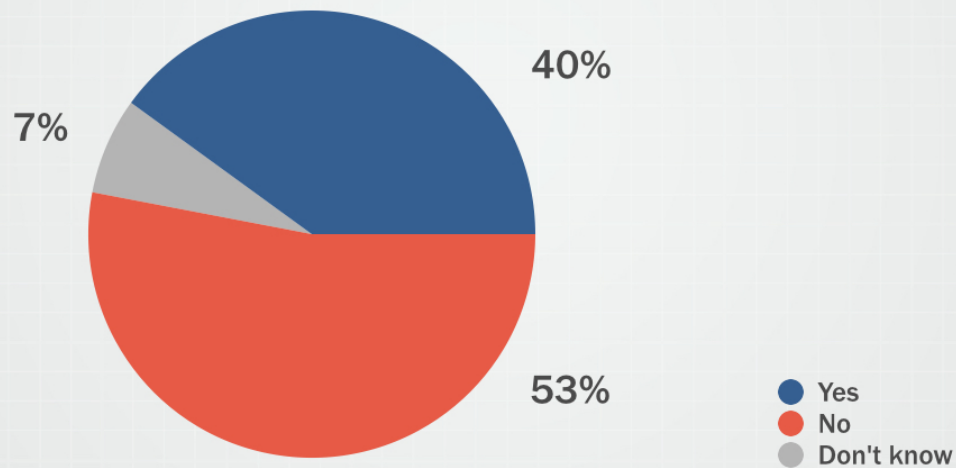


“INSIDE” INTELLIGENCE

*The Texas Weekly/Texas Tribune insider poll
for the week of 4 September 2015*

INSIDE INTELLIGENCE

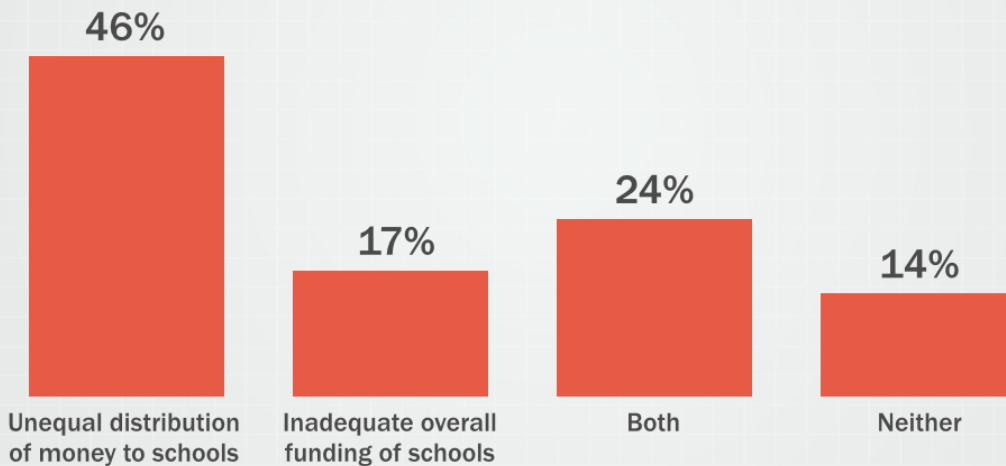
WILL THE SUPREME COURT OVERTURN THE LOWER COURT'S SCHOOL FINANCE DECISION?



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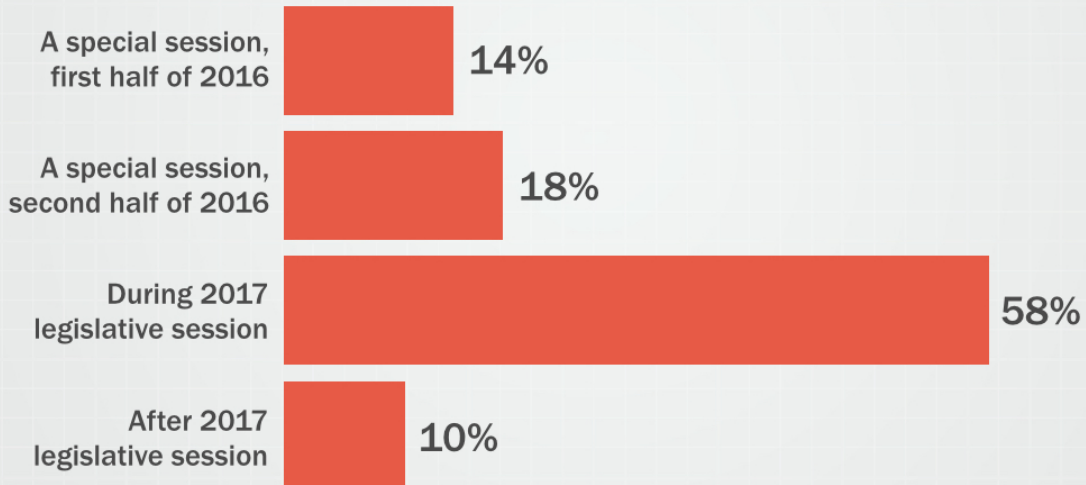
WHICH ASPECT OF THE DISTRICT COURT
DECISION IS MORE LIKELY TO BE UPHELD?



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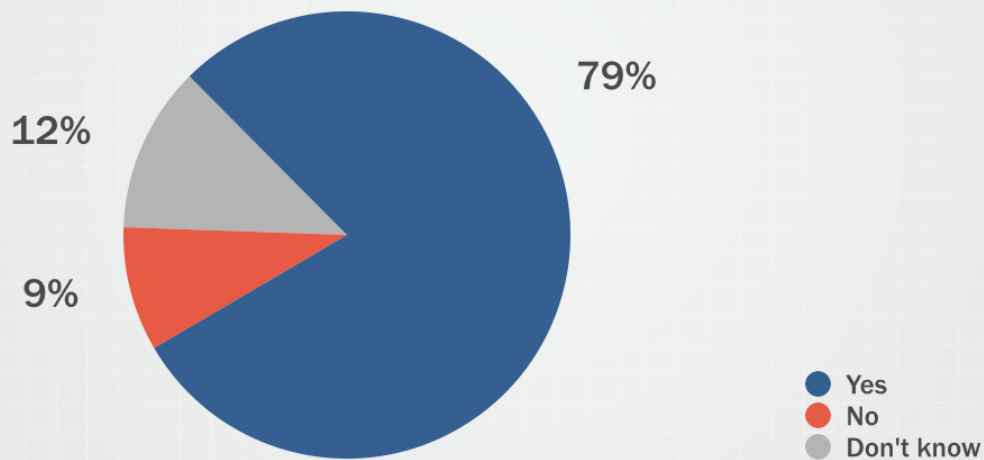
WHAT'S THE TIMELINE TO ADDRESS A SUPREME COURT RULING ON FINANCE?



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SHOULD THE SCHOOL FINANCE
SYSTEM 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?

- "Part but not all of it. Texas has never won an education lawsuit at the Supreme Court."
- "As long as judges are beholden to Republican primary voters, Texas schools will get screwed."
- "I've not read the briefs and wasn't in the audience for the hearing (and haven't heard the recording — yet), but I think they'll split the baby on this one. But the fundamental issue isn't whether the system is adequate or efficient funding, it's the fact that envy will always rear its ugly head: School X has A (which is above and beyond what's required for 'a general diffusion of knowledge') and School Y doesn't — that's not fair."
- "In some parts yes, and in some parts, no. It seems obvious that the statewide property tax issue is present, but it's anyone's guess how they will deal with the equity/adequacy questions."

- "They won't overturn it, but they won't agree wholesale with it either. They may tweak it and scale back on it but in any event it will result in a legislative requirement to decrease inequity."
- "In part. But not in toto. Think they will throw out the adequacy claim. And, think they will rule for the charter schools on facilities."
- "It is difficult to say. One strong argument against the schools is that because we have lowered the standards and basically abandoned any accountability we have the irony of the districts arguing they don't have enough money to properly educate children while TEA tells us that the vast majority of schools are performing admirably, that the graduation rates are excellent and all is well."
- "New sheriff in town... not sure how they will rule."
- "Partially. It'll be unconstitutional, but not as unconstitutional as they said."
- "Nothing is ever simple. The SC will do something that will confound everyone."
- "I believe the district judge's opinion will be upheld. What I don't know is if the modifications made by the TX Legislature will affect the path forward."
- "Why would they begin now to do the right thing?"
- "If they follow precedents, then the school finance system is toast. But if they follow the way the Republican Party is going (don't forget — all these judges must face re-election), then they'll let the Lege do what it wants."
- "Yes and no"
- "State will not hit on all three cylinders."
- "School finance is undefeated! 5-0 soon to be 6-0!"
- "At least in part."
- "The state has lost 8 of 9 decisions. Odds are the state loses again on one count or another."

Which aspect of the district court's decision is more likely to be upheld by the Supreme Court?

- "History tells us that courts tend to be concerned with the equitable distribution of money but that they tend to defer to legislative bodies on whether the system is adequate or not."
- "Assuming it can actually be shown that distribution is unequal and that unequal distribution clearly affects performance. If the court gives any weight to the official statistics from TEA on school performance, the overall argument for inadequate funding is hard to support. Ultimately a decision may not have as much impact on funding as it will on the hypocrisy that

surrounds school funding, performance, educational standards and accountability."

- "As in 2005, the Texas Supreme Court is more likely to support the district court's ruling on statewide property taxation than on equity or adequacy."

- "The opinion is without reason altogether."

- "Virtually no court in the country has ordered increased funding per se. So, if this court does anything, it'll involve equity."

- "The only thing they will care about is Robin Hood."

- "The inequalities in funding are too obvious to be explained away. 'Adequacy' is subjective, but inequality is plainly demonstrable."

What's the timeline for the Legislature to respond to a Supreme Court ruling?

- "Ideally, it would be the first quarter of 2016 so schools could know the effects of the funding changes in time to renew contracts at the end of the school year and hire teachers for the upcoming year. But then again, legislators are politicians and since primaries are in the first half and elections in the second half of 2016, they'll probably wait until the 2017 session letting school children move up another grade without improving their education."

- "The Legislature will wait until any financial impacts can be considered in the context of the overall revenue and budget picture."

- "Actually, it will likely be never."

- "Special Sessions"

- "If necessary, they'll try in the regular, then get it done in a special during the summer of 2017."

- "Can't predict until decision is rendered and grounds for argument."

- "After March 1, but before May 31"

- "My vote is for early in 2016 to have 4 sessions to up my retainers so I can retire."

- "Ugh. Just ugh."

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

- "Good grief; what a poorly worded Q. Might as well have asked 'Is it farther to Dallas, or by bus?'"
- "It needs to be reworked, but it's the Lege's job to do so. My copy of the Texas Constitution doesn't grant the Courts authority to oversee public school finance."
- "There is an undertow sucking Texas further into a 3rd world state and our education system is to blame. The tipping point is nearing where businesses will no longer care about our lenient tax environment and choose to relocate in states where they can find an educated workforce."
- "It seems intuitive that the system should change if what the Legislature demands that it produce (through accountability) changes. Also, it's no secret that the components that drive funds have no linkage to actual costs. We underfund many activities and overfund others. Many weights were set to come within budget/political will restraints rather than what it takes to produce the desired outcome."
- "Dozens of states waste their time on this debate about school funding instead of fixing the schools. New York and D.C. spend substantially more than Texas per pupil and yet their kids do worse on math and reading. The money debate is driven by education bureaucrats who want more money for themselves. It is not about the kids. There are a wide range of classroom innovations that work, but the education establishment opposes all of them. The only thing they fight for is more money."
- "Needs to be totally reworked."
- "This question is two part and the first part I say yes it needs to be reworked and the second part of the question I say no the courts and the Legislature should not leave it alone."
- "Until the Lege decides it is serious about finding additional revenue sources Texas will continue to fail its students."
- "It does need to be reworked to ensure both adequacy and equality — both of which are hard to establish given the convoluted process we have. But any improvements must be conditioned on the school districts accepting reasonable requirements for productivity, outcome based funding and accountability. More money or more equal money must produce results — or else."
- "Of course it needs to be reworked. Anyone who says otherwise must be in Colorado eating Funyuns, if you know what I mean."
- "The state should either take over the school system or get out of it all together and let locals run it. Until that happens, local ISDs are going to blame the state for inadequate funding and the state will blame locals for mismanagement. Locals have to face to voters and be accountable for how they spend the money and why they keep raising taxes. As long as locals can pass the buck they will."
- "Is this a trick question?"
- "When do we wake up and realize the answer is not more money. This is

getting old and ridiculous. Throwing money at the problem will not fix it. Until you have parents engaged you will not get change. This issue is a typical reflection of liberal politics and approaches to all issues, more money more money more money. HELLO, that ain't the fix folks. We can spend ourselves into oblivion and still get the same crappy results."

- "Ah, no to the first part and yes to the second part..."
- "Leave it alone OR encourage real efficiency, NOT a greater volume of dollars."
- "Not sure how to answer yes/no, but the system needs considerable repair. Doesn't need any more Band-Aids."
- "System is broke, we need to fundamentally change the way our education system is structured. We cant keep building more jails..."
- "The question is contradictory. I think the state's school finance system needs to be reworked. The Legislature should cease reducing accountability and lowering standards."

- "The current system clearly flunks on both adequacy and equity. But I'm betting this Supreme Court will let it stand. Because elections."

- "Terrible question."

- "It's the most wonderful time of the decade."

- "The question and answer don't match up."

- "I'm guessing that right about now you'd like a chance to redraft that question."

- "Need to study and take what's working throughout the world and start from scratch — top to bottom, governance to classroom to student/parent role — current system as a whole is antiquated and results throughout country and TX are a reflection of our performance."

- "The question is wrong."

- "It is a complete mess, thanks Ross Perot."

- "Leave it alone. This is a legislative matter. Courts shouldn't be asked to legislate this every cycle."

Our thanks to this week's participants: Gene Acuna, Brandon Aghamalian, Clyde Alexander, George Allen, Jay Arnold, Andrew Biar, Allen Blakemore, Tom Blanton, Chris Britton, Raif Calvert, Lydia Camarillo, Corbin Casteel, Elna Christopher, Harold Cook, Kevin Cooper, Randy Cubriel, Denise Davis, June Deadrick, Glenn Deshields, Tom Duffy, David Dunn, Tom Forbes, Dominic Giarratani, Bruce Gibson, Eric Glenn, John Greytok, Clint Hackney, Wayne Hamilton, Bill Hammond, Ken Hodges, Deborah Ingersoll, Mark Jones, Richard Khouri, Tom Kleinworth, Sandy Kress, Dale Laine,

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