollton-Farmers Branch been, for some time then, a
8 district with significantly higher than state average
9 wealth?
10 A. No, sir, it has not. It has changed over the last
11 decade appreciably.
12 Q. Okay. Moving from a relatively average district, you
13 mean, to one where it sits today?
14 A. Yes. I'm not in a position to go back and, you know,
15 compare whether we were below average at a decade ago
16 or not. But we certainly were not as high in state
17 wealth ranking as we are now.
18 Q. Now, you said the other day, and I may -- that the
19 studies done by the state on curriculum -- that's the
20 state education agency, I guess -- you thought were
21 highly successful and well done, am I correct?
22 A. What studies are you referring to, Mr. Richards?
23 Q. Well, you said -- I thought, the other day, that the
24 studies conducted by the state, in the context of the
25 development of curriculum, that they were

1 exceptionally well done, I believe -- or words to
2 that effect?
3 A. I was referring, at that time, to the development of
4 House Bill 246 --
5 Q. Okay.
6 A. And the results of that. And yes, sir, I believe
7 that there was massive input from around the state.
8 And I think the state did -- not a perfect job, we
9 never do a perfect job, but I think it's one of the
10 better jobs that's been done, not only in this state,
11 but across the nation.
12 Q. That culminated in House Bill 246, is that correct?
13 A. Yes, sir.
14 Q. What sort of things were imposed upon your district
15 as a consequence of House Bill 246? What sort of
16 changes were imposed?
17 A. I don't know that I can sit here and distinguish --
18 we've had so many changes and so forth, in the last
19 few years, I think it -- I don't know that I could do
20 that, Mr. Richards, adequately here. I could go back
21 and flip through some notes and see that, but I don't
22 think I could do that here, today.
23 Q. All right. I guess, then, the next major study done
24 by the state was before run of the House Bill 72, is
25 that correct -- in the Perot Commission?

1 A. Yes, sir.
2 Q. That's Ross Perot, you've got that, don't you?
3 And how was that commission functioned? Did
4 you have any role in it, or did you have any role in
5 the Perot Commission studies?
6 A. Public school educators had very little input into
7 House Bill 72, as such.
8 Q. Well, let me stop, before we get to House Bill 72 as
9 such. I understand --
10 A. I mean the study that preceded House Bill 72, I
11 didn't state that correctly.
12 Q. Do you know how the Perot Commission conducted its
13 studies?
14 A. I don't know all of the intricacies, I did sit in on
15 several of the meetings around the state and heard
16 testimony that was presented to the committee at
17 those meetings.
18 Q. Well, they did, at least, travel around the state and
19 took testimony?
20 A. There was extensive travel and extensive testimony,
21 that's correct.
22 Q. Did they have experts hired and have experts testify?
23 A. Yes, they did.
24 Q. And we all have different views about experts, but at
25 least they listened to experts, is that right?

1 A. Yes, sir.
2 Q. Okay. Do you have any assessment of the quality of
3 work of the Perot Commission, whether it was good,
4 bad, or indifferent?
5 A. I have an assessment of that. Would you like to be
6 specific?
7 Q. Yes.
8 A. Would you like --
9 Q. First, can you characterize it as being good or bad,
10 or indifferent, or --
11 A. I can characterize it as being, what I now believe,
12 and I cannot quantify this, so you're asking me for
13 my opinion.
14 Q. Sure.
15 A. I believe that it is -- it has been beneficial to
16 learning in this state.
17 There are some things that, of course, when you
18 have 226 pages of detail operation for the school,
19 there are going to be some things that an educator --
20 that an educator would differ on, but overall, House
21 Bill 72 has turned out to be effective for education
22 in the state, in my opinion.
23 Q. Well, and I just wasn't -- this wasn't supposed to be
24 a great big trap, or anything, but at least, when we
25 got to being critical about the 1-to-22 ratio, that

1 came from the Perot Commission, did it not?
2 A. That's right. But as I say, there are 226 pages, and
3 we would disagree with some of the things that are in
4 there. There are some very important things in the
5 bill, such as the four-year olds, the
6 pre-kindergarten program is extremely important, I
7 think. You're asking me for opinions, once again --
8 Q. Sure.
9 A. -- without the ability to quantify. There are a
10 number of things that are major advances for
11 education in the state in House Bill 72. There are
12 some things that --
13 Q. You disagree with?
14 A. That I disagree with.
15 Q. Sure.
16 A. But that does not impugn the entire bill, because we
17 have disagreements with portions of it.
18 Q. Just to be clear, then, the recommendation for the
19 1-to-22 student/teacher ratio comes from the Perot
20 Commission, is that correct?
21 A. Yes, sir.
22 Q. It also was the source of the recommendation for the
23 establishment of pre-K, is that correct?
24 A. Yes, sir.
25 Q. And on that particular recommendation, you think was

1 very beneficial to the educational process?
2 A. Yes, I do.
3 Q. Why? Why do you see that as particularly beneficial?
4 A. It gives us an opportunity to work with some
5 youngsters in an environment in which they are more
6 nearly able to succeed in at the kindergarten level.
7 These youngsters, now, are able to, if I might put
8 this word in quotes, "compete" better at the
9 kindergarten level than they might have been,
10 otherwise. That is, if the programs operate
11 properly. I can't testify this is occurring across
12 the state.
13 Q. I'm not asking you to vouch for the system across the
14 state.
15 A. In Carrollton-Farmers Branch, we think it was of
16 benefit to students.
17 Q. Now, you said yesterday, or perhaps it was the day
18 before, I've kind of lost track when we started this
19 -- that you kept your teachers' salaries sort of in
20 the middle of the Dallas area, and the area in which
21 you competed, I think. If you didn't say that, you
22 tell me.
23 A. Yes, sir. We said that we don't have to be the
24 lowest, we didn't anticipate being the highest. And
25 so when you look at Plano, and Richardson, and

1 Highland Park, and some of our neighbors, as well as
2 Irving, and -- we try to stay in there close.
3 Q. Well, I've read the Bench Marks for the year we've
4 been dealing with, and I want to tell you what it
5 shows with respect to your teachers' salaries, and
6 you tell me whether you think it's right.
7 There are 15 school districts in Dallas County,
8 three of you, you, Dallas, and Richardson pay
9 basically the $26,000.00 level -- that's your
10 average, you did in '85 or '86 -- Highland Park at
11 the $28,000.00 level, does that sound approximately
12 correct?
13 A. Yes, sir, I believe that's correct.
14 Q. And you out pay 11 districts in Dallas County. That
15 is, the Carrollton-Farmers Branch District does.
16 A. I think we need to take into consideration Plano,
17 which is our neighbor to the east.
18 Q. I'm going to get to Plano next. In Dallas County,
19 out of the 15 districts, you're not in the middle,
20 you out-pay, significantly, 11 of the districts
21 there?
22 A. I believe I said, in describing that, that we, our
23 community, considers itself in the north end of
24 Dallas --
25 Q. Okay.

1 A. We're in a competitive position with those districts
2 in athletics and academics. And that would not
3 include all of the districts in Dallas County, but
4 rather, would include, when we do cost reports, and
5 when we do studies and so forth, we usually look at
6 Richardson, and Plano, and Highland Park, and Irving,
7 and those districts -- not all 15 districts, when we
8 compare ourselves.
9 Q. When you were making yourself be in the middle, you
10 weren't in the middle of all of the Dallas districts,
11 but those districts with which you compare yourself?
12 A. Middle was an inaccurate phrase. And if we're
13 looking at all of Dallas County, I did not mean to
14 leave the impression, which we're not. As I say
15 again, we're not the lowest, we're not the highest,
16 and among our neighbors, we're right in line.
17 Q. Well, and for example, there are 15 school districts
18 in Collin County, where Plano is, and you out pay 14
19 of those, would that probably be true?
20 A. We -- there are many small districts there that we
21 really have no contact with, whereas we do have,
22 almost certainly weekly, and almost daily contact
23 with Plano.
24 Q. Of the 16 districts in Tarrant County, you out pay
25 all of those, too?

1 A. We really don't have a lot of contact with Tarrant
2 County, except basically, HEB and Arlington, and we
3 probably out pay those, but not by very much.
4 Q. All of the other lawyers got to write things up here
5 at this trial. If I don't do it with you, I'm not
6 going to get to. But I'm not going to write very
7 much.
8 Carrollton-Farmers Branch -- I'm not going to
9 try to spell it, Mr. Kauffman, and Wilmer-Hutchins --
10 MR. KAUFFMAN: That's untrue.
11 Q. Both of which are Dallas County districts, right?
12 A. Yes, sir.
13 Q. This is property value per ADA -- I used to try to
14 teach out at the law school, and when I started
15 writing out on the board, no one could read anything
16 I wrote. I didn't realize that until after -- after
17 they didn't renew me, I found that out.
18 A. Give you a "C" in penmanship, that's all right.
19 Q. Penmanship in Waco and Minnie B. Graves' system
20 didn't work for me. These are the figures out of
21 Bench Marks, that's in evidence. I want to ask you,
22 in a second, a couple of questions.
23 Your property value per ADA is $542,245.00.
24 Wilmer-Hutchins is $99,097.00. Do you -- if you want
25 to compare these figures, you can look at the Bench

1 Marks.
2 A. If you're reading them, and you attest to those, I'll
3 agree with you that out of the five --
4 Q. This was your true tax rate that year, 60 cents. I
5 think I'm overstating -- that's an overstatement?
6 MR. KAUFFMAN: That's right.
7 MR. RICHARDS: I know his --
8 (Discussion between attorneys.)
9 Q. True tax rate for Wilmer-Hutchins, $1.14. Your
10 average teacher's salary, $26,227.00. Their average
11 teacher's salary, $22,176.00. Now, both of you are
12 Dallas County districts, is that correct?
13 A. Yes, sir, that is correct.
14 Q. They're out there trying to educate, what, as I
15 understand now to be a majority Black district,
16 actually, is that true -- or a heavy Black --
17 A. I don't have the figures, but it is a majority Black
18 district.
19 Q. But lots of problem kids, I assume?
20 A. You would have to make that assumption. I'm really
21 not that familiar with Wilmer-Hutchins.
22 Q. I'm just going to ask you, does this strike you as
23 fair? I mean, that they are out there taxing almost
24 twice the rate you're taxing at, and yet, still can't
25 even get up to within $4,000.00 of your teachers'

1 salaries?
2 A. I don't want to sound argumentative, but I do have --
3 Q. This is your chance.
4 A. I do have a reason for, I think, for the differences.
5 One, if you've looked at the history of
6 Wilmer-Hutchins, they do have some problems in
7 management. In fact, they have been, either -- I
8 don't know whether it's monitored, or they've had a
9 person appointed by the Texas Education Agency to run
10 their district, it's been so --
11 Q. Troubled district?
12 A. -- poorly operated. And that -- much of that
13 revolves around the use -- expenditure of funds. As
14 we look at that, if there was not equalization in the
15 state, Mr. Richards, that -- we would have great
16 problems. But the millions of dollars that have no
17 longer -- that no longer flow to Carrollton-Farmers
18 Branch, now flow to districts like Wilmer-Hutchins.
19 So their opportunities for providing an education
20 have greatly improved under House Bill 72. And yes,
21 there is a disparity in property values. There is no
22 question, I would not argue that.
23 Q. And there's really not -- go ahead, I'm sorry.
24 A. There is a difference in tax rate. But I think you
25 need to recognize that part of that can be attributed

1 to -- management was so poor, that the Texas
2 Education Agency had to come in -- and I'm going to
3 put this in quotes, too, "Take over the district and
4 run that district," so part of what you see there is
5 the results -- is the result of action on the part of
6 the citizens and the administration of that district.
7 Q. Do you know when the TEA went out there, took it over
8 -- what year?
9 A. Three or four years ago.
10 Q. How long?
11 A. Two, three, I don't --
12 Q. Well, we may be looking, then, at the results of TEA
13 management. Because these figures are 1985-1986 and
14 they're still taxing at $1.14.
15 A. There still has to be a period of recovering.
16 Q. Well, it's pretty clear that they're recovering.
17 They're recovering it, substantially, out of the
18 backs of taxpayers in that district, are they not?
19 A. If you're asking if they're paying a substantial tax,
20 based upon the taxes that are paid in many areas of
21 the state, they are making an effort -- much greater
22 effort than some districts, true.
23 Q. Much greater effort than your district?
24 A. Yes, sir, no question about that.
25 MR. RICHARDS: I have no further questions.

1 THE COURT: Why don't we stop there for
2 morning break. We'll get started up again at a
3 quarter 'til.
4 (Morning Recess)
5
6 (Defendant-Intervenors' Exhibit
7 (Nos. 33 - 46 marked.
8
9 (Plaintiffs' Exhibit No. 32 marked.)
10 MR. KAUFFMAN: Your Honor, if I may, before
11 any redirect starts, I would like to move for the
12 admission of my exhibit, Plaintiffs' Exhibit 32.
13 THE COURT: Okay.
14 MR. R. LUNA: No objection, Your Honor.
15 MR. TURNER: No objection.
16 MR. O'HANLON: No objection.
17 THE COURT: How about 31, was it offered?
18 MR. KAUFFMAN: Yes, it was.
19 THE COURT: No objection, I take it?
20 MR. O'HANLON: No objection.
21 THE COURT: It will be admitted.
22 (Plaintiffs' Exhibit No. 32 admitted.)
23 REDIRECT EXAMINATION
24 BY MR. R. LUNA:
25 Q. Dr. Long, if I could, let me ask you a few questions.

1 First of all, I want to ask you about Lorena High
2 School. And I think you said that you haven't had
3 the kind of problems that might be ascribed to
4 attending a poor district, at least that hasn't been
5 true in your case, is that right, sir?
6 A. In my personal case, Mr. Luna?
7 Q. Yes.
8 A. I have survived, yes, sir.
9 Q. And likewise, your wife, as I understand it, has
10 attended one of the small districts in Texas?
11 A. Yes, sir.
12 Q. Generally called a poor district. What high school
13 was that?
14 A. Midway.
15 Q. And the superintendent of schools at Midway, who
16 testified several days ago, with extremely high test
17 scores, I think was also a graduate of Midway High
18 School?
19 A. Yes, sir, that is correct.
20 Q. Dr. Long, in regard to school district attendance
21 results. Assume with me for a moment that there has
22 been some testimony in this case by the
23 superintendent of schools of Copperas Cove -- that at
24 his meetings, when the public is called in to do
25 something as simple as changing the attendance

1 boundaries within his school district, that becomes a
2 very emotional type of meeting with members of his
3 school district.
4 Based upon your experience at the
5 Carrollton-Farmers Branch, first of all, have you
6 ever attempted to adjust attendance sums?
7 A. Yes, sir, that's something we have to go through
8 nearly every year because we're a growing district.
9 Q. Do you agree or disagree that that becomes an
10 emotional issue with members of the public?
11 A. It's very emotional. If you would list the least
12 favorite experience of a school board and
13 administration has, every year I hear the board
14 members saying "This is one of the things I like
15 least of all," because large crowds come out and the
16 reactions to changes are not always logical, but
17 rather, usually, are emotional and very difficult to
18 deal with.
19 Q. As an elected representative of your community,
20 nevertheless, your board and you, as chief
21 administrative officer, have got to deal with those
22 members of the public, because you're available
23 there, on the local level, for them to talk to. And
24 if they have any feelings of hostility, or of anger,
25 it becomes directed to your group at those meetings,

1 is that right?
2 A. Yes, sir, that's true.
3 Q. And whether you agree or disagree, somehow you've got
4 to handle those elements of the local community?
5 A. Right.
6 Q. When you have other things happen within your
7 community, do you find that those same strong
8 feelings exist, even something that may be perhaps as
9 simple as hiring and firing of a football coach?
10 A. Yes, the schools are a focal point of interest in a
11 community. And many changes evoke behavior and
12 emotions that you would not see under ordinary
13 circumstances.
14 Q. And again, even though you may not agree with that at
15 all, it's something that, as elected officials, you
16 know that the public has a right to do, and you
17 simply have to deal with it?
18 A. Yes, we do. We have to recognize it, cope with it,
19 and try to administer and operate the schools in,
20 sometimes, an emotional environment.
21 Q. In regard to that emotional environment, let me ask
22 you -- recently there's been some articles in the
23 Dallas newspapers in regard to your district and you,
24 in particular, about the firing of your football
25 coach in one of the high schools?

1 A. Yes, sir, it has.
2 Q. And what did all of that involve locally? That was
3 just a few weeks ago, wasn't it?
4 A. It was the decision not to renew a probationary
5 contract on the part of a head coach at one of our
6 high schools.
7 This is the type of situation, which, along
8 with changes in boundaries, elicit from the public
9 often emotional outbursts -- and this was not an
10 exception to that.
11 Q. Now, this -- I'm going to ask you some things here
12 that might be a little difficult for you to talk
13 about, but I want to go ahead to underscore the types
14 of things that happen there that the board deals with
15 in different areas, at different times.
16 What specifically happened, in this case, that
17 created the articles in the newspaper?
18 A. Well, of course, any time a public official is
19 singled out for threats, or singled out for action,
20 it becomes a news item. The situation was an
21 unpleasant one for me and my family. It involved the
22 poisoning of my daughter's dogs. My daughter is away
23 at college. They came into my yard, or at least the
24 boys got into my yard and killed these dogs. As a
25 public official, threats are not unusual, because of

1 the emotions involved in that, as you know. But then
2 that was followed up with -- I was away from home, my
3 wife got a death threat for me, a death threat for
4 her, and a death threat for my daughter, who is away
5 at college. The day after that -- a day intervened --
6 the following day, we received, through the U.S.
7 mail, what my wife thought was an advertisement. She
8 opened it up, and there was a death threat there.
9 Later that day, when she was gone to a nursing home --
10 a neighbor of ours was dying with cancer and she was
11 out administering to that individual -- when she came
12 back that evening, stuck in the storm door, in the
13 latch of the storm door, was what, once again, she
14 thought was an advertisement, took it off and that
15 was the third contact we had with these people, there
16 was another part of the death threat in there.
17 So, yes, I think the Longs can tell you that
18 emotions and changes in public schools run high. We
19 don't agree with the emotions and the statements and
20 the comments that people make in our community very
21 many times. But however, as a public official, I
22 guess that comes with the job. And in this
23 particular case, that was part of being
24 superintendent in Carrollton-Farmers Branch.
25 It is not indicative of our community. It's a

1 marvelous place to live. But a few people, who are
2 sick, live in our community. And they live in every
3 community. And they make statements, and say things
4 and do things, which are not typical of public, in
5 general.
6 Q. You've mentioned before when you were on the stand,
7 it's been very difficult to explain to the public,
8 also, about the changes in House Bill 72 and why the
9 district must take certain actions as required by the
10 law, whether you agree or disagree with it, and that
11 that's been very hard for the public to come to
12 accept in your community, many times, is that right?
13 A. Well, I -- this is an opinion, but I think it's been
14 hard to accept in many, many school districts across
15 the state. It's been very difficult for boards of
16 education and administration to tell the districts
17 that their taxes must be increased appreciably,
18 because funds that have previously come to this
19 district, our district or other districts, no longer
20 come there, but rather, go to districts in other
21 sections of the county, or in other sections of the
22 state. And that's very difficult to explain to
23 people. We spend a great deal of time -- and I think
24 we've got a pretty good communication system in our
25 district. We work very hard, through key

1 communicators. We bring in -- we have over five
2 hundred people that we meet with, around the
3 district, on a regular basis, at the school level and
4 then district-wide. We send information to them, we --
5 one of the responsibilities of the administration is
6 to get out into public groups and tell the story of
7 the school, and we've done that. But I'd say we
8 still have not been able to convince the people that,
9 at least some of the people, that House Bill 72
10 changed financing in this state in a great sweep, a
11 great change that affects all districts. Some,
12 sitting there in the middle, maybe they're not great
13 changes. But for those with above average wealth,
14 great losses. For those who are below or low wealth,
15 great increases in the amount of money that flow to
16 the district.
17 Q. And likewise, when you have tried to explain to the
18 public what's going on in this lawsuit, in the nature
19 of a claim, does that -- you've also gotten some
20 unusual reactions about what it must be about?
21 A. Yes, right.
22 Q. And what kind of reactions?
23 A. People don't always react rationally to that. And
24 they say some things and do some things which they
25 wouldn't do in ordinary circumstances, that's

1 correct.
2 Q. Would that include your statement about having heard
3 from them it must be some kind of a socialist plot or
4 something?
5 A. That's right. In their anger and frustration over
6 this situation, there are a lot of things said. And
7 as I've testified earlier, I do not ascribe to that,
8 I was just reporting what was said.
9 Q. When you were at Lorena High School, and thinking
10 about going into education as a career, did anyone
11 tell you all of these things were going to be a part
12 of it, including litigation?
13 A. No, they didn't tell me that, even when I was in
14 college. There's some nice surprises that have come
15 down the road.
16 Q. Dr. Long, let me ask you for a moment about boundary
17 lines in general in Dallas County. And then, maybe
18 generally, actions that you might be aware of on a
19 statewide basis.
20 First of all, historically, would you kind of
21 describe for the Court what the lines look like in
22 Dallas County. Which was there first, the school
23 district lines, generally, or city boundary lines,
24 and whether or not both are frozen, or whether or not
25 both move and adjust from time to time?

1 A. School district lines were there first and they've
2 been frozen for a number of years by a federal court
3 order. There will not be any changes in boundary
4 lines in Dallas County until the federal court okays
5 it, and there have been some attempts to change
6 boundary lines. Our district was a party --
7 MR. RICHARDS: Excuse me. I guess I object
8 to this witness, who is not a lawyer, telling us what
9 federal court orders require. Obviously the best
10 evidence are the orders, themselves.
11 MR. R. LUNA: I think he has had some very
12 personal experience with that in his district. I
13 will be happy to go into that a little more, briefly.
14 MR. RICHARDS: Are you talking about
15 attendance, though?
16 MR. R. LUNA: Now I'm talking about
17 boundary lines.
18 BY MR. R. LUNA:
19 Q. Let me back up just a moment. Historically, you said
20 that the school district lines were there, generally,
21 first?
22 A. Yes, sir.
23 Q. Do you know exactly when they were there, or just
24 generally?
25 A. They were changed over the years, because a number of

1 common school districts disappeared and they were
2 joined to -- became a part of -- consolidated with
3 independent school districts. So Dallas County now
4 has no common school districts, has a series of
5 independent school districts. There was movement and
6 change in -- great movement and change in that in the
7 '30s and '40s, but the basic boundaries have been in
8 effect now for 20 or so years without any change,
9 that I know of, in Dallas County.
10 Q. All right. Let's talk for a moment about how these
11 boundary lines of cities kind of cross with the
12 school district lines and why they wind up in unusual
13 patterns. We've talked about, in your district, how
14 someone could have started out living in the City of
15 Farmers Branch, how you said the Farmers Branch
16 School District ultimately went broke, or for other
17 reasons, decided to dissolve itself. And that was
18 merged into the Carrollton district and that was in
19 the mid '50s?
20 A. Yes, sir. A portion of it went to Carrollton and a
21 portion of it went to Dallas.
22 Q. Thank you. And to your east, you are bordered by the
23 Richardson Independent School District and that --
24 MR. RICHARDS: No, by the Dallas
25 Independent School District.

1 MR. R. LUNA: I'm sorry. I said to the
2 east. Dallas is to the south.
3 MR. RICHARDS: I think you ought to look at
4 the map of Dallas County, if you're going to lead the
5 witness through a little bit that you don't know
6 about.
7 BY MR. R. LUNA:
8 Q. Now, in regard to your school district boundaries
9 here -- and before you -- we're talking about the
10 Richardson Independent School District, let me ask
11 you if, in very recent years, the Dallas Independent
12 School District lines have been extended northward?
13 A. Not in recent years, Dallas Independent School
14 District has not been extended. A number of years
15 ago, by -- I guess we'd better identify recently. By
16 that 25 -- and these are estimates, 25 or so years
17 ago, Dallas did move north and took in Addison, all
18 but a small portion of Addison, that's in our
19 district.
20 Q. Are you talking about the school district, or the
21 city?
22 A. I'm talking about the school district, sorry. I
23 asked about -- if you're talking about the city, I
24 was thinking about school districts. Ask your
25 question again, Mr. Luna, I'm sorry.

1 Q. Right now I want you to talk about the school
2 district lines.
3 A. School district lines.
4 Q. Yes.
5 A. Dallas moved north with the addition of all but a
6 small segment of Addison.
7 Q. Okay. Now, does your district border anywhere
8 against the Richardson Independent School District?
9 A. No, sir, it doesn't border against there. There's a
10 neck of the Dallas Independent School District that
11 comes north to Collin County line.
12 Q. Okay. Then across that boundary line, then the
13 Richardson district takes place, is that right?
14 A. Yes, sir.
15 Q. So, depending on where a person might live within a
16 very short region below the Collin County line, they
17 could be either in the Carrollton-Farmers Branch
18 School District, or moving just a couple of miles,
19 they could be in the Dallas school district, or
20 moving a couple of miles over, they could be in the
21 Richardson district?
22 A. Yes, sir, that's right.
23 Q. Any one of the three within a very short geographical
24 distance?
25 A. Yes, sir.

1 Q. Now, with regard to Richardson, at one time you
2 mentioned in Carrollton, that your district went down
3 and took in a large working ranch, which was then
4 known as the Carpenter Ranch?
5 A. Yes, sir.
6 Q. That's the one that's developed into Las Colinas?
7 A. Yes, sir.
8 Q. Richardson went south almost to White Rock Lake with
9 its school district lines, is that right?
10 A. Yes, sir.
11 Q. As Dallas -- as the City of Dallas grew and expanded
12 and went north and crossed that district line, is it
13 true that in Dallas, for example, which is where I
14 live, which is north of that lake, that a person can
15 live in the City of Dallas and yet be in the
16 Richardson Independent School District?
17 A. Yes, sir. It's possible in our area, because Dallas
18 expanded -- the City of Dallas expanded its
19 boundaries. It's possible in our area, now, to live
20 in Dallas and attend the Carrollton-Farmers Branch
21 school district, because the City of Dallas expanded
22 its boundaries and now has a portion of its city
23 within our district, or vice versa, our district is
24 now within the City of Dallas.
25 Q. Those lines, many times, run down residential

1 streets, don't they?
2 A. Yes, sir.
3 Q. And the people on one side of the street would be in
4 the Dallas Independent School District, and the
5 people on the other side of the street would be in
6 the Richardson Independent School District?
7 A. Even more than that, Mr. Luna. We have lines that
8 run down through the middle of houses.
9 Q. Right. And in fact, in Highland Park, a line runs
10 through residential areas, and again in one house.
11 And maybe to one direction, the people may live in
12 the City of Dallas, but be in the Highland Park
13 school district and vice versa, might live in Dallas
14 and be in the Dallas Independent School District.
15 And conversely, can live in the City of Highland
16 Park, but be in the Dallas Independent School
17 District?
18 A. Yes, sir.
19 Q. And you find the same to be true with all other
20 school districts where the lines are?
21 A. Yes, sir.
22 Q. All right, now. So the district lines may cut
23 between houses, may go down a residential street, as
24 the development is taking place. And the district
25 lines and city lines change over a period of time?

1 A. Yes, sir.
2 Q. All right. With the exception, perhaps, of the
3 Dallas Independent School District lines. And would
4 you explain to the Court, just briefly, what your
5 experience with the Dallas lines has been. And I say
6 your experience, I'm talking about the
7 Carrollton-Farmers Branch experience?
8 MR. RICHARDS: You mean the lines of the
9 Dallas Independent School District or the City of
10 Dallas lines, now?
11 MR. R. LUNA: I'm talking about DISD.
12 A. The experiences that I have had as superintendent of
13 the school district, or preceding that?
14 Q. Yes, sir. Let me precede that with a couple of other
15 questions, because now we're talking about a specific
16 part of the education code.
17 The Texas Education Code allows for a number of
18 things to happen to those school district lines, does
19 it not?
20 A. Yes, sir.
21 Q. We've talked, very briefly, about the attachment
22 proceedings. Let's assume, for example, that people
23 who are -- a group of people who are living in one
24 school district, don't want to live there anymore and
25 would like to change the line to another district, an

1 adjacent district. There is a procedure in the
2 education code that allows them to detach from one
3 district and be annexed to the other one, isn't
4 there?
5 A. Yes, sir.
6 Q. All right. Does that happen currently?
7 A. Yes, sir. It's happening now in Collin County, north
8 of us, in the Frisco Independent School District and
9 the --
10 Q. All right. Now explain very briefly about Frisco.
11 What's happening in that school district?
12 A. Well, there's a movement to take a segment of the
13 Frisco Independent School District and move it over
14 to the McKinney Independent School District. And --
15 Q. Was that granted by the Commissioner's Court?
16 A. It was granted by the Commissioner's Court, as I
17 understand it, Mr. Luna.
18 Q. In that case, they're moving thousands of acres from
19 one district to another?
20 A. Yes, sir.
21 Q. All right. Do you know any other examples?
22 A. A similar situation is in Frisco, where a movement of
23 large acreage from one district to another -- from
24 Frisco to the McKinney area. This is not unusual in
25 the State of Texas. It happens, I suppose, if we

1 could check the records, nearly every year there's
2 some changes of that particular nature. So there is
3 the ability to make those type of changes.
4 Q. And you're aware of the same type of attempt between
5 Canyon and Amarillo?
6 A. Right.
7 Q. Although, as I recall, that one was unsuccessful, for
8 some reason. But now -- let me switch to -- and
9 that's in one chapter of the Education Code, 19.022,
10 as I recall, for detachment and annexation.
11 There are other sections of the Education Code
12 that allow districts to be consolidated, is that
13 right?
14 A. Yes, sir.
15 Q. Are you aware of any districts that have consolidated
16 in the last couple of years?
17 A. I can't think of any in the last couple of years.
18 One of the most spectacular consolidations, I think,
19 would be the Beaumont/South Park area, which two
20 relatively large school districts were consolidated.
21 Q. All right. Do you know Dr. John Brooks of the Delmar
22 Independent School District?
23 A. No, sir, I don't know Mr. Brooks.
24 Q. All right. Are you aware of, and tell me if you're
25 not, of Delmar's consolidation with West Lamar?

1 A. I am not familiar with the details, but I know that
2 -- about the action.
3 Q. All right. And that was probably from the last four
4 or five years, when they consolidated and changed the
5 name, I think after that, to Chisolm Independent
6 School District in Lamar County?
7 A. I'm not sure about the name. I know there were some
8 changes there.
9 Q. All right.
10 A. I know that this occurs around the state. I don't
11 have the details on this.
12 Q. All right. So we have detachments and annexations,
13 we have consolidations, all of which are authorized
14 by law and allowed by law, with certain procedures
15 set out and requirements that must be met in order to
16 do it.
17 Now, let me come back to another section. At
18 one time, there was a provision in the Education Code
19 allowing for municipal school districts to be set up
20 by cities; are you aware of that?
21 A. Yes, sir, I am.
22 Q. That provision no longer exists anymore in the law,
23 now, does it?
24 A. No, sir.
25 Q. However, would you explain to the Court what attempt

1 was made within your school district to set up a
2 municipal district, unknown to the applicants that it
3 no longer was allowed, by law, to do specifically
4 that?
5 A. Right. The City of Farmers Branch wanted to do this.
6 It's an endeavor on their part. And I think it's one
7 that you and I could understand, is that they want
8 the identity of having a Farmers Branch School
9 District. And they thought that under the law --
10 they failed to do their research properly -- and they
11 thought under the law that they could establish a
12 municipal school district, much as Stafford did in
13 Fort Bend County, and --
14 Q. Now, excuse me -- you said -- why would anyone want
15 to establish a smaller school district rather than a
16 larger district?
17 A. Well, if -- once again, I do not have a poll, nor
18 research that indicates this, but having worked for a
19 lifetime, at least my adult lifetime, in the public
20 schools, two or three things you can say. People
21 basically don't want to go into a larger school
22 district. And they want pride of ownership in a
23 local community. And they desire their own school.
24 I think that's typical of people throughout the State
25 of Texas. And they desire to do this. They wanted

1 to have their own school, at least a segment of the
2 community did -- the City Council did.
3 And they went to court, took us to court, to --
4 for -- so that they might set up a municipal school
5 district. This was overruled in state courts, the
6 federal courts became involved.
7 And once again, as Mr. Richards says, I'm
8 certainly not an attorney, I just have some
9 experience in this area. And maybe the fine points
10 of the law, I do not understand, but I think it was
11 rather the statement that was made by the federal
12 judge was, "You will not change boundaries in Dallas
13 County without the Court's permission," and the Court
14 has not given permission to change it. We've worked
15 for years in the federal courts working out
16 desegregation plans for the county, and that will not
17 be changed, now.
18 Q. For the county or for the Dallas Independent School
19 District?
20 A. Well, it was -- they were in -- all of us have been
21 involved at one time or another, all of the
22 districts, or nearly all of the districts in Dallas
23 County. Our district was declared a unitary
24 district, many, many years before I came aboard.
25 And when you -- when you start changing

1 boundaries and changing ethnic racial makeups in
2 communities, then you have to go back and look at the
3 entire process again. And the federal courts have
4 made decisions. Evidently they're satisfied with
5 where they are, now. And they have told us, "You
6 will not change boundaries in Dallas County."
7 Q. So the vast majority of school districts across the
8 state, of course, are not under any kind of federal
9 court order?
10 A. That's right.
11 Q. But specifically, because a Dallas County suit has
12 been brought, Dallas Independent School District is
13 under a special court order, your district is under a
14 special court order, is that correct?
15 A. That's correct.
16 MR. RICHARDS: That wasn't his testimony.
17 His testimony was they were declared a unitary
18 district years ago, which means they're under no
19 continuing court order, I believe.
20 BY MR. R. LUNA:
21 Q. Let me ask you, do you know whether or not you are
22 under a continuing court order?
23 A. As I understand, we are under a continuing court
24 order, because we've been carried back to court. You
25 attorneys will have to check that. Maybe my

1 description -- I certainly didn't mean to mislead
2 you. But we cannot make certain changes without
3 checking with the federal judge. For instance, I
4 guess the most -- the one that appears most often, is
5 our accepting students from other school districts.
6 We cannot accept any others. And the federal court
7 becomes involved in this. Every once in awhile, when
8 people want to come into the district from another
9 district, we can't accept them.
10 Q. In the original federal lawsuit, I think other
11 parties to the original suit were Highland Park?
12 A. Yes, sir.
13 Q. They were cut out of the suit?
14 A. Right.
15 Q. Richardson was a part?
16 A. Right.
17 Q. They were cut out?
18 A. Right.
19 Q. And likewise, you were a party. Your district was
20 actually a party?
21 A. Right.
22 Q. Now, once you move outside an unusual situation like
23 that, then our regular provisions of the Education
24 Code apply --
25 A. Right.

1 Q. Such as in Collin County, where a lot of changes are
2 made?
3 A. Right.
4 Q. All right.
5 A. If there were advantages, and people wanted it, they
6 had the power to consolidate.
7 Q. The 22-to-1 ratio and the class size, you said you
8 had talked with your board about it. Does it ever
9 occur that, regardless of what research may say are
10 the facts, and what you may recommend to the board,
11 that in fact, for whatever reason, your board doesn't
12 always adopt your personal opinion on matters -- and
13 may, in fact, do the opposite?
14 A. That is true. And when there are appeals by the
15 public, who are saying, "We want this, we're willing
16 to pay for it," and they sincerely believe, and
17 teachers believe, that this is a better method of
18 spending resources, then the board will acquiesce.
19 And if they say, "Not only do we want it, we're
20 willing to pay for it," yes. Even though I present
21 research data, the board can and does overrule my
22 recommendations.
23 Q. So even though you may have presented the research to
24 the board, ultimately they're your bosses and they
25 respond to the public. And as your boss, you're

1 going to do whatever they tell you to do, is that
2 right?
3 A. Yes, sir, I certainly am.
4 Q. Even though the research may be the opposite?
5 A. That's right.
6 Q. All right. As a result, for example, of your -- the
7 22-to-1 ratio, has your district, and I say have -- I
8 know you've already testified that you have some
9 portable buildings --
10 A. Yes, sir.
11 Q. -- that you've had to put in up in your district.
12 How many did you say you have?
13 A. We have 48 portable buildings at this time,
14 anticipating probably another 40 within the next two
15 years.
16 Q. Let me hand you a series of pictures, what have been
17 marked as Defendant-Intervenors' Exhibit 33, 34, 35,
18 36, 37, 38, 39 and 40, and ask you if you can
19 identify those photographs?
20 A. Yes, sir. These are portables in the
21 Carrollton-Farmers Branch Independent School
22 District.
23 Q. When were these pictures made?
24 A. They were made first of February, first few days of
25 February.

1 Q. Of 1987?
2 A. Yes, sir.
3 Q. Do these -- are these typical of the portables in
4 your district?
5 A. Yes, sir. These are the portables that we have
6 contracted for in our district.
7 Q. How much do you have to pay to get one of these
8 portables built?
9 A. Those buildings were built at a little over
10 $17,000.00 a unit.
11 Q. Now, are they hauled in on the site or are they
12 constructed on the site?
13 A. These particular ones are built on the site. They
14 can be moved to another site, and those will be moved
15 to another site.
16 MR. R. LUNA: Your Honor, we move for
17 admission of these exhibits, 33 through 40.
18 MR. RICHARDS: Did you take these pictures,
19 yourself?
20 THE WITNESS: No, sir, I did not.
21 MR. RICHARDS: Are you sure you recognize
22 those as being Carrollton's?
23 THE WITNESS: I think --
24 MR. RICHARDS: No objection.
25 THE WITNESS: I think I can.

1 THE COURT: They'll all be admitted.
2 (Defendant-Intervenors' Exhibit
3 (Nos. 33 - 40 admitted.
4 BY MR. R. LUNA:
5 Q. Dr. Long, first of all, does -- and there's been
6 various descriptions of portable buildings, including
7 that they're ugly, that they fall apart, that they
8 don't last very long. Some districts have simply
9 said that they want to build big, new facilities and
10 they wouldn't consider portable buildings.
11 First of all, what has been your experience in
12 regard to the life of a portable building?
13 A. Well, if they're cared for, and if they're moved
14 properly, they have -- they are a wooden building,
15 and there are wooden houses here in the City of
16 Austin that are very old. If those are cared for,
17 the materials that go into those are not unlike the
18 materials that go into a home, and we certainly get
19 20 and 30 year mortgages on wooden structures that
20 are homes. And we would anticipate, I would say, 25
21 years out of these, 20 to 25 years, as a minimum.
22 Q. Do the children who go to class in those classrooms
23 have any problems, or any learning difficulties, as a
24 result of being in a portable building?
25 A. No, sir, they do not. The portables are not

1 detrimental to the learning experiences of
2 youngsters.
3 As Mr. Dameron testified the other day, there's
4 some teachers and some youngsters who consider this,
5 quote, "Our own building" and like it. I'm not sure
6 that I'm -- people have different opinions. I'm not
7 saying that everybody that's ever in a portable
8 thought that was better than being in the main
9 building, but it is not a detriment. And it's so
10 much better than -- than having them overcrowded, and
11 this was our choice.
12 Q. Okay. Financially, is that a good decision to make,
13 is something that you can handle on a very short
14 basis and handle without a lot of dollars?
15 A. Yes, at $17,000.00 a building, it makes it possible
16 for us to go in and provide facilities. With the
17 rapid change that came, we did not know exactly how
18 many rooms we would need. And to put additions --
19 additions on buildings are very expensive. And to go
20 in and build a bunch of additions without knowing
21 what our needs were, we felt was imprudent.
22 Q. In looking at these pictures, I noticed for
23 $17,000.00, your district got carpeting on the steps
24 on the front of the buildings, indoor and outdoor
25 carpeting, which is reflected on Exhibit Number 34.

1 A. (Witness nodded head to the affirmative.)
2 Q. And there's paneling on the interior of the building,
3 which is reflected in Exhibit No. 36. And that was
4 all included for that price?
5 A. It's a good environment for youngsters, as I think
6 these pictures adequately display.
7 Q. I want to show you another series of -- well, first
8 of all, those particular buildings represent a single
9 classroom, is that right?
10 A. Yes.
11 Q. Do portables come in another form?
12 A. Yes, many districts use double classrooms in
13 portables, it's very common.
14 Q. I want to show you a series of pictures labeled
15 Defendant-Intervenors' Exhibits 41, 42, 43, 44, 45,
16 and 46, and ask you what that shows?
17 A. That shows double portables, or portables with two
18 rooms in each building.
19 Q. And is this a standard double portable building, as
20 to what they generally look like?
21 A. Yes, it is.
22 Q. Is there much variation in the way they look?
23 A. Well, the architectural design can be quite
24 different.
25 A. They can vary with design, just as the design of a

1 house can be.
2 Q. Do they essentially look identical to your single
3 portable, except there's two of them put together?
4 A. They don't look identical, but most people would
5 hardly know the difference if they were driving down
6 the street and took a look at them.
7 Q. All right. In what district are these particular
8 buildings located?
9 A. Those are in Arlington ISD. They have 218 classroom
10 units in double buildings.
11 Q. All right. And regardless of what district they
12 might be in, they are all -- a double building would
13 look essentially the same and about like that?
14 A. It would look much like that, yes, sir.
15 MR. R. LUNA: Your Honor, we move for
16 admission of these particular exhibits as
17 illustrative of what a double portable building would
18 look like.
19 MR. KAUFFMAN: We object to those, Your
20 Honor, on the basis of relevance, that they're not in
21 his district. But the main thing we object on is
22 relevance, first. Find out what the relevance of
23 that is.
24 THE COURT: Do you want to answer that?
25 MR. R. LUNA: We're not submitting them for

1 any purpose other than to show what a double portable
2 looks like compared to a single portable.
3 MR. KAUFFMAN: There's no testimony that
4 that is what double portables look like in low wealth
5 districts, and there should be no inference of that.
6 That's my objection.
7 THE COURT: Overrule.
8 MR. R. LUNA: We move for their admission.
9 THE COURT: They'll be admitted.
10 (Defendant-Intervenors' Exhibit
11 (Nos. 41 - 46 admitted.
12 BY MR. R. LUNA:
13 Q. Now, I want to ask you, for a moment, about the --
14 what goes on inside your classrooms in terms of
15 teaching and so forth, for a moment, Dr. Long.
16 You have mentioned, for example, and there's --
17 and we've heard from this witness stand, that there
18 are, within this state, different approaches to
19 teaching. Superintendent of Copperas Cove, for
20 example, who has a below wealth district and test
21 scores that are about average in the state, described
22 his teaching testimony, I think, as perhaps it was
23 unconventional, or a similar word like that. And
24 yet, the superintendent from another district, with
25 high test scores, at Midway, described his as a

1 traditional teaching school, with heavy emphasis on
2 homework and discipline.
3 In regard to your district and other districts,
4 generally, sometimes do we run experiments in
5 education that we simply have to admit, at some point
6 in time, that it's a bust, and have to do it
7 differently?
8 A. Yes, we do.
9 Q. All right. What are some examples of those that
10 you've had in recent years? And I think maybe you've
11 already mentioned one or two of them before.
12 A. I think one of the things that we tried and moved
13 away from was the open classroom. I participated in
14 designing and working buildings. I had very high
15 hopes for that when I was in Northeast, in San
16 Antonio. I had high hopes for it when -- although
17 instruction wasn't my responsibility, I was part of
18 the cabinet decision here in the Austin Independent
19 School District when we looked at open classrooms.
20 The system can work. It's very difficult to
21 manage and operate. It's very across the board.
22 It's unpopular with parents. And we have, for a
23 number of years, listened to parents as they've said,
24 "My child cannot learn in an open classroom." That
25 may or may not be true. But what is perceived is

1 real, at least for those folks, and they perceive
2 that to be true.
3 So, as of our last board meeting, there was a
4 contract to let -- to put some walls in one of our
5 elementary schools, where it's been -- it's been a
6 matter of contention in the community that these
7 youngsters were at a disadvantage. So yes, we do
8 things. We did it with the very best of intentions.
9 We thought we were doing it right, but we were not
10 right. And with the passage of 20 years, the
11 attitude of -- 18, 19 years, the attitude toward open
12 classrooms is totally different than it was in the
13 late '60s.
14 Q. What about the new math, I think you mentioned that
15 very briefly?
16 A. New math was another example. We had the best of
17 intentions. I was an elementary principal here in
18 Austin. I greeted it with a great deal of
19 enthusiasm. Sold it very hard to our parents,
20 because I really -- never did sell my wife, but I
21 sold it to the rest of the parents with a great deal
22 of enthusiasm. I really thought it was in the best
23 interest of kids. And at the time, it appeared to
24 be. That's another fad that's come and gone and
25 we're no longer in new math. In fact, we're back to

1 more traditional approaches to teaching math than we
2 were a decade ago.
3 Q. Simply did not work out as a teaching tool?
4 A. It simply didn't prove to be as successful.
5 Youngsters on tests -- and that's the best way we
6 have of measuring whether children learn or not.
7 It's not a perfect way, but that's the best we have.
8 It simply could not perform as well.
9 Q. But somebody has got to try it, don't they, if it
10 appears to be something that might have some
11 problems?
12 A. Right.
13 Q. If everyone -- if every district followed a strictly
14 traditional teaching technique, I guess there would
15 be no freedom for any kind of experimentation with
16 education, is that right?
17 A. That's right. I would like to think that through the
18 years, we can and will find some more effective
19 approaches for imparting knowledge and skills to
20 youngsters.
21 Q. And what about the extremely large curriculum, I
22 think you mentioned that briefly?
23 A. Well, I think that we are in a process of reducing
24 the number of courses that are being offered in
25 public high schools. I know our operation has been

1 restricted in the last few years. I would anticipate
2 that it probably -- with the changes that are coming,
3 would probably be further restrictive. We did not
4 find that that was an effective way to meet the needs
5 -- the basic educational needs of youngsters.
6 Q. And nationally, I think probably across the nation,
7 there was an attempt to have a very large curriculum.
8 Is that where we had seen the phrase "It's back to
9 basics?"
10 A. "Back to basics," certainly, is the hue and cry from
11 across the nation. And it does reflect the fact that
12 the more classical approach -- the core courses are
13 once again coming into the public schools and the
14 other courses are being taken out of the curriculum.
15 Q. Now, do you consider your district to be a
16 progressive school district?
17 A. Since the term progressive education has developed,
18 so many implications over the years, would you define
19 that? Because I could answer yes, and be in a lot of
20 trouble here. Would you do that for me?
21 MR. RICHARDS: It's politics, too, so be
22 careful.
23 A. That's right.
24 BY MR. R. LUNA:
25 Q. Let me ask you, if in the future, even if the trend

1 is back to basics, if ideas are proposed as being
2 superior methods of testing, is your district one of
3 those that would like to -- if it appears to be a
4 solid idea, with research behind it, would your
5 district be the type of district that would be likely
6 to implement that to see if it worked?
7 A. Yes. We are constantly looking at opportunities to
8 improve the functioning of our educational system.
9 We look at many ideas, turn some of them down, we try
10 some, based upon the history of not only our district
11 but every other district. We're going to come up
12 with some programs that work and we're going to have
13 some that fail. But I don't see us as being involved
14 in a great number of experimental programs now, or
15 anytime in the future, but there will be. I think we
16 have to remain open to improvement, and we -- as long
17 as we can, we will, in our district.
18 Q. Walk me through the Valley View Learning Center. One
19 program that's been somewhat experimental, I guess,
20 was termed to be very successful in terms of reducing
21 the dropout rate. You said your dropout rate for
22 Hispanics is lower than that of Whites, is that --
23 A. Staff informed me of that last week, much to my
24 pleasure.
25 Q. Now, in the Valley View Learning Center -- first, you

1 described it as an older facility which has been
2 updated?
3 A. Yeah.
4 Q. Is the environment there -- do the classrooms and
5 everything, and the code of student conduct, insofar
6 as dress and so forth, is it implemented in the same
7 way as it is over in your regular school system?
8 A. No, there's not -- there's not misbehavior there.
9 But the very environment in which we find ourselves
10 -- if you were to go on that campus, you would have
11 no trouble at all distinguishing that from either
12 R. L. Turner High School or Newman Smith, by -- one,
13 very often the dress; two, the casual, open method.
14 We're dealing with 193 students, not 2,550, or
15 whatever it is at Newman Smith -- it's about that.
16 So it's a different environment, and yes, we have
17 experimented with it. And if you were to come on
18 campus, and you -- you'd see that, you might raise
19 your eyebrows. But these are youngsters that would
20 be in my alleys and your alleys if they weren't --
21 at least some of them would be, because they have
22 some rather severe educational, social, or
23 psychological problems. And this offers them an
24 an opportunity to stay in school, get a high school
25 diploma. And many of them, by the time they reach

1 18, 19, 20 years of age -- and some of these people
2 are coming back into school -- are prepared to go
3 on to technical training and a surprising number go
4 on to college. But if this were not there to
5 intervene in their teen years, we'd lose those --
6 society would lose those youngsters, to a great
7 extent.
8 Q. Are there kids who could not adjust to being in a
9 regular classroom program that have adjusted
10 extremely well to the Valley View Learning Center?
11 A. Yes, that is true. I know that sounds as though it's
12 hype, but you just have to come to the campus to see
13 the change in these kids as they're -- they're in
14 this environment, over against an environment of a
15 2,500 student high school.
16 Q. And for your district at least, it has managed to
17 keep these kids in class and learning, instead of out
18 on the streets looking for a job with no high school
19 diploma?
20 A. Yes, sir, or just out on the streets and lost,
21 because while they're there, we're able to work with
22 them and help them. A number of these youngsters
23 work part day and come to school part day.
24 Q. Thank you.
25 MR. R. LUNA: Pass the witness.

1 RECROSS EXAMINATION

2 BY MR. TURNER:

3 Q. Dr. Long, you have testified earlier that you taught
4 at the Midway district --

5 A. Yes, sir.

6 Q. -- in Waco, that we've talked about some in this
7 courtroom the last few days. You taught at Connally
8 High School, which is in the Waco district, as I
9 understand it?

10 A. It's in the Waco area, yes, sir.

11 Q. Waco area? You taught school, elementary school for
12 a period of time in California, and returned to Texas
13 and were a principal here in Austin. After that
14 period of time, you became a director of curriculum
15 at Dumas. Then you moved to northeast San Antonio,
16 where you were superintendent for instruction four
17 years, came back to Austin for three years, as an
18 assistant superintendent for Human Resources, is that
19 correct?

20 A. Yes, sir, that's correct.

21 Q. And then you moved to Pampa as a superintendent?

22 A. Yes, sir.

23 Q. And then in 1976, you were selected to be
24 superintendent of Carrollton-Farmers Branch?

25 A. Yes, sir.

1 Q. That's a span of a 35 year period?
2 A. (Witness nodded head to the affirmative.)
3 Q. Based on your experience in the various parts of this
4 state and in these school districts, in having the
5 opportunity not only to observe them, but I'm sure,
6 to become acquainted with those around you as you've
7 taught and were administrator in these areas, could
8 you tell us how, in your experience, you have found
9 community expectations for education to vary?
10 A. Well, some communities have high aspirations for
11 their youngsters, for whatever reasons, and there
12 could be a number of reasons. They have expectations
13 that their youngsters be in school, that they learn,
14 and that they hope that they will continue their
15 education certainly through high school. And many of
16 them have hopes of them going on to college. And in
17 many homes, hopes that the youngsters will stay in
18 college for an advanced degree, or a professional
19 degree of some type. And it does vary, according to
20 the community.
21 Q. Would you say, from your experience, that there is a
22 great deal of variation in terms of community
23 attitudes and community expectations, or is the
24 state, as a whole, relatively the same?
25 A. No, there are great differences in community

1 attitudes toward education.
2 Q. Are these community expectations manifest in the
3 decision making process that goes on within a local
4 independent school district?
5 A. Yes, I think public schools are as good as the
6 parents demand that they be. And in these
7 communities that have high aspirations for their
8 youngsters, they just won't tolerate inefficient
9 operations and administrators and teachers not caring
10 about their children and the fact that their children
11 can and will learn. There are other communities that
12 simply are not that dedicated to education. Doesn't
13 mean they're not good people, they just have
14 different aspirations for their children.
15 Q. Do you find, or have you found from your experience,
16 that the type of education demanded by the local
17 people varies from place to place?
18 A. Yes, it does.
19 Q. And how would that vary?
20 A. Well, that would vary in -- one, I think the greatest
21 indicator is the willingness to support public
22 education, and not only with dollars, but with
23 commitment to the schools and being a part of the
24 schools, communicating with the schools. And there's
25 just an expectation that teachers will teach and kids

1 will learn in some communities that does not exist in
2 others. I'm not saying -- let me say, the level that
3 exists in every community -- that would be an
4 incorrect statement -- but the level of that
5 commitment varies from community to community.
6 Q. So we wouldn't want to -- you wouldn't want to say
7 that in some school districts, the parents don't
8 care?
9 A. Oh no, no, no.
10 Q. It's just the variation and degree of caring?
11 A. That's right. Parents care in every community and
12 sometimes we get to talking about these things, and
13 if I've left that -- I do not want to say that I know
14 of no parent -- well, I do know some parents -- I do
15 not know any large group of parents, or any community
16 in which parents do not care about the education of
17 their youngsters. But some parents, some families
18 are driven toward providing more experiences for
19 their youngsters than others. My parents were that
20 way. We were in deep poverty. My father was -- at
21 the time my brother was born, was a migrant worker.
22 And my brother was born in a migrant shack in
23 California, in an agricultural surrounding. We had
24 gone to -- I was a child, we had gone to Texas. But
25 from the time that I drew a breath, my father, who

1 did not have the benefit of education, and a mother
2 who had a tenth grade high school education, both
3 were determined that my brother and I have an
4 education. And they were the things that made the
5 difference in our lives, not the poverty that we were
6 in. And there are different families with different
7 levels of determination about the education of their
8 youngsters. And that's the characteristics of the
9 state. But I think every community cares about
10 youngsters. Education is just not as high priority
11 in some communities as it is in others.
12 Q. Dr. Long, do these community expectations, which vary
13 across our state, reflect themselves in the
14 curriculum choices that are made by local boards and
15 local school administrations?
16 A. Yes, I think so. I don't know that I could outline
17 that, Mr. Turner, and make a distinction, but yes, I
18 believe that is true.
19 Q. Would it be quite common to find some community
20 expectations that demanded high college preparatory
21 instruction, whereas other communities would demand
22 high vocational, or vocational agricultural emphasis?
23 A. Yes, I have no trouble answering that. As you
24 describe it, yes, there are great differences there.
25 Q. The system of public school education that we have in

1 Texas provides for independent school districts. And
2 I want to ask you if, in your judgment, the presence
3 of independent school districts and the local control
4 which exists presently in those districts, whether or
5 not that contributes positively toward enabling
6 community expectations for education to be fulfilled?
7 A. Yes. School districts have the title independent
8 school districts, and we're certainly not totally
9 independent of the state. In fact, we're creatures
10 of the legislature of the state and that should -- is
11 never in doubt. On the other hand, we are given some
12 latitude to make some changes in the operation of our
13 district as independent school districts, which allow
14 us to, more nearly, reflect the community that we
15 serve and the desires of that community.
16 Q. Dr. Long, if you say that our system of local
17 independent school districts enable us to have local
18 control that then is able to manifest itself and to
19 reflect these community expectations within a given
20 school district, do you think that ability to reflect
21 those community expectations in each of these varying
22 school districts is an important element of
23 education?
24 A. Yes, it -- in my opinion, as a person who has been in
25 education a number of years, it's very important. I

1 think it's important to our society that local people
2 remain in control of their destiny, at least to a
3 certain extent. We -- one of the -- I don't want to
4 sound too philosophical, but I think it's at the very
5 heart of what's occurring in our society, is that, as
6 we take away power from local people to determine
7 what their institutions will be like, then we develop
8 in those people an alienation toward institutions.
9 And we joked about and commented about the large
10 bureaucracy. This is important. I think it's one of
11 the most important vestiges of the society we know is
12 -- and have known, is the ability of local cities --
13 well, cities and school districts and now,
14 independent school districts to determine what their
15 institutions should be like. We cannot operate in a
16 vaccuum. We're not an island and I recognize that.
17 But as much as possible, the involvement of people in
18 their institutions provide a quality to that
19 institution that cannot be provided if people do not
20 have touch with it.
21 Q. Dr. Long, inasmuch as we heard testimony in this
22 trial that will tell us that presently, as well as at
23 least in recent time -- about one-half,
24 approximately, of the cost of education is raised
25 locally, through local property taxes. Would it be

1 your opinion or not, that the ability to manifest
2 community expectations through the exercise of local
3 control is a key element to being able to maintain a
4 system of public education that depends, to the
5 extent of about one-half, on local money for the
6 finance of education?
7 A. Yes, I do. I think if we expect the taxpayers in the
8 state to continue to pay local taxes into a school
9 district to support it, they're going to have to feel
10 it's their school district and that it belongs to
11 them -- recognizing, once again, it's a creature of
12 the legislature, no question about that -- but they
13 need to be a part of that. And when they feel
14 they're a part of it, and they can see what their
15 money is purchasing in the way of goods and services
16 and facilities and so forth, I think that they will
17 continue to pay those taxes, not without grumbling,
18 we all grumble about taxes. But when they see that
19 their funds are not being used locally, when they
20 don't have control over their local schools, that
21 would be a negative in continuing support of public
22 schools.
23 Q. Dr. Long, you were present, I believe, in the
24 courtroom when Dr. Walberg testified, were you not?
25 A. Yes, sir.

1 Q. Do you recall his testimony regarding the various
2 methods that he had looked at and evaluated to see
3 which methods and which factors impacted positively
4 upon learning?
5 A. Yes, sir.
6 Q. And do you recall him talking about such things, and
7 concepts as reenforcement, acceleration and reading
8 training, and several other things that positively
9 impacted learning?
10 A. Yes, sir.
11 Q. In your experience, having heard that testimony, is
12 the ability of a local school district to implement
13 those kinds of things to promote learning related to
14 the wealth or expenditure of a school district?
15 A. From memory, I recall that, probably, the first eight
16 or nine of those items, and the most effective, most
17 influential items involve very little cost. They
18 involve changes of attitudes in administrators and
19 teachers, and improving the skills and knowledge of
20 those teachers. You have to -- and I can't remember
21 how far you have to go down that list, but you have
22 to go down the list quite a ways before you find any
23 recommendation for change that has a major cost tied
24 to it. The most effective changes that can come in
25 education today are not those that are the most

1 expensive.
2 And rather -- once again, it seems as though we
3 have a situation where we're arguing over whether
4 these will work or won't work.
5 I, having spent a number of years in the
6 business, I can't help but believe we have to
7 recognize what research tells us, even if we don't
8 want to hear what research tells us. This tells us
9 that the major changes that will come in education
10 are possible through educational leadership and
11 management, not necessarily through the spending of
12 vast amounts of additional money. I know, coming
13 from my position, someone might say, "Well, you
14 already have some money, why are you saying that?" I
15 just refer you back to, not my opinions, but what
16 research tells us. We either accept, basically, what
17 research says, or we just reject research. And in
18 this society, we don't reject what research tells us.
19 Q. Dr. Long, we have had some testimony from time to
20 time in this lawsuit about tax rates. And the
21 Plaintiffs in this case have suggested that not only
22 should spending per child be equal across the state
23 in all districts, but they suggested that tax rates
24 ought to be equal across the state.
25 And you were present, I believe in the

1 courtroom, yesterday, when Mr. Esquivel talked some
2 about the comparisons of the tax rates in Highland
3 Park and the tax rates in De Soto, do you recall that
4 testimony?
5 A. Yes, sir.
6 Q. I want to ask you, as a superintendent who has been
7 confronted, I suppose every year that you've served
8 as a superintendent, and perhaps as an assistant,
9 with the decision of setting a tax rate, what
10 factors, as a practical matter, come to play and come
11 to bear when a tax rate is established by a school
12 board?
13 A. Mr. Turner, let me quickly make sure that I clear --
14 that I do not set a tax rate, that's the
15 responsibility of the board. I recommend that tax
16 rate, I would not want to attempt to usurp the power
17 of the board to set the tax rate. They -- they take
18 that. There are a number of -- yes, it is a problem
19 every year. If we are listing favorite things to do,
20 I listed least favorite things a moment ago, in
21 talking about changing the boundaries, attendance
22 boundaries -- working on the budget is not the
23 greatest thing. We will work for several months and
24 we'll look at factors that are involved there. We
25 look at the environment in which our school exists.

1 The environment in Dallas County is different than
2 the one even here in Travis County. It was different
3 than the one that was in Bexar County, certainly was
4 different than the one you would find in Gray County,
5 where Pampa is located or Moore County, where Dumas
6 is located, or in the schools where I -- where I
7 taught in and around Waco, certainly different there.
8 Q. Now, when you say that there are differences, you
9 mean the tax bases are different?
10 A. The tax bases are different and the cost of
11 operation, similar operation, is different.
12 Q. All right. With regard to the differences in tax
13 bases, I suppose by that you mean the degree to which
14 the property may be residential as compared to
15 commercial, or to mineral, or those variations?
16 A. Yes.
17 Q. Tell us, as a practical matter, what kind of
18 considerations come to bear within a school board,
19 depending on how that tax base may be configured,
20 based on whether it's heavily residential, or heavily
21 mineral, or those kind of factors -- from your
22 experience?
23 A. Well, any time you raise taxes, you have concern in
24 the community about the raising of taxes.
25 Over the years, I have found that it's not

1 necessarily how high taxes are today, or what rate
2 that you want to put them in, it's how much you
3 increase them over the year before.
4 And even in communities where tax rates are
5 rather low, raising them in a precipitous manner
6 brings forth a lot of emotion and criticism.
7 And the board has to take into consideration
8 the economic conditions that are in the community.
9 And that's why tax raises this year are going to be
10 more difficult than ever before, throughout -- not
11 only in Carrollton-Farmers Branch, but I think
12 throughout the State of Texas. Because we have to
13 recognize we live in an economy, today, that is not
14 as prosperous as it was a few years ago. We're in
15 the process of making adjustments. Many areas are
16 bottoming out and are on their way back. So you have
17 to look at the property to be taxed, whether it's
18 going up or down in value. You have to take into
19 consideration whether you're in a position to show
20 the community that you're doing a good job, or you're
21 not doing a good job. These are factors that come
22 into whether you raise taxes or not.
23 Several things have happened -- test scores in
24 Carrollton-Farmers Branch have gone up in the last
25 few years. This has caused the taxpayers to tolerate

1 some tax increases that we would not have gotten,
2 otherwise. So there are a number of factors that
3 need to be taken into consideration when you start to
4 raise taxes.
5 Q. So you're saying the present tax rate always has a
6 bearing upon what kind of change you would make?
7 A. Yes, sir.
8 Q. So if we see districts that have had a historical
9 trend of higher tax rates, as compared to those that
10 have a trend of lower tax rates, the same kind of
11 problem will exist in both districts as far as any
12 kind of equal percentage increase?
13 MR. RICHARDS: Object as leading. It's
14 ridiculous.
15 THE COURT: Probably is. We'll stop there.
16 After lunchtime, we'll get started again at 2:30.
17
18 (Lunch Recess)
19
20
21
22
23
24
25

1 THE COURT: All right, sir.
2 RECROSS EXAMINATION (RESUMED)
3 BY MR. TURNER:
4 Q. Dr. Long, before lunch we were talking about factors
5 that go into the decision making process by a local
6 school board in setting a tax rate. And I think you
7 responded to that question, and I'm not sure if you
8 had any further comment in response to that question
9 about the factors that would affect that decision
10 making process, other than the ones you've already
11 shared with us before lunch or not. Do you have any
12 other suggestion of factors that might come into play
13 in that decision making process?
14 A. Well, as we look at the situation, we have to take
15 into consideration the wishes of the community, the
16 financial situation that you find in the community,
17 the changes that are necessitated by the losses of
18 funds, those would be factors that would influence
19 setting a tax rate.
20 Q. Dr. Long, other than the obvious impact of setting a
21 tax rate, that is, it generates a certain amount of
22 revenue -- do you see any beneficial impact upon
23 education, as we know it in Texas, through the
24 creation and operation of independent school
25 districts, do you see any beneficial effects on the

1 ability of that system to render an adequate, or a
2 quality educational program by virtue of the fact
3 that tax rates are set locally by local boards?
4 A. I think we always take ownership of those things --
5 or feel ownership for those things in which we have
6 the power to determine whether it exists, or doesn't
7 exist, how much it is, how little it is. And yes, I
8 think it's very important that local pride, local
9 involvement be a part of setting taxes. As I've
10 testified previously, when we move away from local
11 involvement in the financing of public schools, it's
12 my opinion, as a long time educator, we're going to
13 lose one of the most valuable assets we have, and
14 that's pride in the local school district.
15 Q. The Texas Constitution provides that the legislature
16 shall maintain a system of efficient public schools.
17 Do you think the system that we have in place,
18 whereby local school boards set tax rates, raise
19 money through that process and spend it, contributes
20 or detracts from that goal as set out by our Texas
21 Constitution?
22 A. Oh, I think it greatly enhances the situation. I
23 think that when people are involved in it, they make
24 sure that money is spent in a more efficient manner,
25 that learning is taking place in a cost effective

1 manner. As soon as we lose local control, I believe
2 that will disappear, this interest in local
3 efficiency.
4 Q. If we were to envision a system in Texas whereby
5 larger units of government covering two or more
6 school districts had the power to raise the taxes and
7 redistribute that back to a local school district --
8 a suggestion which I think you've heard made in this
9 courtroom earlier in this trial -- what impact would
10 you think that kind of change would have upon the
11 constitutional mandate that the legislature operate
12 an efficient system of public schools?
13 A. I believe it would move away from efficiency toward
14 an institution or an organization that's further
15 removed from the people, in which they would have
16 more interest, because it would move away -- they
17 would have less interest in the organization if it
18 were not directly tied to their community and over
19 which they thought they had control. It would be, in
20 my opinion, a less efficient system.
21 Q. What would be the impact if we were to envision a
22 system whereby all funds were sent to the state and
23 redistributed to all districts in terms of the impact
24 on efficiency?
25 A. Well, my opinion, again, is that it would be an

1 inefficient system, because it would not be the
2 monitoring of expenditures at the local level. It
3 would be "Give me all I can take. That's somebody
4 else's money, it's not my own money." When we're
5 spending our own money, and by this, I mean our local
6 tax money, and I'm believing that a local community
7 has a feeling for possession of their local tax
8 dollars -- it's very difficult to have the same
9 feeling toward state or federal funds as you do
10 toward funds that you have raised, locally, and that
11 has come out of the pocketbooks of the local
12 taxpayers.
13 I know that all taxes in the state -- I say all
14 taxes, most taxes are fairly well spread out over the
15 state. There's an effort to do that. And we all
16 contribute to those funds which are available for
17 education.
18 On the other hand, we have a different feeling
19 about those communities. Taxpayers have a different
20 feeling than they do if they know this is going to
21 cause a three cent or a five cent tax raise locally.
22 We just have a different attitude about it. It's our
23 money, we need to control it. And whereas, we see
24 monies coming from Washington, or monies coming from
25 Austin, as if they're gifts. And we're not always as

1 cognizant of the fact that we're producing those
2 dollars. It doesn't make sense. It's not logical,
3 but having dealt in government for a long time, I
4 believe -- it's my opinion, that that is the case.
5 Q. Dr. Long, I asked you in that series of questions,
6 about your view regarding the impact of those kind of
7 changes -- those two options that I mentioned on
8 efficiency. What would your opinion be, regarding
9 the impact of both of those options that I just
10 mentioned, on the quality of education?
11 A. I can't quantify this. I have no research to prove
12 it. I'll have to rely upon my experiences, if that's
13 of any value to the Court. Any time you move local
14 control -- remove local control, or you distance the
15 people from the organization that is providing the
16 services, there is not the same quality of service
17 delivered, in my opinion, as there would be if there
18 was local control, local pride. The quality would,
19 in my opinion, would go down.
20 Q. You spoke earlier about the variations from place to
21 place in this state that you have been, and been
22 acquainted with over a period of 35 years, the
23 differences in community expectations for education.
24 Would either of the two alternatives that I
25 suggested, have an impact, positive or negative, on

1 the ability of school districts to realize those
2 community expectations through their school systems?
3 A. Well, yes, sir. I think if we had a monolithic
4 school system, even one that was regional, local
5 schools -- local school districts would not have the
6 prerogative of selecting their own priorities and
7 setting those.
8 Now, the State of Texas has provided us a basic
9 education. They not only set out a basic education
10 for the state, but they have provided financing for
11 that basic education in the state. But beyond that,
12 the changes that are not prescribed by the state,
13 would allow the local school district to make some
14 decisions that, because they were able to make these
15 decisions, I believe would be a benefit to children.
16 Take away that power to make those kinds of
17 decisions, I believe would have a negative effect on
18 the educational system of the state.
19 (Defendant-Intervenors' Exhibit No. 47 marked.)
20 Q. Dr. Long, I'm going to hand you what the reporter has
21 marked as Defendant-Intervenors' Exhibit Number 47.
22 Dr. Long, I mentioned this exhibit to you
23 during the break. Do you recognize this data as
24 coming from Bench Marks, which is the document that's
25 been previously admitted into evidence?

1 A. Yes, sir.
2 Q. Dated July, 1986.
3 Would you briefly describe what you see on that
4 exhibit?
5 A. It's a comparison of three school districts, Midway,
6 Carrollton-Farmers Branch and Edgewood. It has
7 listed there enrollment and then some figures dealing
8 with operating expenses, average teachers' salaries,
9 pupil/teacher ratio, the number of age per 1,000 and
10 '85 TEAMS grade 11 test scores.
11 Q. From that data, Dr. Long, if I could refer you to the
12 second page. On that second page, Dr. Long, I have
13 done some computations that I went over with you
14 during the break. Are you familiar with those
15 computations?
16 A. Yes, sir.
17 Q. And do they utilize the data on the first page?
18 A. They appear to do that, Mr. Turner.
19 MR. TURNER: Your Honor, I would like to
20 offer this Defendant-Intervenors' Exhibit 47 into
21 evidence.
22 MR. KAUFFMAN: Your Honor, of course, I
23 continue my objection to the use of the Bench Marks
24 data, which includes federal funds under total
25 current operating expenditures. We also object to

1 the use of the average teachers' salaries, which
2 include federal teachers and their salaries, as well
3 as state aid teachers and their salaries. We also
4 object to the pupil/teacher ratios on the same basis,
5 in that they include the federally paid teachers.
6 Also object to the aids per 1,000 in that they
7 include federally paid aids as well as state paid
8 aids. On the computations on the second sheet, I
9 have to object until I can have a minute or two to
10 read it, so I have some idea of what it says and what
11 it's meant to do.
12 MR. RICHARDS: Maybe I could have the
13 witness on voir dire for a second on this, while he's
14 doing that.
15 MR. O'HANLON: It's the same numbers on
16 their cross examination of this witness.
17 MR. RICHARDS: Wait, I don't know these
18 numbers on this second page have anything to do with
19 what comes off of Bench Marks.
20 MR. TURNER: Well, what the numbers are on
21 the second page is, this is an effort to compare --
22 MR. RICHARDS: By whom?
23 MR. TURNER: -- spending at Midway and
24 spending at Carrollton-Farmers Branch.
25 MR. RICHARDS: By whom? By you or by the

1 witness?
2 MR. TURNER: By the witness.
3 MR. RICHARDS: Did the witness prepare
4 these figures?
5 MR. TURNER: I prepared them and went over
6 them with him.
7 MR. RICHARDS: So you did the comparison?
8 MR. TURNER: I went over the computations
9 and went over the computations with Dr. Long.
10 MR. RICHARDS: So this witness has not made
11 the calculations, is that right?
12 MR. TURNER: I manually made the
13 calculations and went over them with him to verify as
14 to what they were. And he would verify for you that
15 these computations are correct and do reflect what we
16 intend to offer as testimony.
17 MR. O'HANLON: I'm quite frankly amazed,
18 that since lawyers are doing all this stuff, that
19 we're making objections for somebody other than the
20 witness doing calculations.
21 MR. RICHARDS: I don't believe this is your
22 exhibit, Mr. O'Hanlon. Have you proffered it?
23 MR. O'HANLON: I also find it somewhat
24 interesting that when we're talking about federal
25 funds, that the Plaintiffs are attempting to impeach

1 their own witness, or their own exhibit, which was
2 offered in the guise of Plaintiff-Intervenors'
3 Exhibit 205. And they're attempting to question
4 their own exhibit. Without your rule, they're as
5 bound by this as...
6 THE COURT: I don't think there's an
7 objection, is there?
8 MR. KAUFFMAN: Yes, sir, I objected to the
9 entry of the exhibit.
10 THE COURT: Oh yeah.
11 MR. KAUFFMAN: Yes, sir.
12 THE COURT: It's supposed to have that
13 federal --
14 MR. KAUFFMAN: Pretty powerful objection.
15 THE COURT: Yeah. You've gotten accustomed
16 to me overruling that one, haven't you? I'll make a
17 note in the record that it does contain federal
18 money. And I'll stand with the error that I started
19 off with at the beginning of the trial. Okay. I'll
20 overrule the objection.
21 MR. RICHARDS: We would object on the
22 grounds of materiality inasmuch as it attempts to
23 compare teachers' salaries from Midway and
24 Carrollton-Farmers Branch and Edgewood, since there
25 is no record testimony that any of these districts

1 are competing with one another for the hiring of
2 teachers. Mr. Dameron's testimony was, he did not
3 compete statewide for hiring the teachers. He hired
4 his all locally. If it's offered for any purpose to
5 suggest that this is an appropriate comparison of
6 teachers' salaries in terms of what the marketplace
7 requires, then we object to it. But I don't know if
8 that's why it's offered.
9 MR. O'HANLON: Mr. Richards, if you want to
10 offer that as a stipulation, I'll accept it. There's
11 no statewide market for teachers. If you're gonna
12 offer that as a stipulation, I'm willing to accept it
13 right now.
14 MR. TURNER: We're gonna try to make that
15 point that Mr. Richards just made for us by way of
16 testimony.
17 MR. RICHARDS: Excuse me. I'd just soon
18 deal with whoever is offering the exhibit first, and
19 if it's Mr. Turner's exhibit, I guess he's the one to
20 tell me what it's about.
21 MR. TURNER: It certainly is not meant to
22 suggest that there's a statewide market for teachers
23 and that we can look at Carrollton-Farmers Branch's
24 teachers' salaries and compare them to Edgewood's and
25 conclude that they're higher than Carrollton-Farmers

1 Branch, because we concede, as Mr. Richards did, that
2 there is a different market in those two locales. So
3 there's no effort to make the comparisons for the
4 purpose that he stated.
5 THE COURT: Okay. I'll overrule. We'll
6 have 47 in evidence.
7 (Defendant-Intervenors' Exhibit
8 (No. 47 admitted.
9 BY MR. TURNER:
10 Q. Dr. Long, we've had several people testify in this
11 trial that about 80 percent -- in fact you may have,
12 that about 80 percent of all expenditures taking
13 place by school districts go for personnel costs?
14 A. Yes, sir, that's right.
15 Q. And you were in the courtroom when Mr. Dameron from
16 Midway testified here just yesterday, were you not,
17 or was it day before now?
18 A. Yes, sir, I was here.
19 Q. And you recall his testimony to the effect that his
20 school district and his board had made a conscious
21 choice to emphasize, what I believe you have called
22 the core curriculum, and not to get into offering a
23 lot of electives?
24 A. Yes, sir.
25 Q. And you also testified, yourself, here earlier, that

1 in Carrollton-Farmers Branch, in an effort to fulfill
2 your community's expectations, your board has chosen
3 to offer a considerable amount of elective courses?
4 A. Yes, sir, we have more elective courses than Midway
5 does.
6 Q. Would it be correct or incorrect that that choice
7 would have an impact upon the number of teachers that
8 you might employ in your district as compared to
9 Midway's?
10 A. It could have some effect on it.
11 Q. Looking at the column pupil/teacher ratio for Midway
12 and Carrollton-Farmers Branch, I note that Midway has
13 17.4 pupil/teacher ratio, and Carrollton-Farmers
14 Branch has 16.7?
15 A. Yes, sir.
16 Q. Also, I note that under teachers' salaries that
17 Midway has an average of $21,750.00 and
18 Carrollton-Farmers Branch has $26,227.00. Do you see
19 that on there?
20 A. Yes, sir.
21 Q. We have looked at lot, in the course of this trial,
22 at average teachers' salaries, primarily out of this
23 Bench Marks booklet. When we're looking at average
24 teachers' salaries, Dr. Long, as you understand it,
25 what kind of factors influence whether that figure

1 might be high or low?
2 A. The salary scale, itself, and the length of time that
3 an individual has in a district, as has been
4 explained in previous testimony, we're, in education,
5 in a nationwide -- in a situation where if you stay
6 an extra year, you move up the scale whether your
7 talents improve or not, and whether your productivity
8 improves or not, and that of your students. So if a
9 person stays longer in a district, that could be a
10 factor.
11 Q. I notice in looking at Bench Marks on Page A-27,
12 which you have looked at, I think earlier, that
13 Highland Park shows an average teacher salary of
14 $28,808.00. Do you have any knowledge, personal
15 knowledge of the experience, average experience, or
16 longevity of teachers in Highland Park?
17 A. I do not have any figures that I can give you on
18 average tenure in Highland Park. The tenure there is
19 much longer than surrounding districts. It's a place
20 that people come and stay. It also is an older
21 school district than our district. Each year, we add
22 additional teachers. So that means that we're adding
23 people who have been with us -- a large number over
24 the last five years who have been there one through
25 five years, and so, because of our growth, the tenure

1 in our district is affected by that. On the other
2 hand, people are staying with us, I think, for
3 awhile. So, it would be the basic salary, plus the
4 length of time they're with you.
5 Q. And when --
6 A. At the tenure experience --
7 Q. When we look at the school districts in Dallas
8 County, we don't see any data before us that would
9 tell us how starting salaries compare district to
10 district, do we?
11 A. No, sir, I don't have that.
12 Q. From your experience, how do your starting --
13 beginning teachers' salaries compare to those
14 districts around you?
15 A. Well, it compares favorably with several districts
16 that -- with whom we compare. We're less than some,
17 more than others. This would be true not only in our
18 area, but in beginning salaries, it's surprising that
19 how, around the state, a number of areas have greatly
20 increased their beginning salaries.
21 Q. Having taught and grown up in the McLennan County,
22 and now being administrator in Dallas County, do you
23 have any opinion or view regarding the differences in
24 wage scales in those two locales?
25 A. Yes, I think it's not only teachers' salaries, but in

1 other areas as well, and in business and industry. I
2 think there's no question about it that the Dallas
3 area is a different market, especially the north
4 Dallas area is a different market than McLennan
5 County is. And I say that, because Mr. Dameron told
6 us that at his average salary of $21,750.00, he had
7 no trouble getting teachers and I know he has a good
8 staff.
9 Q. Dr. Long, if we were to imagine your school district
10 suddenly being relocated in McLennan County, would
11 you hold the view, or would you not, that your pay
12 scales would be comparable to those that are offered
13 by Midway in McLennan County?
14 A. Let me say this carefully, because there are several
15 things. If we were able to hire a faculty in
16 McLennan County, and not attempt to take our teachers
17 with us, and we wanted a first class school, I would
18 guess that our salary schedule, or our average
19 teachers' salary would be 21, $22,000,00, in that
20 range.
21 Q. By looking at these figures, you wouldn't -- looking
22 at those differences do not cause you to conclude, or
23 does it cause you to conclude, that the differences
24 in teachers' salaries means that you've got better
25 quality teachers in Carrollton-Farmers Branch than

1 they do in Midway?
2 A. No, sir, it does not. I would not say that
3 Carrollton-Farmers Branch or similar schools in our
4 area, that pay more for teachers, have better
5 teachers than Midway. We possibly have better
6 teachers than some districts, but Midway recruits --
7 hard screens carefully, employs teachers that can
8 produce. Much of that is in the personnel process,
9 recruiting and employing teachers, in determining
10 what level of a performance you get from the
11 teachers. But no, I would not conclude from just
12 those two figures that we have a staff that is
13 appreciably more capable than that in Midway.
14 Q. Dr. Long, if you will, let me direct your attention
15 to the second page. And starting there at the top,
16 we have made some calculations. Do you recognize
17 that first figure, 3,731?
18 A. That is the number of students in Midway.
19 Q. And the 17.4, do you recognize that figure?
20 A. That's the pupil/teacher ratio, number of students
21 per teacher.
22 Q. So, by dividing the total enrollment by the
23 pupil/teacher ratio, 17.4, we should get the number
24 of Midway school teachers, would that be correct?
25 A. Yes, sir, that's correct.

1 Q. Which comes out to 214.5?
2 A. Yes, sir.
3 Q. And if we made the same calculations for
4 Carrollton-Farmers Branch, we would get 759.8?
5 A. Yes, sir.
6 Q. Is that correct?
7 A. Yes, sir.
8 Q. I want to ask you to assume with me what we had
9 discussed a moment ago, and that is that if we could
10 imagine you and your school district operating with
11 the same average teachers' salaries as the average
12 Midway teachers' salaries, could you tell me what the
13 difference would be in average teachers' salaries
14 from your district to Midway?
15 A. If we made that kind of comparison, there would be
16 3.4 million dollar difference, based on the higher
17 teachers' salary that we have in our district.
18 Q. All right. And on the actual difference between the
19 two salaries --
20 A. Oh. The individual would be $4,477.00.
21 Q. All right. And if we multiplied that number -- that
22 difference by the number of teachers that we've
23 calculated above that you have, how many dollars
24 would be involved in that kind of reduction in
25 average salary cost?

1 A. That would be the total of 30 -- 3.4 million dollars.
2 Q. Dr. Long, if we were then to look at the number of
3 teachers that you would have in your district, if you
4 operated on the same pupil/teacher ratio as Midway,
5 would we be able to make that calculation?
6 A. Right, we could divide our ADA by their pupil/teacher
7 ratio and say that if we were staffed the same, it
8 would be 729 teachers rather than 759.
9 Q. And the difference, then, would be 30 and a half
10 teachers?
11 A. Yes, sir.
12 Q. That you would lose as a result of having a identical
13 pupil to teacher ratio as the Midway district?
14 A. Yes, sir.
15 Q. And if we then multiplied that 30.5 times the average
16 teacher's salary in Midway, we would get a number,
17 wouldn't we?
18 A. Yes, sir, we would get $663,375.00.
19 Q. And if we added the difference based on the higher
20 teachers' salaries to the difference based on the
21 student -- or pupil to teacher ratio, we would get a
22 total number that would be displayed there about
23 two-thirds of the way down there on those
24 calculations, would we not?
25 A. Yes, sir, we'd get a figure of $4,064,999.00.

1 Q. Now, Dr. Long, if we wanted to calculate, based on
2 the document that's been in evidence, Bench Marks,
3 your total operating budget, we could do that from
4 some of the numbers that are in this book, could we
5 not?
6 A. Yes, sir.
7 Q. And could you explain by referencing to the exhibit,
8 how we would calculate your total operating budget?
9 A. From the Bench Marks, there would be a figure of
10 $3,711.27, which would be the Carrollton-Farmers
11 Branch current operating expenditures per ADA. There
12 would be $12,690.00 ADA in Carrollton-Farmers Branch.
13 We would multiply those two numbers and come up with
14 a total operating budget for Carrollton-Farmers
15 Branch of $47,000,096.00 -- excuse me, let me start
16 again, $47,096,016.00.
17 Q. And if we subtracted the $4,064,000.00 figure that we
18 arrived at earlier, we would get an adjusted or a
19 revised total operating budget for Carrollton-Farmers
20 Branch, would we not?
21 A. Yes, sir, we would get the figure of $43,031,017.00,
22 an adjusted total operating budget for
23 Carrollton-Farmers Branch.
24 Q. Now, Dr. Long, the prevailing market conditions in
25 Dallas County would have an effect on you,

1 realistically, being able to make some change like
2 that, would it not?
3 A. Yes, sir, it would.
4 Q. But for purposes of illustration, if you were in
5 McLennan County, these calculations would be
6 realistic, would they not?
7 A. Yes, sir, I believe they would be.
8 MR. KAUFFMAN: Your Honor, I object, unless
9 I can move him down to Cameron County when I get to
10 cross examine him.
11 BY MR. TURNER:
12 Q. Dr. Long, if we took that revised adjusted total
13 operating budget and divided it by your average daily
14 attendance, we would get a new figure for current
15 operating expenditures per ADA, would we not?
16 A. Yes, sir, we would.
17 Q. And what would that figure be?
18 A. We got a figure there of -- if we took the adjusted
19 operating budget and divided it by the ADA, we get a
20 new, or an adjusted -- I suppose would be the term --
21 operating budget per ADA cost of $3,390.93.
22 Q. And according to our calculations, that would be
23 $320.00 less per ADA than you are currently shown to
24 be expending, according to Bench Marks?
25 A. Right. And that would be based on teachers' salaries

1 alone, not considering the fact that all other
2 salaries in the district would have a similar greater
3 cost in Dallas County than they would in McLennan
4 County. So the actual figure would be reduced, the
5 $320.00 difference would be reduced when those were
6 figured in.
7 Q. Dr. Long, would there also be differences, based on
8 your experience, between non-operating costs in the
9 Dallas County area versus the McLennan County area?
10 A. Would you identify non-operating costs, so that I
11 won't make an error on that, Mr. Turner?
12 Q. I suppose we're talking about cost of materials for
13 maintenance and operation repairs and contracted
14 labor services?
15 A. Contracted labor services, certainly there would be a
16 difference. Materials, I doubt if -- I believe
17 we're, in most instances, able to be competitive with
18 them on that. Labor costs for maintenance to
19 operations, bus drivers, all of these would be
20 appreciably different in Dallas County than they are
21 in McLennan County.
22 Q. Dr. Long, referring back now to the first page,
23 looking at the last column, what does that reveal to
24 you as you compare Midway to Carrollton-Farmers
25 Branch?

1 A. In the last column?
2 Q. Yes.
3 A. It reveals to me that Midway is more effective in
4 producing students who score high on the TEAMS test
5 than Carrollton-Farmers Branch is.
6 Q. And would it be fair to say that both of those tests
7 scores are above the average, statewide?
8 A. Yes, sir, they are above the average.
9 Q. Dr. Long, do you believe school districts in this
10 state should have the right and the option, through
11 local control, to make decisions, as you have made,
12 to have more electives as compared to the choice made
13 at Midway to have fewer?
14 A. Yes, I do. I think we should have that prerogative.
15 And I think we're in a process of making some changes
16 over the last few years in our district in that area.
17 And I would anticipate additional changes, but I
18 would really like to be able to make those changes
19 based upon the wishes, the desires, the beliefs, the
20 concerns of our local population, rather than having
21 it sent down to us in an edict.
22 Q. Dr. Long, realizing that we have calculated a $320.00
23 difference in spending per ADA by comparing your
24 district and Dallas County to the Midway district in
25 McLennan County, does that cause you to be able to

1 draw any conclusions about the significance of these
2 numbers that we look at so often in the course of
3 this trial, on total current operating expenditures
4 per ADA?
5 A. Yes, sir. I think you have to look at the location
6 and determine the cost of operation. In Dallas
7 County, Harris County, are two markets that are
8 different, I think, from most of the rest of the
9 state and that has to be considered.
10 (Defendant-Intervenors' Exhibit No. 48 marked.)
11 MR. TURNER: Your Honor, to make things a
12 little easier, I copied three pages out of Bench
13 Marks and I have asked the reporter to mark it as
14 Defendant-Intervenors' Exhibit 48, and offer it into
15 evidence.
16 THE COURT: Okay.
17 MR. RICHARDS: Is it any particular
18 district --
19 MR. KAUFFMAN: Your Honor, before this
20 report is accepted, I want to continue with my
21 objection. I don't want to keep doing this forever,
22 I have a general objection. If people agree to give
23 me a running on any of the numbers from Bench Marks,
24 to the extent that they include federal funds, to the
25 extent that they're divided by 1984 rather than 1985

1 ADA, and to the extent that they include federally
2 funded teachers in their teacher ratios, and
3 federally funded monies in their average teachers'
4 salaries, I continue to object.
5 THE COURT: Okay. I understand.
6 MR. TURNER: Is 48 admitted, Your Honor?
7 THE COURT: Yes, 48 will be admitted.
8 (Defendant-Intervenors' Exhibit
9 (No. 48 admitted.
10 BY MR. TURNER:
11 Q. Dr. Long, I want to direct your attention on this
12 Exhibit 48 to the school districts in Gray County.
13 MR. RICHARDS: Did you say Gray?
14 MR. TURNER: Gray -- Gray. About
15 two-thirds of the way down the first page.
16 BY MR. TURNER:
17 Q. Dr. Long, I believe you testified earlier that you
18 had spent some time in the Pampa Independent School
19 District, is that correct?
20 A. Yes, sir, that's right.
21 Q. Looking at the list of school districts there under
22 Gray County, one of those districts is Pampa.
23 A. Yes, sir.
24 Q. Are you familiar with the other school districts in
25 that county?

1 A. Yes, sir, Lefors, McLean, or as they pronounce it,
2 McLean, Pampa and Grandview-Hopkins.
3 Q. Dr. Long, I would like to direct your attention to
4 column No. 10, current operating expense, on the
5 second page, and ask you if you will take a look at
6 those current -- or total current operating expense
7 per ADA figures for each of the districts. In fact,
8 you might just read them, if you will.
9 A. For Alanreed, it's $15,437.10; Lefors, $5,146.94;
10 McLean, $5,024.22; Pampa, 29 -- excuse me, $2,927.55;
11 Grandview-Hopkins, $13,094.26.
12 Q. And looking there on that same page, all the way to
13 the left-hand column of students, column No. 1, ADA,
14 do you see those figures?
15 A. Yes, sir.
16 Q. Those range from a low of 14 students at Alanreed, to
17 a high of 4,123 at Pampa.
18 A. Yes, sir.
19 Q. I believe Grandview-Hopkins also has a fairly low
20 enrollment of 24?
21 A. Yes, sir.
22 Q. Are you familiar with all of those school districts?
23 A. I know about all of those school districts, having
24 been superintendent there, and having taught with the
25 superintendents in those areas in years past.

1 Q. Dr. Long, looking at the total current operating
2 expense column that we look at so often in this
3 courtroom, could you tell us what, in your opinion,
4 from your experience there in Pampa and in Gray
5 County, what your opinion would be regarding a
6 comparison of the quality of education being offered
7 by that group of five school districts?
8 A. Mr. Turner, I can't qualify this. I just know in
9 discussing with the people in that community -- in
10 those communities, their attitudes about the schools.
11 It would be that Pampa offers a good education.
12 These other districts have programs that local
13 communities are proud of, but if I were to -- if
14 you're asking me to say is the Pampa school district
15 appreciably less effective in teaching youngsters
16 than the other school districts, I would say no,
17 they're not. They have a fine, well rounded program
18 who -- and they serve a prolific group of youngsters.
19 And the difference in the amount of money that's
20 spent does not indicate superior quality for those
21 school districts over against the program in Pampa.
22 Q. Well, let me ask it this way, Dr. Long, if you were
23 going back to Gray County -- and let's assume you're
24 going back for some reason other than being involved
25 with schools, you just had an opportunity to go there

1 -- maybe you inherited a bunch of money, needed to go
2 out there and take care of it -- do you have any
3 preference about where you would enroll your
4 children?
5 A. There's no question, I would enroll them in the Pampa
6 schools.
7 (Defendant-Intervenors' Exhibit No. 49 marked.)
8 Q. Dr. Long, I'm going to hand you what's been marked as
9 Defendant-Intervenors' Exhibit No. 49, and ask you if
10 you recognize those figures as being from the Bench
11 Mark document that we've looked at so often?
12 A. Yes, I have not checked each one individually, but
13 they certainly look as though those are in the
14 ballpark, if these were taken from --
15 MR. TURNER: Your Honor, I would like to
16 offer this exhibit.
17 MR. RICHARDS: These are just extracts?
18 MR. TURNER: These are just extracts. You
19 can check me, if you like. I contend them to be the
20 exact numbers.
21 MR. GRAY: We trust you.
22 MR. RICHARDS: No objection.
23 THE COURT: Okay. 49 will be admitted.
24 (Defendant-Intervenors' Exhibit
25 (No. 49 admitted.

1 BY MR. TURNER:
2 Q. Dr. Long, could you describe to the Court what we
3 have displayed on that exhibit?
4 A. You've given me a receipt that you have said is the
5 extract from Bench Marks. It's so stated on here,
6 July, 1986, and it's entitled Gray County. It lists
7 school districts, Alanreed, Lefors, McLean, Pampa and
8 Grandview-Hopkins, the market value of the ADA and
9 the total property value.
10 (Defendant-Intervenors' Exhibit No. 50 marked.)
11 Q. Dr. Long, I'm going to hand you now what's been
12 marked as Defendant-Intervenors' Exhibit No. 50 and
13 ask you if you recognize that map?
14 A. Yes, sir. It appears to be the map of Gray County,
15 with the school districts marked on the map.
16 MR. TURNER: Your Honor, that map is a copy
17 of the page from Plaintiffs' Exhibit --
18 MR. RICHARDS: We have no objection.
19 MR. TURNER: I don't know what page. What
20 is that, No. 1?
21 MR. KAUFFMAN: No. 1.
22 MR. TURNER: Plaintiffs' Exhibit No. 1. I
23 would like to offer that exhibit into evidence.
24 THE COURT: All right. 50 will be
25 admitted.

1 (Defendant-Intervenors' Exhibit
2 (No. 50 admitted.
3 BY MR. TURNER:
4 Q. Dr. Long, we've had a lot of discussion from time to
5 time in this case about consolidation of school
6 districts. Being familiar, as you are, with Gray
7 County, and referring to the Exhibit No. 49, upon
8 which we have calculated the total property value of
9 each district. Each of the last two columns we have
10 totalled; do you see that number?
11 A. Yes, sir.
12 Q. And if we take the total property value in Gray
13 County and divide it by the total ADA in Gray County,
14 we get a number. See that number?
15 A. Yes, sir.
16 Q. And what is that average property value per ADA?
17 A. Average property value, according to this
18 calculation, is $301,154.00.
19 Q. Dr. Long, if all of the school districts in Gray
20 County were consolidated into one district, assuming
21 we still would have the same number of students and
22 same property wealth that's shown on this exhibit, we
23 would have a market value per ADA in Gray County of
24 $301,000.00, would we not?
25 A. Yes, sir.

1 Q. Dr. Long, you just testified a moment ago that if you
2 were to go to Gray County today and enroll your
3 children in school, there's no question you would put
4 them in the Pampa school district. I notice on the
5 Exhibit 49 there, that the Pampa school district has
6 the lowest market value per ADA in Gray County, is
7 that correct?
8 A. Yes, sir, it is correct.
9 Q. Whether you look at it as a parent or as a former
10 school administrator, looking only at that left-hand
11 column and nothing else, as we so often do in this
12 case, wouldn't that number for Grandview-Hopkins
13 cause you to look a little wistfully over there at
14 the wealth that appears to exist in
15 Grandview-Hopkins?
16 A. Yes, it would. If -- if market value per ADA was the
17 only criterion that you use to judge the value of, or
18 the quality of the education in a district,
19 Grandview-Hopkins certainly would be choice No. 1.
20 Q. Over in the right-hand column, if we look at a
21 comparison of Pampa to Grandview-Hopkins, we see a
22 reversal of the numbers from the first column, do we
23 not?
24 A. I'm sorry, I missed the question.
25 Q. I'm saying, referring over to the third column on the

1 last column of the right --
2 A. Total property value.
3 Q. The numbers for Pampa and Grandview-Hopkins, we have
4 a reversal of the order of the numbers, do we not?
5 A. That's right.
6 Q. And Pampa shows to have a total property value of
7 $1,027,125,883.00, is that correct?
8 A. Yes, sir.
9 Q. While Grandview-Hopkins has a total property value of
10 $128,412,120.00?
11 A. Yes, sir, that's right, Mr. Turner.
12 Q. And what accounts for the fact that those two numbers
13 reverse themselves from the first column to the last
14 column?
15 A. Well, the -- Pampa has more students, so the market
16 value per ADA, even though you have a billion dollars
17 in value, is lower than that of Grandview-Hopkins,
18 their $128,000,000.00, when it's divided only by 24
19 students, produces a high market value per ADA.
20 Q. Dr. Long, in your experience in looking at numbers,
21 such as we have in Bench Marks, does it surprise you
22 to see a large market value per ADA number for a
23 school district with a very low student population?
24 A. No, that's not unusual in the State of Texas. Where
25 the population is very small, it's -- now, $5 billion

1 is very high even by small school standards, but
2 there's a number of small districts in the state that
3 have high market value per ADA. The total number of
4 students involved in those high market values per ADA
5 for the state is rather limited. It's an
6 insignificant figure.
7 Q. Dr. Long, we've had testimony, and I think you've
8 offered testimony, about the -- about your view on
9 the detrimental impact of consolidation of school
10 districts. Looking at this exhibit for Gray County,
11 and the number -- the market value per ADA of Pampa,
12 $249,121.00, and comparing that to the number at the
13 bottom of the page, when we look at Gray County as a
14 whole, $301,154.00, I want to ask you if you have an
15 opinion regarding the impact on the students in the
16 Pampa Independent School District that would come
17 about as a result of some consolidation of the entire
18 county in order that they might be the beneficiaries
19 of a $301,154.00 market value per ADA as compared to
20 the $249,121.00 that they currently have?
21 A. I don't think there would be much of an impact in
22 Pampa. They're offering a program there that is -- I
23 thought a rather good program. There would be more
24 money to spend if they taxed -- it's according to how
25 they set their tax rate, of course. That would be a

1 local decision. But they are -- they're offering a
2 program there that I think goes a long way toward
3 meeting the needs of the youngsters in that
4 community, that the impact upon the youngsters would --
5 would be minor if we made the change. Some -- as I
6 say, some extra dollars to spend, but the total
7 number in the county would -- the total number in the
8 Pampa Independent School District would not change
9 greatly. It would be -- it's now $4,100.00, and that
10 would bring that up to $4,600.00. I don't think that
11 would be noticed.
12 Q. Dr. Long, being familiar as you are with Gray County,
13 do you have an opinion regarding what kind of
14 community attitudes would exist down in McLean and
15 the southeast corner of Pampa -- or of Gray County,
16 if they were to consolidate and all be transported up
17 to the northwest part of the county to go to school
18 in Pampa?
19 A. There would be intemperate and unkind words expressed
20 about such a move, I can assure you, as would be
21 characteristic of most communities in the State of
22 Texas. There would be much apprehension, much fear.
23 The behavior would be somewhat less than is socially
24 acceptable, in many cases. It would cause a great
25 furor and I don't believe I'm overstating that at

1 all.
2 Q. Now, Dr. Long, you've told us just a moment ago that
3 if you, through some circumstance, were to be
4 relocated back in Gray County, not associated with
5 any school system, by choice, you would place your
6 students in the Pampa school district, which is the
7 lowest wealth and the lowest spending district in
8 Gray County. In light of what you just testified
9 about the attitudes of the people that you would
10 expect -- the attitudes you would expect of people
11 down in McLean to have -- why is it they wouldn't
12 make the same choice that you would if you were to be
13 relocated in Gray County?
14 A. From the stand, here, it's difficult to explain.
15 It's so simple -- I guess I don't know how to
16 describe it. It's just community pride. It's just
17 the attitude that this is our school. It is
18 essential for the functioning of our community to
19 have our own school. And they would describe in
20 uncomplimentary terms -- the people in Pampa, and the
21 fact that they were going to run their schools. But
22 the same thing would happen between almost any
23 communities. There is no great rivalry between those
24 two communities, it's just that people want their own
25 schools. They want to control, as much as possible,

1 their own destiny. And it would be a blow to the
2 community pride to lose their schools.
3 Q. Yet, if you were to be relocated in Gray County, I
4 take it, then, that you would move up into the Pampa
5 school district. You wouldn't want to be living down
6 in the southeast corner of the county in McLean and
7 be having kids bussed up there every day. You would
8 make the choice to locate in the district that you
9 prefer, is that correct?
10 A. Yes, sir, I would -- I would prefer that.
11 Q. Dr. Long, the system that we have in Texas, that I
12 suppose, in some small way, is illustrated by Gray
13 County, that allows the existence of a school
14 district like the McLean ISD down in the southeast
15 corner of Gray County, that allows that kind of
16 district to exist and that kind of community interest
17 to be expressed through an independent school
18 district, do you think that kind of system is
19 beneficial in terms of the quality and adequacy of
20 education that provided for the children of Texas as
21 a whole?
22 A. Yes, I think so. Currently, I think that's true,
23 because of the role that the state now plays. They
24 have set minimum standards of operating public
25 schools in the state, and I think they're working

1 very hard toward enforcing those minimum standards.
2 So wherever a child lives, they have an opportunity
3 to have access to an educational program.
4 Certainly, with local control, and the ability
5 to make decisions in an independent school district,
6 not all schools are exactly alike.
7 But there should not be a place in the state
8 where a youngster that wants an education could not
9 get that education now. If that is not true, then
10 we're not complying with the law, and the Texas
11 Education Agency is not fulfilling the responsibility
12 given to it by state statute and mandated through
13 board policy. I think it is happening.
14 And so, I believe it is possible to have a
15 variety of school districts in the state, and yet,
16 all youngsters have an opportunity to get an
17 education that meets the standards that have been set
18 up by the state. Some programs exceed that. And I
19 guess that's -- you know, if we do not want a
20 monolithic system, if we do not believe in freedom
21 for governmental subdivisions, then it's negative.
22 I happen, in my particular preference, and I
23 believe having worked out there, most peoples'
24 preference is, they would like to keep those
25 prerogatives within the local community, within the

1 local school district.
2 MR. TURNER: I'll pass the witness, Your
3 Honor.
4 THE COURT: Let's have break. We'll get
5 started up again at ten 'til.
6 (Afternoon Recess)
7 THE COURT: All right, sir.
8 MR. O'HANLON: May I proceed, Your Honor?
9 THE COURT: Yes.
10 RECROSS EXAMINATION
11 BY MR. O'HANLON:
12 Q. Dr. Long, when Mr. Kauffman was questioning you, he
13 asked you something about the Texas Learning
14 Technology Group. Could you tell us a little bit
15 about that, please, sir?
16 A. Yes, sir. The Texas Learning Technology Group was a
17 consortia of schools that were put together with the
18 Texas Association of School Boards. It was an effort
19 to meet a need of students throughout the State of
20 Texas. This is not something that will accrue to the
21 benefit only of Carrollton-Farmers Branch, or a few
22 districts who were involved in this. Rather, it's an
23 effort to put together a project that we think is
24 important. And many people, who are not in a
25 position to participate, think it's important. It

1 will be an effort to develop video-interactive
2 education, working with computers to provide, what
3 was a consensus in the State of Texas, a better
4 program for physical science at the ninth-grade
5 level. If you were to look at all of the programs in
6 the state that we felt needed strengthening, it was
7 this ninth-grade system for computer science.
8 We have worked with the support of the National
9 Science Foundation, we've worked with American Tel
10 and Tel. IBM is now prime contractor on this.
11 This system will not be used exclusively in the
12 districts. Rather, it's being developed --
13 certainly, we hope to benefit from it, but it's being
14 developed with the plans of making it available to
15 the Texas Education Agency and will be where it can
16 be duplicated and used in any district in the state
17 -- any high school in the state that wanted to use
18 that -- or junior high, if the ninth grade happens to
19 be located in junior high.
20 We're very enthusiastic about it. In fact, the
21 president of our board is a geophysicist and also a
22 computer expert, and he happens to be chairman of the
23 board. And we're very interested in it, deeply
24 involved in it.
25 There will be a pilot study in our school.

1 They could have selected other schools, as well, and
2 have some other schools, but it happens to be in our
3 district because of our interest and our work in
4 this.
5 But it is both a selfish and altruistic aim
6 that we have. We intend to improve the opportunities
7 for youngsters in Carrollton-Farmers Branch. That's
8 true, that's the only way we could justify it. But
9 at the same time, it is an opportunity, we sincerely
10 believe. In fact, there's national attention on this
11 that will benefit every school district in this state
12 once it's in place. And it will allow us to deliver
13 services more efficiently, more effectively, and in
14 the long run, at a lower cost than we have now. And
15 in some of those districts where they have difficulty
16 getting truly qualified teachers, this package, we
17 believe, will be so complete that it will benefit
18 children in all districts in the state. And the
19 possibility for benefit will be, I think, even
20 greater -- I think, will be even greater in the
21 smaller school districts of the state where physical
22 science is becoming more and more of a problem.
23 Q. Okay. So if it proves out, it's not -- this is
24 something that will be made available not only to
25 your district, but to every district in the state?

1 A. Yes, sir, that's our goal.
2 Q. All right.
3 A. It's a goal of the Texas Association of School
4 Boards, which serves nearly every district in the
5 State of Texas.
6 Q. And this will be provided through TEA, and I assume
7 it will be provided at no cost?
8 A. Well, I don't know how the state is going to do this.
9 We are hoping that they will purchase it, as we move
10 from textbooks, only, in purchasing. We hope that
11 the state will purchase this and make it available.
12 I do not have a commitment, and I do not believe that
13 the TLTG has that commitment yet. But our purpose is
14 to show that it's a good package, and in turn, it
15 will be purchased like a textbook system would be
16 purchased, and make it available to the state.
17 Q. If it doesn't prove up, then I guess your district
18 and the other districts will just have to eat
19 expenses?
20 A. Eat it, that's right. Just absorb that cost.
21 Q. Even though that expense, I guess, is worth, I guess
22 -- you said $110,000.00 was your contribution?
23 A. That was the figure that was used. It's that much
24 and will be even more, I imagine, before it's over
25 with.

1 Q. Even though, I guess, that contribution is worth six
2 or seven portable buildings?
3 A. Yes, that's right.
4 Q. The Plaintiffs in this case have spent a good time
5 talking in this case about portable buildings. Do
6 you think that portable buildings diminish the
7 quality of education for the kids that happen to be
8 in them?
9 A. No, there's no way that that could happen.
10 Q. All right. Is it more a factor of what's going on
11 inside the building, than the building, itself?
12 A. Yes, sir, it is.
13 Q. Okay. So you haven't experienced anything that I
14 guess we could call portable acquired intelligence
15 deficiency syndrome?
16 A. No, sir, we have not.
17 Q. We don't have any PAIDS, that you're aware of, in
18 this state?
19 A. No, not that I know of. Not in districts that I know
20 of.
21 MR. O'HANLON: No further questions.
22 RECROSS EXAMINATION
23 BY MR. RICHARDS:
24 Q. Mr. Turner took you through some exercises. We're
25 going to move Carrollton to McLennan County. Let me

1 just ask you a couple of questions about that
2 exercise. I suppose, in part, that's what the price
3 differential index is all about, isn't it? That is,
4 the price differential index in the foundation school
5 formula purports to try to take into account that it
6 costs more to operate a district in Dallas County
7 than it does in McLennan County, is that right?
8 A. As I understand, that is one of the purposes of that.
9 If we were in a position of getting large amounts of
10 state money, as some districts are, then we would
11 be --
12 Q. A beneficiary?
13 A. Partially a beneficiary of the price differential
14 index.
15 Q. And so because of price differential index,
16 small/sparse, and a variety of other things such as
17 that, contribute to making some districts higher cost
18 to operate than others, is that true?
19 A. Yes, sir. And that's -- that's one of the benefits
20 of House Bill 72, is that it does equalize in a
21 manner, though not perfect, and compensate for a
22 variety of needs in the geographical location in the
23 state.
24 Q. So, in terms of determining what it cost to run a
25 district, the state's formulas at least try to take

1 into account, perhaps imperfectly, the fact that some
2 districts -- some student bodies are more expensive
3 to teach than others, is that true?
4 A. Yes, that's true.
5 Q. That really gives us a better comparison of what the
6 true costs of the educational system are?
7 A. It is. As I say again, I think we're in a little bit
8 different category in that we don't -- we're down to
9 getting very little of that aid for Foundation School
10 Program.
11 Q. You're particular district, because of your high
12 wealth, is not benefiting that much from it.
13 A. That's right, sir. But that is the purpose.
14 Q. Clearly, there are urban districts that are not as
15 high wealth as yours that do benefit in the --
16 A. Other districts do, yes, sir.
17 Q. And we couldn't take you to Waco and resurrect
18 Speegleville, that's not worth it, is it?
19 A. I doubt if we could do that.
20 Q. In looking at Gray County for a minute, I see that
21 neither the -- that the Alanreed school district,
22 which has 14 students, doesn't operate a 12-year
23 system. Do you know how much -- what they try to do
24 out there, how many grades they actually operate?
25 A. I don't know whether it's one through six or one

1 through eight.
2 Q. All right. Do you remember what it was when you were
3 out there?
4 A. No, I really don't. I don't know whether it's one
5 through six or one through eight. I think it's one
6 through eight.
7 Q. Where do they send their high school kids, do you
8 know?
9 A. They send their high school kids into Pampa. And
10 the Alanreed group sends some of them --
11 Grandview-Hopkins sends most of theirs into Pampa --
12 at least they did, while Alanreed sends most of
13 theirs into Groom and into McLean.
14 Q. Where is Groom? Is that some other county?
15 A. It's down in the southwest corner of Gray County. It
16 was not listed there, because it's in Donley County,
17 most of it is, but Groom is right in the lower
18 left-hand corner there.
19 Q. I see. And Alanreed, I guess, it had total of 24 --
20 excuse me -- Alanreed had 14 students in the entire
21 district, and Grandview-Hopkins has 24 students in
22 the entire district, is that right?
23 A. Yes, sir.
24 Q. And do you know whether Grandview-Hopkins operated a
25 full six years -- just for the six grades, or --

1 A. I believe they operated six grades as well. I
2 couldn't -- it may be eight, but I think it's six
3 grades.
4 Q. I notice that the Grandview-Hopkins has a tax rate of
5 only 24 cents per $100.00 evaluation. That's a
6 pretty low tax rate, isn't it?
7 A. That's a very low tax rate.
8 Q. Compared, I guess, with the Pampa rate, which is at
9 64 cents?
10 A. (Witness nodded head to the affirmative.)
11 Q. That's a fairly significant difference, 40 cents per
12 $100.00?
13 A. It is.
14 Q. Or compared with the McLean tax rate of $1.05, which
15 is a pretty substantial tax rate for the Panhandle,
16 isn't it?
17 A. It's quite a difference.
18 Q. Well, since there are only 14 students in Alanreed --
19 I don't guess there are any big towns there, are
20 there?
21 A. No, sir, not big towns. About like Yellow Dog.
22 Q. I guess it's fairly obvious -- I suppose they got
23 themselves a school superintendent for those 14
24 people in Alanreed?
25 A. I believe they do. We could check the public school

1 directory and find out. They had one in past years.
2 Q. Well, according to my calculations, they paid out
3 $66,000.00 annually for administration, so at least
4 they've got somebody that's drawing down a salary.
5 A. I would think so.
6 Q. And I guess if we were to strike a proportion in
7 terms of your salary to the number of students in the
8 Carrollton-Farmers Branch, and draw the same
9 proportion of the number of students in Alanreed to
10 that salary, we would get a pretty inefficient
11 looking ratio, wouldn't we, at Alanreed?
12 A. Yes, we would. But if that's the only criterion, you
13 would with my salary and Houston's salary or Dallas'
14 salary.
15 Q. Right. Well, does it make a lot of sense to have a
16 school superintendent sitting on top of 14 students?
17 A. There's a good possibility that school superintendent
18 teaches and does the superintending on the side. I
19 cannot testify to that, but in operations like that,
20 that's usually the case.
21 Q. Well, they've got -- you don't know whether they do
22 or not, is that right?
23 A. I don't know whether they do or not what, Mr.
24 Richards? I don't understand --
25 Q. You don't know whether that's true or not that he

1 does both? Because they spend about 80 or $90,000.00
2 on teachers out there for those 14 people.
3 A. In this particular case, because of the wealth of the
4 district, he may not. But it is very common in small
5 school districts for the superintendent to teach
6 classes and very often drive buses.
7 Q. Pretty high priced bus driver.
8 A. But they do that.
9 Q. You made some allusion in your testimony about the
10 size of your high school, tell me how many high
11 schools you have?
12 A. We have two.
13 Q. What's the typical size of it -- or what are the
14 sizes of these two high schools?
15 A. One is just under 2,000, the other is about 20 --
16 between 25 and 2,600.
17 Q. Are there any studies that you subscribe to, that
18 suggest what is the desirable size of a high school,
19 in terms of efficiency, with either -- with respect
20 to money or educational input?
21 A. I do not have a study on that that I could refer to,
22 Mr. Richards.
23 Q. And do you have an opinion?
24 A. I'm sure that there are some studies that have been
25 done. That is usually an opinion -- the size of the

1 school district, basically, is dependent upon the
2 size that a community wants.
3 Q. No, I didn't say size of district, I said size of --
4 I'm sorry --
5 A. Size of the high school is dependent --
6 Q. The population --
7 A. Yeah.
8 Q. I didn't know whether you had some figure you thought
9 was an appropriate size for a high school in terms of
10 efficiency. You've elected 2,000 or 2,500 as being
11 what you think is the best, is that right?
12 A. Right, we think that's a good size. I think you
13 could get a variety -- we look at Midway, and I've
14 forgotten -- didn't he say he had about 1,300
15 students in that?
16 Q. I think that's about right.
17 A. I would hate to say that's not an efficient and
18 effective high school, because their track record is
19 so good.
20 Q. Uh-huh.
21 A. There are people who will place arguments. I don't
22 have a figure, no, sir.
23 Q. That's really what I asked you.
24 With respect to Valley View, just tell me what
25 the staffing there is, would you -- the Valley View

1 project? Do you have normal staffing there or what
2 do you have?
3 A. We have a principal, a secretary, a counselor, and
4 then I can't tell you the number of teachers, we have
5 several. It is in proportion --
6 Q. Okay.
7 A. -- to what our high schools are, because they report
8 back to me. I can't give you the exact figure. But
9 it's a cost-effective operation, it is not an
10 expensive operation.
11 Q. I understand you felt that. But you do have a
12 principal and a counselor assigned, is that correct?
13 A. Yes, we do.
14 Q. And then sort of a normal staffing ratio of teachers
15 to students?
16 A. Yes, sir.
17 Q. Okay.
18 MR. RICHARDS: I pass the witness. And
19 could I be excused, Your Honor? I have a commitment.
20 THE COURT: Yes, sir.
21 RECROSS EXAMINATION
22 BY MR. KAUFFMAN:
23 Q. Dr. Long, we heard you testify about some changes in
24 district lines throughout the state, and I think one
25 of the ones you mentioned was the Stafford district,

1 is that right?
2 A. Stafford Municipal School District in Fort Bend
3 County, yes, sir.
4 Q. And I think you said that one of the reasons a
5 district like that would want to form their own
6 district was pride of ownership, and to want their
7 own schools and their own environment, that sort of
8 thing, is that right?
9 A. Yes, I'm not a historian that can tell you exactly
10 why that happened in Stafford. That's usually the
11 case, and I believe that's true in Stafford.
12 Q. Do you recall that it was Stafford that wanted to
13 remove itself from the Fort Bend ISD? Is that what
14 happened down there, do you recall that?
15 A. Yes, sir, I believe that's correct.
16 Q. If we could look in the Bench Marks, do you have one
17 up there?
18 A. I don't believe I do.
19 Q. Let's look at Page A-11 -- that's in Fort Bend
20 County, right next to Houston, isn't it, Stafford?
21 A. Yes, it is, it would be in Region Four.
22 Q. On Page A-11 of the Bench Marks, I've underlined
23 those two districts with their wealth. And are you
24 surprised to see that the Stafford district, the new
25 district of Stafford, now has pride of ownership in

1 their own school, and also has $815,000.00 of
2 property per child in that district?
3 A. No, I'm not surprised.
4 Q. And they have left Fort Bend with $226,000.00
5 property per child?
6 A. Not surprised at all, Mr. Kauffman.
7 Q. So, an additional advantage to their deconsolidation
8 was, they now have a lot more wealth in their
9 district than they did when they were combined with
10 all of those people in Fort Bend, is that right?
11 A. Yes, sir, and their actions precipitated, at least
12 it was what was said precipitated a change in the
13 law, where this is no longer possible.
14 Q. You spoke some about portable buildings and you
15 looked at some pictures of portable buildings in
16 Arlington. Have you had a chance to see all of the
17 portable buildings in the Brownsville ISD?
18 A. No, sir, I haven't been in Brownsville ISD. I cannot
19 attest to the quality of what they're building, and
20 so forth.
21 Q. So you did not mean by your testimony about
22 portables, to say that you're aware of the quality of
23 portables in all of the districts -- let's say in the
24 Valley, for instance, is that right?
25 A. No, I'm not. I do not know the quality of the

1 portables in the Valley.
2 Q. Okay.
3 A. I can only talk about those I've seen.
4 Q. Okay. And the ones you've seen, I guess, have been
5 Carrollton-Farmers Branch portables, are those the
6 ones you've seen?
7 A. And I have seen portables in Richardson and in
8 Arlington.
9 Q. Okay.
10 A. And over the years, in many other districts -- I
11 can't -- they're so common in the state, that I can't
12 remember where I -- where I have seen them, but...
13 Q. We were talking, also, about the quality of education
14 students might receive in these portables. Again,
15 are you aware of any studies that have shown that
16 your students who went to education in the portables
17 did as well as the others, or worse, or better than
18 the others?
19 A. No, I cannot give you a study on that.
20 Q. Okay. And similarly, I'm sure you're not aware of
21 any national study that says that kids who go to
22 school in portables do as well as, or better than, or
23 worse than any other kids in the state?
24 A. No, I do not know of that.
25 Q. Okay.

1 A. That statement is just based upon experience in our
2 districts in talking with other superintendents who
3 have portables.
4 Q. Do you feel that as a general matter, the experience
5 of a superintendent in conducting the educational
6 program in a district, would give them a background
7 to make conclusions about the quality of their
8 educational offerings and what factors would affect
9 those educational offerings?
10 A. I'm not trying to avoid the question. Would you be a
11 little more specific? And I certainly will try to
12 answer that.
13 Q. Okay. Well, first of all, did you understand the
14 question? I guess you didn't.
15 A. No, I don't believe I knew -- if you're asking, do
16 superintendents have an appreciation of what occurs
17 in their district, I'd say the vast majority of
18 superintendents do. I can't testify for everyone,
19 but the ladies and gentlemen that I have the
20 privilege of conversing with, and I talk to and ask
21 -- yes, I think they're very cognizant of what's
22 going on in their district.
23 Q. And based upon your testimony on many different
24 issues here, today, I think you do feel that as a
25 superintendent, as a trained educator, you can come

1 to conclusions, based on your experience in
2 conversations, about the quality of education that
3 your district can offer, is that right?
4 A. When I look at that, and I also look at test scores
5 and national competitions, statewide competitions,
6 things of that nature, I believe it does give me, at
7 least, an indication of where we are. That's all the
8 information that is available to us.
9 Q. And do you feel that you and other superintendents
10 can, then, come to some conclusions on what factors
11 in their districts enable them to provide a better
12 education, or a worse education, for the kids in
13 their districts?
14 A. I think we have some opinions, but I think our
15 opinions have to be subservient to what research
16 says, if there's research in those areas.
17 Q. You also offered several opinions on the effect of
18 consolidations, or the effect on community spirit of
19 consolidating districts and whatever. And again, you
20 don't have any studies, you can't quote us any
21 studies, you're not aware of any studies on those
22 issues, either, are you?
23 A. No, sir. It is based upon -- I believe I said my
24 opinion, and based upon my experiences.
25 Q. Okay. Dr. Long, is it my understanding that each

1 year, your district, as well as other districts in
2 the state, send to the State Property Tax Board some
3 information on your local tax rolls, is that right?
4 A. Yes, sir, that is correct.
5 Q. And that is, of course, sent yearly to the State
6 Property Tax Board. And I would like to show you
7 that information for your district, for the '85
8 property value study and the '86 property value study
9 of the State Property Tax Board, and direct your
10 attention to the total taxable value of your
11 district. Do you see those figures?
12 A. Yes, sir. Which figure are you referring to, and
13 I'll be happy to respond.
14 Q. If we can look at the '85 property value study, does
15 that show that the total taxable value of your
16 district, after you have taken off value lost to
17 productivity, evaluations and other exemptions, as
18 reported by your district was, for the 1985 year,
19 $6,144,000,000.00, is that correct?
20 A. Yes, sir, that is, if I understand this. If I'm not
21 mistaken, as I was earlier this morning, that is a
22 figure that was given to us by the Dallas County
23 Appraisal District.
24 Q. Okay.
25 A. And reported by our district, then in turn, to the

1 State Property Tax Board.
2 Q. Okay. But that is what your district sent to the
3 State Property Tax Board, which is your district's
4 statement on what the taxable property in your
5 district is for that year, is that right?
6 A. Yes, sir, it appears that's the amount.
7 Q. Okay. And if we can look on the '86 property value
8 study, is there a comparable figure on the '86
9 property value study of $7,009,188,000.00, is that
10 correct?
11 A. Yes, sir, that is correct.
12 Q. I'm going to go ahead and read these while I'm going
13 over the board, but for 1986, the property value that
14 you people, Carrollton-Farmers Branch, to tax, was a
15 little bit over $7 billion, is that right?
16 A. Yes, sir, for 1986.
17 Q. And in 1985, the property that the people in
18 Carrollton-Farmers Branch could tax was
19 $6,144,445,836.00, is that correct?
20 A. Yes, sir, that's the figure that's written here.
21 Q. Okay. I mean, is that the amount of taxable property
22 that the Carrollton-Farmers Branch had in '85?
23 A. From memory, I can't tell you -- I wasn't doubting
24 that --
25 Q. Okay.

1 A. These figures, I -- I have no argument with. I'm
2 agreeing with you.
3 Q. Okay. And if you'll go along with my math, or if
4 someone wants to check me, I get an increase in
5 property value between the '85 year and the '86 year,
6 of $854,742,223.00. Okay. Does that look about
7 right?
8 A. Yes, sir, it appears about right.
9 Q. Now, we've talked about different tax rates for this
10 district, but you've mentioned a 76 cent tax rate of
11 $100.00 of property as your tax rate, is that right?
12 A. That's a true tax rate.
13 Q. True tax rate. And that's for the -- what, '86-'87
14 school year?
15 A. Yes, that would be for '86-'87.
16 Q. All right. At that tax rate, my computation is that
17 your district will be able to raise an additional
18 $6,500,000.00, is that correct?
19 A. I don't know, but you've already figured it out, and
20 we haven't found your figures faulty, I'll buy off on
21 that.
22 Q. So if my math is correct, and the figures that you've
23 testified are correct, then at the tax rate that the
24 Carrollton-Farmers Branch had for the '86-'87 school
25 year, you could raise an additional $6,500,000.00 of

1 local taxes without an increase in tax rate, is that
2 correct?
3 A. Yes, if these figures are correct.
4 Q. Dr. Long, when you were talking about -- I think you
5 were making a comparison of various districts and
6 parents, and talking about different districts having
7 different approaches to education, and people in
8 different districts having different approaches to
9 education, do you recall that testimony?
10 A. I referred to that earlier, yes, sir.
11 Q. Okay. And I think you said that people in one
12 district might have one approach to education, and
13 people in another district have another approach to
14 education, and that those opinions should be
15 respected by the state, through local control, is
16 that right?
17 A. As much as possible. I have not said that that
18 should be totally independent of the state. I have
19 said that we should have a minimum of a basic
20 education which is required by the state, and that we
21 -- and that that be offered -- and we do, by the way.
22 So, yes, I'm for a variety of experiences in
23 different districts, but not to the detriment of
24 communities. So there have to be some standards --
25 basic standards set by the state, and they've done

1 that.
2 Q. You did not mean to say in your testimony, though,
3 that people -- parents in poor districts have any
4 less of an interest in sending their kids to college
5 than people in rich districts do, did you?
6 A. I believe, if you'll remember my testimony, I said
7 that in every district there are parents who care
8 about their children, and I will reemphasize that.
9 If there was any misunderstanding about that, let me
10 clear it up at this time. I believe I repeated --
11 not only did I say it, but I repeated that, and I'll
12 say that again. They do care.
13 Q. When you said there are parents -- I mean, as a
14 general matter, though, the community attitudes in
15 another district in the State of Texas -- for
16 example, Wilmer-Hutchins -- you're certainly not
17 implying that parents, as a group, in Wilmer-Hutchins
18 have any less interest in sending their kids to
19 college and giving them a broad curriculum than the
20 parents in your district?
21 A. I'm not in a position to know that the program that's
22 offered in Wilmer-Hutchins offers them an opportunity
23 to go to college, if they want to. By answering
24 that, I would not want to leave the impression that
25 any school district in the State of Texas that's

1 accredited provides the opportunity for a youngster
2 to get the learning necessary to enter college. So
3 any -- that's available in every school district in
4 the State of Texas. Either that, or our schools are
5 not in compliance with the law.
6 Q. Well, you're certainly aware that the University of
7 Texas has a three-year foreign language requirement
8 to get in, and a lot of universities, all around,
9 have three-year foreign language requirement to get
10 in, are you aware of that?
11 A. I certainly am, yes, sir.
12 Q. You were not here, I guess, when the superintendent
13 from San Elizario testified that he had no foreign
14 language program. He couldn't afford to put one on?
15 A. First of all, I --
16 Q. Excuse me, you were not here, then?
17 A. No, sir.
18 Q. Do you have any reason to dispute his testimony that
19 he does not have a foreign language program and
20 cannot afford to put one on?
21 A. I would not be in a position to dispute that, but I
22 do not understand why a foreign language program
23 would cost any more in his district than it would in
24 any other districts, but I don't know. You either
25 serve those students in a foreign language program or

1 you serve them in some other class. I don't -- I
2 don't see -- language classes are not expensive
3 classes like vocational classes, for instance, or
4 special ed classes. I don't understand the reasoning
5 behind that, but then, I don't have all of the facts,
6 so I would not want to refute what he's saying.
7 Q. When you talked about education with Mr. Turner, you
8 mentioned willingness to support a school as a very
9 important factor, the willingness to support a school
10 by the parents in that district, is that right?
11 A. Yes, sir.
12 Q. Okay. And you mentioned some factors -- you
13 mentioned dollars, and commitment, and expectations
14 were three of the factors that I wrote down, do you
15 remember that?
16 A. Yes, sir.
17 Q. Were you here when Mr. Moak testified that the tax
18 rates in the low wealth districts are, on average,
19 higher than the tax rates in the high wealth
20 districts?
21 A. No, sir, I was not here.
22 Q. You were not here when he testified there's about an
23 eight cent difference -- that the low wealth
24 districts pay about eight cents higher?
25 A. No, sir. If Mr. Moak put that into the record, I

1 would not want to argue with Mr. Moak.
2 Q. And again, you're certainly not questioning, in any
3 general manner, the commitment or expectations of
4 parents in low wealth districts versus the commitment
5 and expectations of parents in rich districts, are
6 you?
7 A. No, I'm not.
8 Q. You also testified that a system that would send most
9 of its money to the state, and then be redistributed
10 to the districts, would be an inefficient system as
11 far as education is concerned; do you recall that
12 testimony?
13 A. Yes, and I said that was an opinion of mine.
14 Q. Sure. And again, that's certainly not based on any
15 study of various districts, or states, in their
16 efficiencies or inefficiencies, as compared to the
17 distribution of funds, correct?
18 A. No, there's only one state, that I know of, that's
19 doing that, and that's Hawaii. And it's a statewide
20 system. And it's not generally respected in the
21 nation as an outstanding way to run a public school.
22 Q. Do you want to tell us what studies you're basing
23 that opinion on?
24 A. No, I don't know. I just -- from reading, and
25 conversations, and their results of their national

1 testing. And I believe we heard testimony in the
2 trial to -- have heard testimony in trial to that
3 effect.
4 Q. But beyond Hawaii, which is one district, there is
5 some variety in the states about the percentage of
6 money that the state pays versus the percentage of
7 money that the locals pay, is that right?
8 A. Yes, sir, we've had testimony to that effect here.
9 Q. And when you stated your opinion on these matters,
10 you were basing this is on your, sort of, gut
11 feeling -- not on the studies you have studied, or
12 the research you've done, or anything like that, is
13 that right?
14 A. Well, you know, you can read studies in years past,
15 develop a conclusion, and not, on the stand, be able
16 to go back and redo, immediately, the names of the
17 people who did that. And so yes, it's based upon
18 study of this. And no, as a witness, I am not an
19 expert witness in this area. I could not -- I could
20 not provide you with the names and the dates of the
21 studies.
22 Q. You've talked about Las Colinas a little bit, and Las
23 Colinas is a project -- a large commercial
24 development that's in your district and several
25 others, is that right?

1 A. Yes, sir.
2 Q. And I assume that you're going to be willing to say
3 from the stand, today, that you would have no
4 objection if Las Colinas wanted to form its own
5 school district, take its property away from your
6 district and those other districts, and form its own
7 district. You will tell us under oath, today, you
8 have no objection to that, won't you?
9 A. I have objection to anyone who would come in and
10 disrupt our school district. And that would be very
11 disruptive.
12 Q. Be disruptive to your tax base for sure.
13 A. It would be disruptive, period. In the long run, I'm
14 not sure that it would be efficient -- when we lose
15 tax -- when we lose tax value, the state is going to
16 step in and give us some help, so it's -- it wouldn't
17 be a matter of just as if this money were going to
18 disappear. If the money does not -- if the value is
19 not on our books, then we've just gone through --
20 here, we've demonstrated that in the State of Texas,
21 that there is an equalizing system under House Bill
22 72 that would at least give us partial reimbursement
23 for that loss. But the loss, not only of dollars,
24 would be the problem. The disruption that comes with --
25 to the district, would be the thing. No, we're not --

1 but I'm waltzing around that one, it appears -- let
2 me come back and make sure I answer that -- no, I am
3 not anxious to give away value. That would be -- I
4 don't know of any superintendent who would -- who was
5 carrying out his responsibilities, that would be
6 willing to say that they wanted to give away value.
7 MR. KAUFFMAN: I pass the witness, Your
8 Honor.
9 REDIRECT EXAMINATION
10 BY MR. R. LUNA:
11 Q. Dr. Long, I'm going to stick my neck out here for a
12 minute and ask you a few questions about some
13 photographs. I think you can see them from your
14 chair there. I'm going to hold them up here for you.
15 A. Okay.
16 Q. I'm going to show you these photographs, and I'm
17 going to read to you from an accreditation report.
18 The first photograph I'm going to show you is -- and
19 these are all Plaintiffs' Exhibits, is from what's
20 been marked Plaintiffs' Exhibit 305-L. I'm going to
21 read to you from an accreditation report. "Ceiling
22 tiles are missing in the vocational area. There are
23 ceiling leaks in the clerical practice's room and in
24 the chemistry storeroom."
25 I'm going to show you Plaintiffs' Exhibit

1 308-E, and read from the rest of the report in
2 regards to a junior high school. "Some work is
3 needed in the girls' restroom in the B wing. There's
4 a broken bar on the stall. A door needs to be
5 replaced, and locks on doors needs to be replaced."
6 In another elementary school --
7 MR. GRAY: Excuse me, but I think you just
8 showed them a picture of a mens' restroom and read
9 about a girls' restroom. Was that intended?
10 MR. R. LUNA: Well --
11 MR. GRAY: Unless they're putting urinals
12 in ladies' restrooms.
13 MR. O'HANLON: They all put their pants on
14 one leg at a time.
15 MR. R. LUNA: Thank you. Thank you very
16 much.
17 BY MR. R. LUNA:
18 Q. In regard to Plaintiffs' Exhibit No. 309-D, "Main
19 hallway is difficult to clean, because of its cement
20 rock texture. The floor is also difficult to walk
21 on."
22 And I'm going to show you Exhibit 311-J, and
23 read to you from another elementary school. "Water
24 and plumbing work are needed in the girls' restroom
25 and for a water fountain."

1 And finally, Plaintiffs' Exhibit 305-R, this
2 looks like a chair with a weld on it, and read to you
3 from another elementary school. "There are rips in
4 the carpet, broken light covers in a portable
5 building, a big hole in the wall in the boys'
6 restroom, and broken chairs and clutter in the aid's
7 classroom."
8 And in this last picture I'm going to hold up,
9 is 305 -- looks like W, looks like a classroom with
10 some clutter in it.
11 Now, I've shown you some pictures that the
12 Plaintiffs have put in evidence before this Court of
13 conditions in the Plaintiffs' school districts. Do
14 you know whose accreditation report I'm reading from?
15 A. It sounds very familiar.
16 Q. It ought to, it's yours.
17 MR. KAUFFMAN: What year is it?
18 Q. Let me ask you to identify that, if I could, please?
19 A. This is a letter addressed to Dan F. Long,
20 Superintendent, Carrollton-Farmers Branch Independent
21 School District, May 23, 1985.
22 MR. KAUFFMAN: Excuse me, Your Honor. I
23 think there are two accreditation reports, together,
24 is that from the '85, or the -- what you're reading?
25 Q. Would you read the date again?

1 A. The letter was addressed May 23, 1985.
2 Q. There is an accreditation report which has been
3 introduced into evidence by the Plaintiffs, but I
4 don't believe it's from Carrollton-Farmers Branch, or
5 of that date.
6 MR. R. LUNA: And at this time, we would
7 like to have the court reporter mark this as
8 Plaintiff-Intervenors' Exhibit No. 51. (sic)
9 (Defendant-Intervenors' Exhibit No. 51 marked.)
10 MR. R. LUNA: We move for admission of this
11 exhibit, Your Honor.
12 MR. KAUFFMAN: No objection.
13 THE COURT: It will be admitted,
14 Defendant-Intervenors' 51.
15 (Defendant-Intervenors' Exhibit
16 (No. 51 admitted.
17 BY MR. R. LUNA:
18 Q. Dr. Long, even though you have some new facilities,
19 it's entirely possible, and in fact, the
20 accreditation team has written your district up as
21 having those particular conditions within your
22 so-called wealthy district, and had you gone around
23 and taken pictures of those, those could have been
24 presented to the Court as well as pictures from the
25 front of your brand new administration building,

1 couldn't they?
2 MR. KAUFFMAN: Your Honor, I object on
3 speculation. There's no proof that these things
4 haven't been corrected by Carrollton-Farmers Branch,
5 whether they're still there today, or two years after
6 the accreditation report, or not.
7 MR. R. LUNA: Oh, I hope they have been
8 corrected by now. I don't argue with Counsel, but I
9 don't think that's a proper objection.
10 THE COURT: All right. Overruled.
11 BY MR. R. LUNA:
12 Q. Counsel has also asked you that while you said you
13 were familiar, generally, with portable buildings,
14 you know what they look like, they pretty much all
15 look the same all over the state, but you said you
16 hadn't seen the portables in certain districts that
17 they represent. I don't know specifically what
18 districts he mentioned, but I happened to look
19 through the photographs and there are some pictures
20 of portables of the Plaintiffs' buildings. And I
21 hand you, now, what's been introduced into evidence
22 as Plaintiffs' Exhibit 303, in south San Antonio, and
23 it's marked, it looks like, Athens Elementary, B22.
24 Would you describe what you see in that picture?
25 A. These buildings look very much like the buildings

1 that we have. There is an air conditioning unit on
2 it and heating unit on the outside. These look as
3 though they're double units, rather than single
4 units, such as we have. These are -- once again,
5 just looking from the photograph here, from the
6 outside, looks as though they're in similar quality
7 as to the ones that are in Carrollton-Farmers Branch
8 Independent School District. They're attractive
9 buildings.
10 Q. Would you call those ugly?
11 A. No, sir, I would not.
12 Q. Do they look old and dilapidated to you?
13 A. No, sir, they do not. They look like fine buildings.
14 We have buildings like that in Carrollton-Farmers
15 Branch and are pleased with them.
16 Q. Now, let me hand you a picture of a portable building
17 -- or a picture of the Brownsville Independent School
18 District, which is marked 307-C, and ask you if you
19 can identify that or tell us what it looks like?
20 A. These look like portable buildings. I -- the
21 drainage doesn't look very good here, looks like
22 somebody fell down, as far as management goes, on
23 engineering, to control the drainage. But there's
24 not anything wrong with those buildings. Their
25 designs are a little bit different than ours, but

1 that's an architectural difference. This is the
2 front side, so I can't -- doesn't indicate -- I can't
3 see anything here that indicates a heating system, a
4 cooling system, but there's not anything wrong with
5 those buildings. And there are concrete walkways up
6 there. It just looks as though somebody didn't do a
7 proper engineering job, there, so the water will
8 drain off.
9 Q. All right. So all portable buildings, you've said
10 earlier, are essentially the same, that the State of
11 Texas uses, is that right?
12 A. They're not vastly different.
13 Q. Okay.
14 A. Now, let me add to that. Maintenance and care -- if
15 you don't paint them, you don't care for them, you
16 don't replace a roof or a window when it's broken,
17 they can be trashed, there's no question about that.
18 Q. And if you don't pick up the trash on the floor, it
19 can make a photograph look kind of bad, can't it?
20 A. Yes, sir, it can.
21 Q. That's just common maintenance?
22 A. Yes, sir.
23 Q. And Dr. Long, you mentioned once, earlier, that you
24 got to move those buildings right when you move them.
25 How do you move a portable? Do you hook a pickup on

1 the end of it with chains and drag it around your
2 campus, or what do you do?
3 A. No, sir, we -- when it's necessary to move, we have a
4 person, who is in the business of moving, come in,
5 and they put large steel I-beams under it, place it
6 on wheels, pick it up and move it. And we've moved
7 buildings a number of times in our district. Then
8 place them on a proper foundation. Not an expensive
9 foundation, just a proper foundation. And that --
10 those buildings can be moved several times in the
11 life of a building without materially damaging them.
12 Q. But if you don't move them properly, what's going to
13 happen to them?
14 A. Oh, you could do real damage to the building. You
15 could -- you could twist it in movement, causing
16 breaks in the structure. It's easy to -- they're
17 relatively easy to move, and that's why they're
18 called portables. If they weren't, we wouldn't be
19 moving them. And hundreds of other school districts
20 in the state wouldn't be, either, but they have to be
21 moved and moved properly.
22 Q. Thank you.
23 MR. R. LUNA: Pass the witness.
24 MR. TURNER: No questions.
25 MR. GRAY: Nothing.

1 MR. KAUFFMAN: No, sir.

2 EXAMINATION

3 BY THE COURT:

4 Q. Sir, do you know if in figuring how much money you do
5 or do not receive from the state, the price
6 differential index is used to help determine how much
7 you do or don't receive from the state?

8 A. I believe it is used to determine that. In my
9 testimony to the group, I was saying we have to
10 realize that the amount that we get is rather small,
11 so it's not significant. If it were applied to a
12 large amount, it certainly would be, but...

13 Q. Do you know how much you have to pay teachers, as
14 opposed to some other school district, is that a
15 factor in the price differential index; do you know?

16 A. Yes, it is.

17 Q. Okay. Now then, let me ask you this; I think -- I
18 believe that there's been testimony that students
19 that come from communities where there is a high
20 interest on the part of the parents to see that the
21 children are properly educated, those children do
22 better than from -- than children from districts
23 where that is not the prevailing mores?

24 A. Yes, I think we can generalize and say that's
25 correct.

1 Q. Okay then. Well, if we can identify those districts
2 where the parents don't put a high priority on
3 education, through one reason or another, what do you
4 think the obligation of the state is to those
5 particular children?
6 A. Your Honor, it would be very difficult to identify a
7 district where that was the case. In order to select
8 that district and hold them up before the State of
9 Texas and saying that this district does not consider
10 education, or higher education, important. I don't
11 know that --
12 Q. No, no, -- okay.
13 A. I'm sorry.
14 Q. You --
15 A. Maybe I didn't understand the question, sir.
16 Q. Well, I may have put the question not very well. But
17 it seems like there are pockets of population in the
18 state where you have, generally speaking, low income
19 parents, parents with not good educational
20 backgrounds, that probably do not emphasize the need
21 for education on their children, nor show an interest
22 in that, to the same extent as other districts, and
23 don't, perhaps, participate with the children at
24 home, as in other districts. And as I understand it,
25 this is a substantial factor in how well students

1 achieve -- at least on the tests -- in school. So,
2 if those districts exist, then my question is, what
3 is the state's obligation to those particular
4 children in those districts -- in that type of
5 district?
6 A. Your Honor, I do not have a total solution to that,
7 but let me mention one or two things that are a
8 possibility. First of all, our present state board,
9 in its long-range plans, in -- one of its long-range
10 goals, the involvement of parents. And there may be
11 some skills lacking among the administrators and
12 teachers in the state that we can improve.
13 Q. Okay. Do you, in your district, have a department
14 that tries to teach parents how to be good parents of
15 children in school?
16 A. We do not have a department, sir. We do have this as
17 an item for training for teachers, and especially,
18 administrators. And then we, working with the PTA,
19 offer programs in the evening, and we're -- but we do
20 not have a separate department for that.
21 Q. Yeah. Well, it seems to me like that it might be to
22 everybody's benefit if parents were exposed to some
23 school, themselves, in the sense that they can be
24 exposed to statistics that show how many hours
25 students spend in front of the TV set, and what

1 that's likely to do to them. And to encourage and
2 show statistics, or anything else you want to show,
3 that if parents will spend half an hour a day, 45
4 minutes a day in the evening time, reading or
5 writing, or doing whatever, how much that helps the
6 child. And/or show the parents some things that they
7 can do with their children in hours that the children
8 are not in school, perhaps in the summertime, perhaps
9 even that are free in the community, that they can do
10 that will broaden the experience of those students.
11 Now, is there any organized way of getting the
12 parents in your school district -- to expose the
13 parents to that sort of -- those sorts of ideas, or
14 to put that kind of motivation in them?
15 A. We have programs for parents. But once again, it's
16 difficult. Those parents feel less comfortable in
17 the school than the parents who are highly motivated.
18 So we have difficulty getting them there.
19 Q. Okay.
20 A. We send the information home with students outlining
21 this. We're looking at a program that's been
22 developed in Texarkana, Arkansas, now, to help the
23 parent from -- the less-educated parent. We're also
24 looking at a program that was developed in Israel
25 that also, by chance, is being used by the State of

1 Arkansas, because Israel has a number of immigrants
2 into their country. They've attacked that problem.
3 It appears they've been rather successful in meeting
4 some of the needs of these parents who are -- I want
5 to choose my words carefully, now. These are loving,
6 caring parents, but they're not always educationally
7 equipped to help their children as well as
8 middle-class people. And so they have attacked this
9 problem, and the State of Arkansas is working with
10 the country of Israel, and our staff is now looking
11 at that as a possibility. We're looking at it. But,
12 Your Honor, I do not have a panacea for this, or even
13 a good idea. We're looking for approaches to work on
14 this problem.
15 Q. Okay.
16 A. I'm not sure I answered --
17 Q. No, I think --
18 A. -- what's the state's responsibility.
19 Q. No, you -- well, you didn't answer that question,
20 that's true. What is the state's responsibility?
21 A. I think the state's responsibility is to pursue
22 materials and practices as we have. And to have this
23 as a high priority. Until recent years, I don't
24 think it has been a high priority. But with the
25 state board we have now, it is a high priority to get

1 parents involved with teachers and administrators,
2 and welcoming them into the schools so that they feel
3 a part of it. It's -- that -- it is a responsibility
4 of the state to push us to develop programs at the
5 local level that would involve parents and that will
6 bring these people into the school so that they feel
7 a part of that. And to develop programs, such as the
8 ones I described a moment ago, not just in our
9 district, or a few districts, but across the state.
10 Beyond that, I have no other solutions.
11 Q. Okay. Do you spend more per ADA than the average
12 school district?
13 A. In the State of Texas?
14 Q. Yes.
15 A. Yes, sir, we do.
16 Q. Do you believe, as some of these experts have
17 testified in my Court, that there's not a direct
18 relationship between the amount of money spent on a
19 student, on an ADA basis, and there's not a direct
20 relationship between that and how well they score on
21 these tests, do you believe that?
22 A. Your Honor, it's very difficult for me, as a
23 superintendent, who is working in a school district
24 that has higher than state average, to say this. But
25 if I look at the figures that have been done in

1 studies across -- not only this state, but across the
2 nation, it would indicate that the efficiency with
3 which money is used has a greater determination of
4 results than the amount of money that's used. And
5 when I say that, that has to serve as somewhat of an
6 inditement to Carrollton-Farmers Branch, in my
7 operation, in my responsibility. Frankly, I've got
8 to go back home and spend some time looking very
9 closely at some operations that are producing good
10 results with less dollars. And I've got to answer
11 that -- I've got to be in a position to answer that,
12 to you, and to the state, and to my own taxpayers.
13 But evidently, from all the studies that were done,
14 it's not dollars directly correlated with
15 performance, rather, it's other factors in the school
16 district rather than just dollars.
17 Q. Uh-huh.
18 A. I say that with a great deal of discomfort because of
19 my particular position.
20 Q. Well, the lawyers for the Defendant, as well as the
21 Defendant-Intervenors', have urged before this Court,
22 that the idea that the state, through its program,
23 offers all of the students an adequate, minimum
24 program. And if you combine that idea with the fact
25 that -- and let's assume, for a moment, that that

1 minimum program is enough -- if proper methods are
2 used, so that all the students would test out about
3 the same, then anybody that's spending more than the
4 minimum is spending too much. And there are a lot of
5 districts spending more than the minimum, such as
6 you.
7 A. Yes, sir.
8 Q. Well, then the question is, well, why are you
9 spending more than the minimum? What are you getting
10 for spending more than the minimum?
11 A. Well, spending more than the minimum, we're getting
12 teachers in a higher cost area at a --
13 Q. That's already calculated in the PDI.
14 A. But the PDI doesn't come to our district only. But
15 it -- but once again, Your Honor, it doesn't -- it's
16 calculated based upon a -- what would be necessary to
17 offer a minimum program. And I am stating that
18 we're, for teachers' salaries, alone, we're paying
19 more than the minimum that would be calculated by the
20 state.
21 Q. Let me put it a different way. What advantage is
22 there to your students, or to your teachers, for you
23 to spend more than the minimum?
24 A. I cannot justify the extra expenditure for student
25 performance on reading, writing and arithmetic.

1 There are other experiences that youngsters get which
2 are not basic. And we have more teachers than other
3 districts have because our people want them and are
4 willing to pay for them.
5 Q. Okay. What experiences do students get with that
6 extra money that are not basic, that you think are
7 beneficial in your district?
8 A. That would be a matter of opinion, Your Honor.
9 Q. That's okay. Listen, I've had plenty of opinions in
10 this place. I want your opinion. That's what I'm
11 looking for.
12 A. I doubt, very seriously, if we could justify from a
13 dollar standpoint some of the programs that are --
14 special programs that are offered, extracurricular
15 programs that are offered. I'm not diminishing
16 extracurricular programs, that possibly could be done
17 for less money. But we're caught in a competitive
18 situation, where if Plano and Richardson, and Irving
19 do these things, why is my child not having an
20 opportunity to do that? Why should they not have
21 certain opportunities?
22 Q. Okay. All I'm wanting to know is, what are those
23 opportunities?
24 A. Well, that would be --
25 Q. Name them.

1 A. That would be extracurricular activities.
2 Q. Like what?
3 A. The athletic programs, the choral programs, the band
4 programs, we have just bought new band uniforms.
5 Q. Do you have a debate team?
6 A. We've got a debate team.
7 Q. Got a teacher-coach for the debate team?
8 A. Yes, we do, yes, sir. But I would not -- if a debate
9 team is handled properly, and I'm not sure we handle
10 it properly, I hope we do -- I would not see that as
11 one of the frills that we would want to take away
12 because there are definite benefits there.
13 Q. Okay. Other benefits, do you have teachers that help
14 the students in these UIL competitions -- have all
15 kinds --
16 A. Yes, we do. Yes, we do. We have teachers who work
17 on that.
18 Q. Tell me what other benefits your students get with
19 that extra money that you spend, besides what you can
20 -- if you can think of any others, tell me what they
21 may be. I'm trying to get you to justify spending
22 more money than that amount.
23 A. I told you, when I started, sir, to be perfectly
24 honest, it's rather difficult to do. The benefit
25 comes, primarily, to what is perceived by the

1 community as a benefit --
2 Q. What does a community perceive as a benefit, then?
3 A. Well, they perceive being in a position to compete in
4 extracurricular activities, to provide opportunities
5 for youngsters, to have equipment, and I was starting
6 to mention -- band uniforms, for instance, that's
7 nice to have. I don't see how a new band uniform --
8 and certainly, our band uniforms are very similar in
9 quality and age to those in surrounding districts.
10 And I do not see how that can be directly related to
11 performance. I do not say that I'd want to do away
12 with band. I think there are some good experiences
13 in band. I think the arts are important in the
14 public schools. But there are a series of things
15 like that. But the cost of teachers, and the number
16 of teachers which the community believes there's a
17 correlation -- but we can't, according to the
18 studies, find a correlation -- that's the thing that
19 really ups the cost of operation.
20 Q. Okay. Let me ask you -- let's go to class sizes --
21 if you had your druthers, would you rather have a
22 15-person class or a 25-person class, say, in
23 geometry?
24 A. I'd just as well have the 25, Your Honor. If I could
25 reduce it down below 15, I would want to. If we

1 could drop it down around eight to ten, I believe
2 there would be some -- and once again, this is -- but
3 the teacher and the parent would be much happier with
4 15, but I don't know how much productive --
5 Q. Why do you think parents believe that the smaller the
6 class, the better the instruction? Why do you think
7 they believe that?
8 A. Because they have been told that over and over by
9 well-meaning teachers who genuinely believe this.
10 I'm not -- I don't want to be in a position of saying
11 teachers are wanting it soft. They genuinely
12 believe. They have been told -- they, themselves, by
13 their own organization, and they believe that they
14 can do a better job if they have smaller classes.
15 And --
16 Q. Well, why do teachers believe that? Because,
17 obviously, the teachers are seeing the results of
18 their tests?
19 A. We have --
20 Q. There must be something that happens in smaller
21 classes that teachers see or sense, that don't show
22 up on the tests, that make them believe that smaller
23 classes are better; do you think that's right?
24 A. I believe, in my opinion, good teachers honestly
25 believe that they can do a better job with a smaller

1 class.
2 Q. Okay. Now, why do they believe that?
3 A. It's easier on them, for one thing.
4 Q. Okay, it's easier on them. Do you think that they
5 see or sense something that goes on between them and
6 the students that they like, as maybe a possible
7 other reason why they think the students get more out
8 of smaller classes?
9 A. Yes, I think, once again --
10 Q. Okay. What is it, then, that they see or sense
11 that's going on between them and those students in
12 the smaller classes that they like, insofar as it
13 benefiting the students, even though the test might
14 be about the same from a 15-person to a 25-person
15 classroom? What is it that's happening between the
16 teacher and the student that makes those teachers
17 feel like they teach better in smaller classes?
18 A. Your Honor, I do not know.
19 Q. Okay. But you think teachers sense that, they feel
20 that?
21 A. I think they're sincere. I think they're sincerely
22 wrong, sir, and I say that respectfully. We cannot
23 find a reason, in our business, that says that that's
24 true. That is, it's more beneficial to have smaller
25 classes.

1 Q. Okay. Let me go at it this way. Do you think that
2 you've got some teachers in your district that know
3 that the educational test -- the educational research
4 shows that in the 15-person geometry class, you're
5 just as likely to get the same scores in that size of
6 class as in a 25-person. You think there's some
7 teachers that know that?
8 A. Yes, sir. And I believe there are some teachers that
9 accept that.
10 Q. Okay. Do you think that you have teachers,
11 nonetheless, who know of that research, who will look
12 you straight in the eye, and say, "My students get
13 more if I've got 15 as opposed to 35?"
14 A. Yes, sir, I do. They dismiss the research, they do.
15 Q. All right. They dismiss the research. Why do you
16 think they dismiss the research?
17 A. I do not -- I couldn't tell you that, sir.
18 Q. Well then, is it possible that when a teacher is
19 teaching a smaller class, that teacher senses
20 something going on between the teacher and student
21 that they like, as teachers, that doesn't show up on
22 those tests?
23 A. I can't say that that's not true. I have some -- if
24 you would like to hear of this -- they feel more
25 comfortable with a smaller class.

1 Q. Yeah.
2 A. When they're down to that size, the room
3 automatically becomes larger, and they have a
4 different feeling. The room is no longer crowded.
5 Psychologically, it's a different climate for them.
6 Not for the child, necessarily, but for them.
7 There's less homework to grade.
8 Q. Uh-huh.
9 A. There are less problems to deal with.
10 Q. Like what?
11 A. Just interpersonal problems. Johnny has a problem,
12 Susie has a problem, Pedro has a problem. And as we
13 work across these problems, teachers are saying, "Oh,
14 it's just easier. I feel more comfortable with
15 this." But on the other hand, there is no indication
16 that the student is benefiting, that the teacher is
17 benefiting. And frankly, I would have to say, if I
18 had a choice, I don't know why I wouldn't want a
19 smaller class, if I were doing it for myself, than I
20 would a larger class. It benefits the teacher. And
21 I believe the testimony, from the beginning, has
22 always said, the teacher benefits from it, the child
23 does not. And it's very difficult when something
24 benefits an individual to be as objective about it as
25 we would be if there was no difference accruing to

1 us. That's just human nature.
2 Q. Okay. I take it that you want to continue next year
3 and the year after that, at least, with the same
4 amount of money in your budget as you have in the
5 past, say, the past several years. You don't want
6 any cutbacks on you, right?
7 A. No, sir, I can attest to that one without
8 provocation, I would not like to have cutbacks in my
9 budget.
10 Q. So, you obviously think that the money you're
11 spending is doing what you need to do what you want
12 to do?
13 A. Judge, there are political pressures in the district
14 that would make life very uncomfortable. Now, let's
15 get back to human nature, and let's confess while
16 we're here. When you cut back in a district, you
17 have very definite problems, or perceptions, of
18 what's going on in the district, and what's happening
19 in that district, and peoples' attitudes toward that
20 district. I would not want to have to cut back. I
21 think if we were frozen -- of course, you know,
22 ultimately, I wouldn't want to be frozen -- but being
23 frozen is one thing, having to cut back, is a
24 different thing. It's very dysfunctional in any
25 organization, I think, to cut back.

1 Q. Let me go at it a different way. Why should anybody
2 -- what I've heard here from some witnesses in the
3 courtroom, if the minimum is all that's necessary,
4 why should anybody have more than the minimum?
5 A. If they --
6 Q. That way, maybe the state could get by without giving
7 hardly anybody any money. We've balanced the budget
8 and the legislators can go home. Now, I want to
9 know, why is it -- that if it is true that the
10 minimum is enough, that everybody that has got more
11 than the minimum wants to keep it. What do you get
12 out of it?
13 A. Evidently I've done a very poor job of distinguishing
14 between not increasing and cutting back.
15 Q. No, you haven't.
16 A. Cutting back is a very difficult, difficult thing.
17 Q. No, no, I understand that problem.
18 Putting it another way, once upon a time, you
19 -- upon your recommendation and your predecessor's
20 recommendation, and by approval of your board,
21 certain increases in your budget were made.
22 A. Yes, sir.
23 Q. Okay.
24 A. Each year.
25 Q. Beyond the minimum?

1 A. Yes, sir.
2 Q. And I would assume that you would not recommend, and
3 your board would not pass increases in your budget
4 beyond the minimum unless you thought you were
5 getting some benefit out of it, right?
6 A. Yes, sir. In Dallas County, we felt that it was
7 essential that we do that. You're right, sir.
8 Q. Okay. Then, if it was essential for you, why isn't
9 it essential for everybody else?
10 A. That was a local decision to spend additional local
11 taxes. It may not be essential. I can't define it
12 as essential, but the community wanted this, were
13 willing to pay for it, wanted to be in a position to
14 do certain things, which, once again, we might have a
15 distinguish between wants and needs, and as we do
16 those -- our district made that decision that they
17 were -- that they wanted to have these things for
18 their youngsters in this district. I'm not in a
19 position to honestly tell you whether those are --
20 were needs or not. And there's a difference in
21 government and in personal life in wants and needs.
22 Going back to a minimum would, for the entire
23 state, would -- could be done. I don't believe
24 people would -- in their attitudes toward financing
25 education, if the polls are correct, would opt to go

1 back. I think they want additional resources, and I
2 understand that.
3 Q. Well, why do they want additional what the minimum is
4 going to do?
5 A. Because they believe additional dollars make a
6 difference in the operation of the school district.
7 They want lower pupil/teacher ratios, they want
8 additional programs, they want higher teachers'
9 salaries so they can recruit and be competitive with
10 industry. These things cause people -- or
11 justification for people to spend more money on
12 public schools.
13 Q. Okay.
14 THE COURT: I'm going to let you go. Thank
15 you very much, sir.
16 THE WITNESS: Thank you, Your Honor.
17 (Witness excused.)
18 THE COURT: See you all tomorrow morning at
19 9:00.
20
21
22 (Proceedings recessed
23 (until March 27, 1987.
24
25