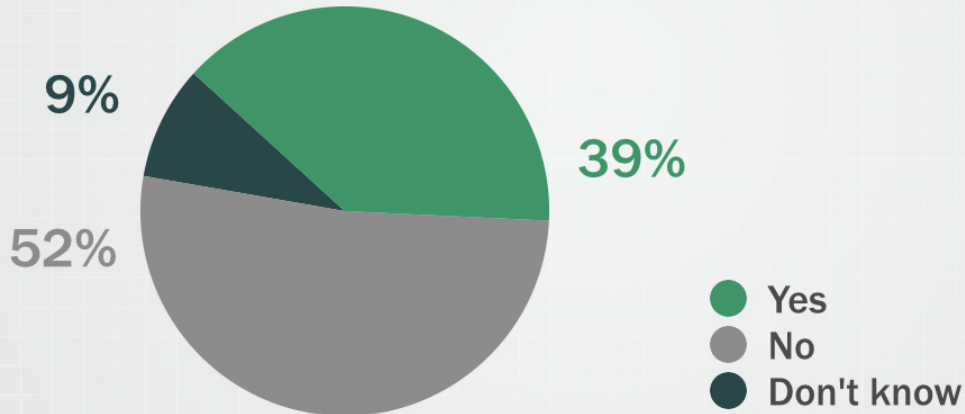


# “INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider poll  
for the week of 5 September 2014*

# INSIDE INTELLIGENCE

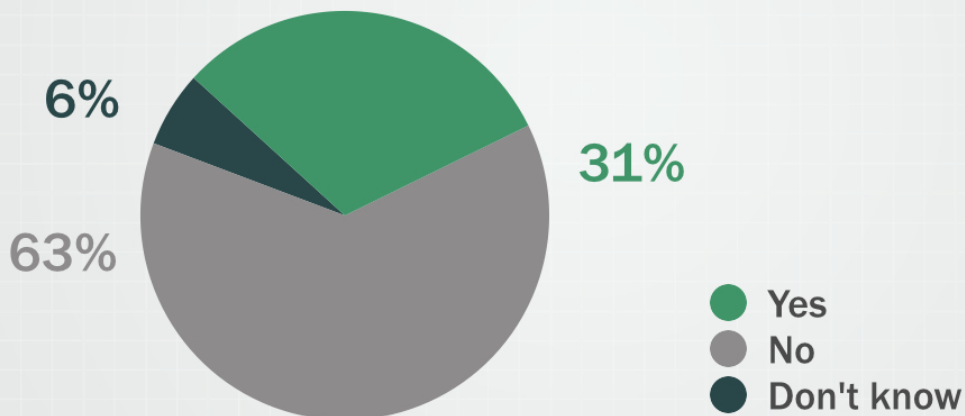
WILL THE TEXAS SUPREME COURT OVERTURN THE SCHOOL FINANCE RULING?



Inside Intelligence is an informal survey of political and government insiders in Texas and is not meant to measure public opinion.

# INSIDE INTELLIGENCE

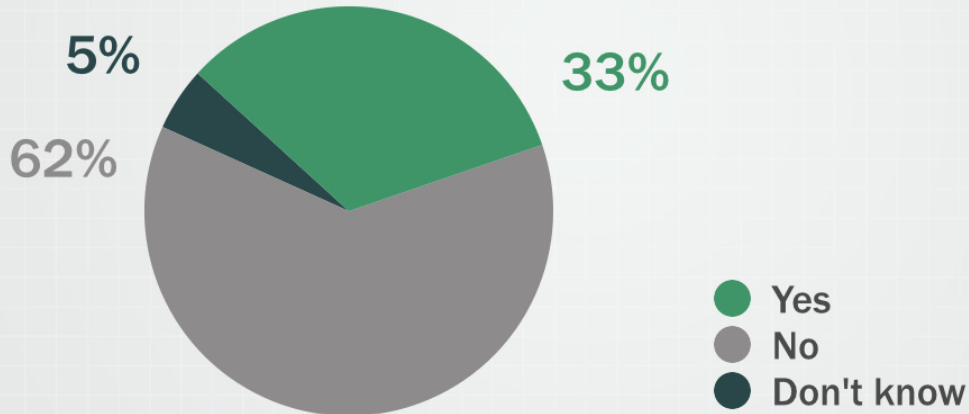
WILL THE COURT RULE BEFORE THE END OF THE 2015 LEGISLATIVE SESSION?



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# INSIDE INTELLIGENCE

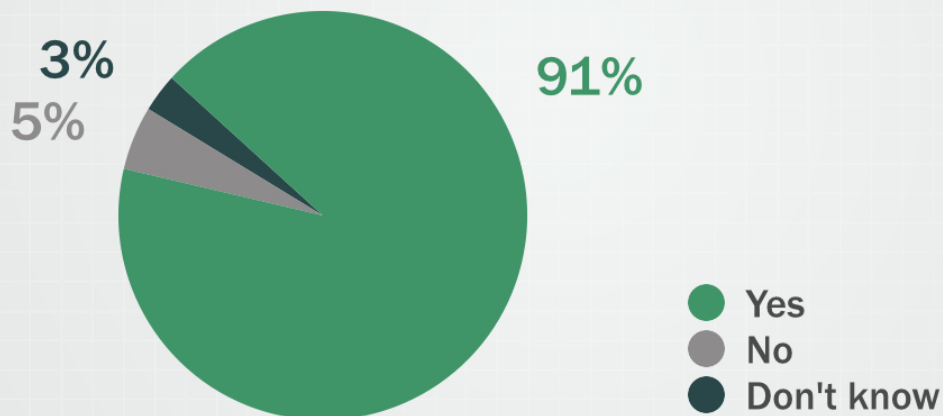
WILL LAWMAKERS REWRITE THE SCHOOL FINANCE FORMULAS NEXT YEAR?



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# INSIDE INTELLIGENCE

DOES THE SCHOOL FINANCE SYSTEM NEED TO BE REWORKED?



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***Do you think the Texas Supreme Court will overturn the district judge's opinion that the state's school finance system is unconstitutional?***

- "I think the Texas Supreme Court will overturn one or two parts of the decision rather than let the entire decision stand if that's possible."
- "The Supreme Court has never accepted the lower court's decisions at whole-cloth on this issue in the past, why would it start now?"
- "Everyone punts on this issue."
- "Not a chance."
- "Until we change our constitution, we'll be doing this about every 20 years or so."
- "No! I think we have reached the tipping point where - politics aside - our school finance system needs to be fixed."
- "I'm going with no... However, the courts (both state and federal) have increasingly become political appointee bodies that carry out the will of the political party (instead of actually applying the law and judging it)... so my jaw will be firmly intact if the court instead acts and sides with Abbott."
- "The question is too broad. It may overturn some elements and affirm others."
- "Yes. I hope they'll also define the meaning of Texas' constitutional funding terms."
- "They'll split the baby--uphold part (that the current funding is a de-facto state property tax) and overrule part (the way money is distributed)."
- "Do you really think a Republican Supreme Court is going to allow a Democratic state judge embarrass a Republican legislature?"
- "As long as the Supremes follow their own precedent, there's no way the current school-finance system can survive."
- "40 years and counting has produced a record of school plaintiffs 8- Legislature-0. 8-0 is a record any football team in Texas would be proud to have!"
- "This court became that which it sought to replace in the late 80s-early 90s so if there is an R agenda to be had they'll retrofit the opinion. Cornyn wrote the last son of Edgewood opinion, which of course infuriated conservatives (anti Robin Hood burbs) and almost got him a Beecherl (Dallas Highland Park as poster child) backed challenger, but for the intervention of Bush and Rove."
- "It is unconstitutional."
- "A democrat said it's a de facto tax so the GOP dominated court will likely agree."
- "I do not expect them to rule favorably on all points in the Judge's

decision-- probably a mixed bag result outcome at the high court"

- "SCOTX is activist and results-oriented."
- "I haven't read the judge's order but I'm told that it will be very difficult to overturn the decision."
- "The Supreme Court could still find the finance system unconstitutional without following the weak district court decision that pull a decision about adequacy out of thin air."
- "They may bite on Robin Hood as being too big as part of the system."
- "Of course they will (in part)...silly question. The Supremes will rule our current system is unconstitutional due to a statewide property tax."
- "Most of it will be overturned."
- "The equity argument can't be won by the state. The numbers are just so out of whack from district to district that it can't be justified. The other two arguments: that the system constitutes a statewide property tax and that the system is financially 'inadequate' CAN be won by the state. Of course, all it takes is for the state to lose any

one of the three and we're back at war. Taxpayers, beware."

- "He will be upheld in parts and reversed in others...the legislature will be called into a special session at some point."
- "At least in part. Think this SC will put in place an 'adequate' versus 'equal' standard."
- "It might sustain some of the tax and equity portions, but it will easily overturn the lunatic adequacy findings."
- "At least not completely. The system is too broken to completely ignore the problems raised in Dietz's decision."
- "If the Texas Supreme Court is the political animal it is oft said to be, the decision will be upheld if not strengthened."
- "In part. Will shy from adequacy of funding."
- "I still have a house payment after paying off my house."
- "Of course not. The school finance system is always unconstitutional."

### ***Do you think the high court will consider the case before the 2015 legislative session is over?***

• "It depends. If the court is going to uphold Judge Dietz's decision, it probably will wait until after the session so the legislature won't be under pressure to fix the funding for the 2015-2016 school year. On the other hand, if the court is going to

overturn Dietz, it will probably so before next May."

• "The 2015 session is irrelevant to the Court in arriving at its decision. The key will be how long it takes them to achieve a majority."

- "Consider it? Yes. Issue a decision...that's anyone's guess."
- "I think it's to Abbott's advantage to fast play this ... he's going to have to give more \$ to schools. May as well get it over with, then go super hard right through the 2018 primary."
- "The Leg. Tried that approach last session, adding billions of dollars to public school funding. Made no difference to the district judge."
- "I bet we'll find it in our Easter baskets."
- "The court will have fun holding legislators accountable."
- "If they don't, then they'll be costing taxpayers another special session."
- "Special session, baby!! With new leadership in the West and South wings in the Capitol, the last thing they want is to have to deal with school finance during their first few months in office. They'll want some time for them and their lieutenants to craft a solution."
- "They may hear the case but no decision likely until after the 2015 session has concluded."
- "The wheels of justice grind slowly."
- "Hello special session 2015!"
- "If they want to control the result, timing is everything"
- "They have to if they want the legislature to devise a plan. Of course, they could come up with their own plan!"
- "But maybe not rule until after the session. I would assume that these elected and political Justices understand that their ruling has the potential to dominate a session."
- "Consider, Yes. Rule, No."
- "What's the rush? So Abbott can sign a tax bill in his first year as governor?!"
- "Please no."
- "Of course, the SC can do what it wants to do, but it is highly unlikely the process can finalize early enough to take action in the regular session."
- "Highly unlikely. Courts (and lawyers) like to move slowly."

***Do you think the Legislature will rewrite the state's school finance formulas next session?***

- "If the court case is pending, I am not sure there will be motivation to address this in 2015."
- "I would guess some band aids are issued this session but a fundamental rewrite won't take place until after the courts are done."
- "I think they'll have to and it's gonna be fugly."
- "The will wait for direction from the Supreme Court."

- "I think they're on the phone everyday with Scott Hochberg."
- "They don't have a choice. TAB's membership is tired of not finding an educated workforce in Texas. Fix it now or watch an exodus of businesses heading west."
- "Have they ever re-written the formulas without a supreme court order?"
- "Court will force them to do so."
- "Hopefully to build a solid foundation after the Court defines the terms--according to the Constitution, rather than upon politics. Return local control that has been usurped due to centralized funding. And federal overreach."
- "Not during the regular session, but look for a special session to address the issue."
- "The Lege won't act until they have to. In any case, a special session is probably the best way to deal with school-finance, so there is time to focus on the issues."
- "See above on special session."
- "If they do, it will be a war that few of the new members are prepared for."
- "Where's Eissler and Hochberg when ya need 'em?"
- "Party fragmentation and local pressures may yet compel some kabuki posturing, but this Lege may not even be able to agree on a budget"
- "They better."
- "...In a special session."
- "Any 'rewrite' will consist of throwing good money after bad."
- "No, that would require thoughtful solutions to the tax situation in Texas and that ain't gonna happen."
- "They will do so in a 2015 special session."
- "'Como se dice in ingles,' Special Session anyone???"
- "Not to the extent needed. Some of the funding weights and formulas are over twenty years old. Texas is more diverse and more urban with property values continuing to fluctuate, but the funding mechanism fails to acknowledge these variables."
- "They will try."
- "The Legislature has never been proactive on school finance."
- "There needs to be some tinkering, just for strategic purposes, so that when the Supremes look at the case, they will be ruling on a system that is different from that which Dietz ruled on."
- "I think that it will take multiple Special Sessions, and the issue will be resolved (at least temporarily) at the very last moment possible."
- "No. They're going to drag this out as much as possible. Look for a special session late next summer."
- "Delay...delay...delay"
- "Conventional wisdom is they want to WAIT until next summer."

- "...Though there might be minor tweaks to the formulas."
- "I think they will wait until the SC issues its decision. They need the finality of that decision for the political cover required to do the right things."
- "Remember the cuts in 2011 and the subsequent tail-between-your-legs restoration of most of those cuts in 2013? Remember HB 5 and the Mad

Moms? Schools matter to voters and the voters are not happy."

- "The one thing that that is constant over the decades is the bi-partisan timidity."
- "They won't do a thing until the Supreme Court says exactly what the constitutional problems are. It's hard enough taking a vote to increase spending; nobody wants to do it when the vote may not solve the problem."

***Do you think the state's school finance system needs to be reworked, or should the courts and the legislature leave it alone?***

- "The system definitely should be reworked since the system currently doesn't work."
- "Isn't this question one lower-court opinion too late in coming?"
- "Do away with local funding of schools all together. The system will always be askew when local districts can make a local financial effort."
- "No to the 1st question - does not need to be reworked. Yes to the 2nd question - they should leave it alone. We've been doing this since the Texas Declaration of Independence from Mexico."
- "Yes, Sir Robin Hood is now a member of the Tea Party and the Sheriff of Nottingham has retired to Boca."
- "I think if we should require the children or grandchildren of those legislators who think the current system is fine to attend a public

elementary with a majority minority population."

- "The school finance system does need to be reworked"
- "The better question is: should the constitution be amended so that local districts can address their own destiny without relying on aid from other districts (i.e. - robin hood)"
- "Badly framed question."
- "It will continue to require attention from the Legislature until a major overhaul is accomplished. Easier said than done."
- "Totally reworked so that the state pays its fair share instead of local property taxpayers and so that it is equitable among all school districts. Like -- how about an income tax, folks?"
- "At this point, there basically is no school finance system - just a series of 'hold harmless' provisions ensuring



that districts get as much as they did under former formulas."

- "A drive around Texas to view all the schools/architectural wonders built as a result of Robin Hood funding is all taxpayers need to show that more money/buildings do NOT produce academic results."

- "Of course it should be reworked--we've been jacking around (in court) with school finance since 1984. Clearly we're not doing it right if we're still dealing with it 30 years later (and don't forget, Democrats controlled the state and legislature for over half that time, so this ain't 100% the fault of Republicans). As an aside, the Court should say whether the school finance system is legal/constitutional and then get out of the way--'it shall be DUTY OF THE LEGISLATURE OF THE STATE to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.' ~ Art. VII, Texas Constitution. I don't see a reference to the Courts having a role in creating the system."

- "The 400 pages of evidence seems pretty clear."

- "This question is an either or not a yes, no. The School Finance System needs overworking but the legislature wouldn't make it better. So, it is best to leave it alone."

- "You gave 2 alternatives--yes to one means no to the other."

- "They should rework it, but whether or not they have the courage to take it on -- it will mean war with the locals - - remains to be seen."

- "As long as the state depends on a local property tax to fund education there will be inequities...and lost lawsuits...."

- "Something has to stop the litigious cycle. Perhaps passing a constitutional amendment re-instating the statewide property tax."

- "Education disparities are self evident and the societal consequences demonstrable. It is not only unfair, it is dangerous"

- "IT IS HORRIBLE! School finance and the entire school system should be overhauled! From top to bottom - finance is just one of the many problems with our education system in Texas."

- "The system of education needs to be reformed, not the furnace in which money is burned."

- "Do we want to become the equivalent of a Third World country?"

- "We have way too many districts and way too many administrators."

- "Leave alone"

- "If the state keeps losing, then something is not right in Denmark (or Austin)."

- "It does need to be reworked, but the options are limited. The question is, what is most important - a better system for finance or a better system of education? Right now the demand seems to be for more money for a system that is utterly failing to teach our children, not that you will get the Legislature or TEA to acknowledge that."

- "Question is ambiguous, but system needs to be courageously reworked by the legislature. A legislative solution is preferable to a judicial action. It is called statesmanship."
- "The old, antiquated system needs to be addressed. However, throwing money at the problem is not the answer. Nor is 'school choice'..."
- "It's ok basically as-is. Not perfect, but then, what system is? Tinker a little and go home."
- "Let me see, courts have been meddling in this issue for decades (they should butt out), the leg has been 'working on it' and finding 'the solution' for decades. I recall this issue being solved more than 25 years when I worked in the leg. Along with numerous judges who have 'resolved' the issue. Really, are we still working on it? This is really a joke if you look at it as an outside observer. Sheeesh."
- "Robin Hood plan was genius but now outdated...we haven't a clue how much money is enough. We know what we spend, but have no idea what it should cost."
- "I think that they should wait for the court to finally rule so that they can be sure to have the accurate target."
- "The system clearly needs to be revamped. The solution is not just throwing money into the current system. There are structural problems that don't address the needs of economically disadvantaged student and English language learners. Whether legislators like it or not, change must come."
- "Too convoluted and confusing. Not sure who even who understands the current formulas and their impact."
- "It is real obvious that our school finance system creates massive inequities."
- "Ultimately, it needs to be reworked."
- "(Typically an either/or question is not put in a yes/no format.) Further, you only ask about school finance. The problem with these cases - which most reporters miss altogether - is that the constitutional requirements of efficiency and the general diffusion of knowledge have, or should have, more to do with effectiveness than with money. Only the educrats and their enabler on the bench keep the matter solely to money because it serves their self-interest."
- "Reworked."
- "Bad compound question! Results will be worthless, sorry."
- "Which question do you want answered?"
- "It is massively inefficient, and Texas does not have the resources to be inefficient about anything."
- "Want greater equity? Offer full-day, high quality pre-kindergarten to every student, starting with every student in every school district that is majority poverty."
- "Needs reworking"
- "Face the music and it is time to revamp this system. Should be

interesting to see the new crop deal with that."

***Our thanks to this week's participants:*** Gene Acuna, Cathie Adams, Brandon Aghamalian, Victor Alcorta, Brandon Alderete, Clyde Alexander, George Allen, Jay Arnold, Amy Beneski, Andrew Biar, Allen Blakemore, Tom Blanton, Chris Britton, David Cabrales, Lydia Camarillo, Kerry Cammack, Thure Cannon, Snapper Carr, William Chapman, Elna Christopher, Harold Cook, Kevin Cooper, Randy Cubriel, Denise Davis, Hector De Leon, June Deadrick, Nora Del Bosque, Holly DeShields, Tom Duffy, Jeff Eller, Jack Erskine, Jon Fisher, Norman Garza, Dominic Giarratani, Bruce Gibson, Eric Glenn, Kinnan Golemon, Daniel Gonzalez, Jim Grace, Clint Hackney, Anthony Haley, Wayne Hamilton, Bill Hammond, John Heasley, Ken Hodges, Steve Holzheuser, Deborah Ingersoll, Richie Jackson, Cal Jillson, Jason Johnson, Mark Jones, Robert Jones, Lisa Kaufman, Robert Kepple, Richard Khouri, Tom Kleinworth, Sandy Kress, Nick Lampson, Pete Laney, Dick Lavine, James LeBas, Luke Legate, Leslie Lemon, Richard Levy, Ruben Longoria, Matt Mackowiak, Luke Marchant, Dan McClung, Steve Minick, Mike Moses, Keir Murray, Nelson Nease, Keats Norfleet, Pat Nugent, Nef Partida, Gardner Pate, Jerod Patterson, Robert Peeler, Jerry Philips, Wayne Pierce, Richard Pineda, Allen Place, Gary Polland, Jay Propes, Karen Reagan, Patrick Reinhart, David Reynolds, Carl Richie, Kim Ross, Grant Ruckel, Tyler Ruud, Jason Sabo, Luis Saenz, Andy Sansom, Jim Sartwelle, Barbara Schlieff, Stan Schlueter, Bruce Scott, Robert Scott, Ben Sebree, Julie Shields, Jason Skaggs, Ed Small, Martha Smiley, Larry Soward, Dennis Speight, Jason Stanford, Jeri Stone, Bob Strauser, Colin Strother, Michael Quinn Sullivan, Sherry Sylvester, Trey Trainor, Vicki Truitt, Corbin Van Arsdale, Ware Wendell, Ken Whalen, David White, Darren Whitehurst, Seth Winick, Peck Young, Angelo Zottarelli.