

CAUSE NO. D-1-GN-11-003130

TEXAS TAXPAYER & STUDENT
FAIRNESS COALITION, *ET AL.*,

Plaintiffs,

EDGEWOOD INDEPENDENT SCHOOL
DISTRICT, *ET AL.*, (consolidated)

Plaintiffs

v.

MICHAEL WILLIAMS, in his official capacity as
Commissioner of Education, *ET AL.*,

Defendants,

§ IN THE DISTRICT COURT

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TRAVIS COUNTY, TEXAS

§ 200TH JUDICIAL DISTRICT

**EDGEWOOD I.S.D., ET AL., PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO
STRIKE EDGEWOOD PLAINTIFFS' EXPERT DR. ROBERTO ZAMORA**

TO THE HONORABLE JUDGE DIETZ:

Edgewood I.S.D., *et al.*, ("Edgewood Plaintiffs") hereby file this response in opposition to Defendants' Motion to Strike Edgewood Plaintiffs' Expert Dr. Roberto Zamora (hereafter "Motion to Strike"). As further demonstrated below, Dr. Zamora has over four decades of experience, training and expertise working on both the programmatic and financial components in K-12 public education at the local, regional and state level. His testimony in this case is precisely the type of relevant testimony the Court must hear in order to determine the impact of the 83rd Legislature's changes from both the financial and programmatic side. Edgewood Plaintiffs respectfully urge the Court to deny Defendants' motion and in support, show as follows.

I. Background

The narrow question before the Court on reopening the evidence is whether the legislative changes enacted by the 83rd Legislature affecting public education impacted this Court's prior ruling on the merits of the claims issued on February 4, 2013. In response to this Court's reopening of the evidence in this case, Edgewood Plaintiffs amended their lawsuit and claimed that the legislative changes to education did not impact the unconstitutionality of the system ruled by this Court. *See, e.g.,* Edgewood Pls.' Third Am. Pet. at 2-3, 13-24. Defendants averred that the 2013 legislative changes "may moot or otherwise impact the Plaintiffs' claims in this case." *See, e.g.,* Defs.' Advisory to the Court at 1-2.

In order for Edgewood Plaintiffs to answer the question before this Court, and to rebut the mootness and ripeness defenses asserted by Defendants, Edgewood Plaintiffs intend to offer testimony from both school district officials and experts—including Dr. Zamora—to discuss the insignificant impact of legislative changes on the programmatic and financial aspects of public education. While Defendants may not understand how or why Edgewood Plaintiffs' claims remain live and justiciable in spite of the legislative changes, attempting to strike an expert on grounds that the expert disagrees with them is not appropriate. At best, their arguments go to the weight of Dr. Zamora's testimony but undoubtedly, Dr. Zamora is qualified to offer the opinions he has been asked to testify in this case and his opinion and analysis are relevant to the questions before the Court.

Edgewood Plaintiffs intend to present Dr. Roberto Zamora, who has four decades of experience in educational leadership, to offer opinions concerning the likely financial and programmatic impacts that legislative changes passed during the 83rd Texas

Legislative Session will have on Edgewood Plaintiffs' districts – Edgewood ISD, Harlingen ISD, La Feria ISD, McAllen ISD, and San Benito ISD – in school years 2013-14 and 2014-15. *See* Defs.' Mot. to Strike, Zamora Report, Ex. A at 3; *see also* Affid. of Roberto Zamora, Ex. 1. As part of his analysis, Dr. Zamora reviewed the 2010-11 state and local maintenance and operations funding of the Edgewood Plaintiffs as determined previously in this case. Dr. Zamora then applied an inflationary index, already presented in this trial, the Consumer Price Index, to the 2010-11 revenue and compared those figures for each of the Edgewood districts to the 2013-14 projected revenue, based on changes to appropriations under SB 1 and HB 1025 and as represented by the Texas Education Agency. *See* Ex. A. at 3, 5. Dr. Zamora found that none of the districts gained revenue in excess of the 2010-11 level of funding when applying inflation. *Id.* at 6. When not applying inflation, two of the five Edgewood districts are not expected to generate funding in excess of the 2010-11 levels. *Id.*

In the second part of his analysis, Dr. Zamora analyzed various legislative changes under HB 5 to the curriculum and graduation requirements and the accountability system. *Id.* at 7-14. Dr. Zamora found that none of these changes are expected to save school districts any revenue and instead, will likely increase the costs and challenges of school districts. *Id.*

In the final part of his analysis, Dr. Zamora analyzed the financial and programmatic impact of SB 1 and HB 1025 on the bilingual and compensatory education weights for the 2013-14 school year, showing minimal, insignificant gains when not applying inflation; and losses for each Edgewood district when adjusting 2010-11 weighted funding for inflation. *Id.* at 15-16. Dr. Zamora also examined the latest

STAAR performance data available for ELL and economically disadvantaged students in order to determine whether the best practices previously identified in the trial in this case remained necessary in light of the surrounding legislative changes impacting ELL and economically disadvantaged student learning. *Id.* at 17-20. He further created and analyzed surveys of school districts in order to determine any significant changes in program offerings to ELL and economically disadvantaged students for the 2013-14 school year compared to the 2012-13 school year based on the legislative changes. *Id.* at 21-24. Dr. Zamora further examined the costs of interventions, such as reductions in class size, compared to the revenues received under the compensatory and bilingual weights for the 2013-14 school year. *Id.* at 25-31. Dr. Zamora was under strict directions not to reinvent the record and used the draft findings of fact issued by this Court in August 2013 as a guide in determining best practices for ELL and economically disadvantaged student learning.

II. ARGUMENT & AUTHORITIES

Texas Rule of Evidence 702 governs the admissibility of expert testimony, that is, testimony based on “scientific, technical, or other specialized knowledge.” *See* Tex. R. Evid. 702; *Gammill v. Jack Williams Chevrolet, Inc.*, 972 S.W.2d 713, 718 (Tex. 1998); *E.I. du Pont de Nemours & Co. v. Robinson*, 923 S.W.2d 549, 554 (Tex. 1995). Once the opposing party objects to proffered expert testimony, the proponent of the witness's testimony bears the burden of demonstrating its admissibility. *See Robinson*, 923 S.W.2d at 557. To be admissible, the party proffering expert testimony must show: (1) that the expert is qualified; and (2) that the expert's testimony is relevant and reliable. *See Helena Chem. Co. v. Wilkins*, 47 S.W.3d 486, 499 (Tex. 2001); *Robinson*, 923 S.W.2d at 556.

In their Motion to Strike, Defendants argue that Dr. Zamora is unqualified to offer opinions on the impact of funding changes; that his opinions on funding changes, potential programmatic changes, and the adequacy of funding weights are unreliable; and that his remaining opinions do not require specialized knowledge that would aid the Court in understanding the evidence or determining a fact issue. *See generally* Defs.’ Mot. to Strike Zamora.

As further demonstrated below, Dr. Zamora is more than qualified to offer the opinions in his report. Those opinions are not only reliable but also supported by his wealth of knowledge, skills, experience, and training in educational management and leadership. Second, Dr. Zamora’s opinions are relevant in assisting the Court with digesting the lengthy and interweaving legislative changes of the last legislative session, including HB 5. The relevancy of his testimony is readily apparent, particularly in light of Defendants’ mootness and ripeness claims arguing that the legislative changes will impact this Court’s decision in favor of Plaintiffs.

A. Dr. Zamora possesses the specialized knowledge, skills, experience, training, and education to qualify him to offer an opinion on the possible funding impacts of recent legislative changes.

A witness must be qualified to give an expert opinion “by knowledge, skill, experience, training, or education.” *See* Tex. R. Evid. 702. With 40 years of experience in regional and state educational leadership positions and having served as a superintendent, elementary and secondary principal, and teacher, Dr. Zamora is undeniably qualified to offer an opinion on how recent legislative changes are likely to impact school districts financially and programmatically.

Defendants contend that Dr. Zamora is unqualified to offer an opinion on the impact of the legislative changes on funding changes, stating that he has no economics or financial background. *See* Motion to Strike at 6-8. However, such bare and narrow allegations not only misstate the record, but they also do not support the striking of Dr. Zamora's testimony because they ignore other relevant qualifications under Rule 702 such as his substantial "knowledge, skill, experience, training, [and] education."

First, Dr. Zamora does have education, training and experience on the financial side of K-12 education. *See generally* Ex. 1. Dr. Zamora received his doctorate education in the field of educational administration from the University of Texas (UT) at Austin, and he teaches master's and doctorate-level courses at UT-Pan American, in areas such as school law, school administration and educational business management. *See generally* Defs.' Mot. to Strike, Ex. B (Zamora C.V.). In addition, Dr. Zamora completed courses on and related to school finance in his master's program of study. *See* Edgewood Plfs.' Dep. Excerpts of Zamora, Ex. 2 at 178:13-22. Dr. Zamora has led educational institutions, including campuses, districts, and educational service centers, through dozens of legislative cycles of the Texas Legislature where he has analyzed and developed plans to address changes to education and school finance laws. *See generally* Ex. 1. As Executive Assistant to the Commissioner of Education, Dr. Zamora was responsible for coordinating development of the operating budget of the Texas Education Agency (TEA). *Id.*, ¶ 7. There, he worked with the Resource Analysis and Reports division to provide fiscal information to the Commissioner as needed. *Id.*, ¶ 8. He also worked with staff from the Legislative Budget Board on various topics such as strategic

planning, state funding, administrative costs, school facilities, and the TEA budget. *Id.*, ¶ 9.

As a superintendent, Dr. Zamora “assumed administrative responsibility and leadership for the planning, operation, supervision and evaluation of the education programs, services and facilities of the district and prepared and submitted to the board of trustees a proposed budget.” *Id.*, ¶ 18. Dr. Zamora also “witnessed and experienced changes in the school finance system, curriculum standards, and state and federal accountability systems, as well as changes from other legislation that increased the financial burdens on districts; and in that role, [he] also witnessed and had to make decisions factoring in a continuing increase in costs required to operate a district and its schools. *Id.*, ¶ 16-17. As Chief Executive Officer of a school district and an education service agency, he has also analyzed the financial and programmatic implications resulting from legislation. *Id.*, ¶ 18. Indeed, Dr. Zamora is uniquely qualified among many of the experts in this case, given his experience in virtually all levels of public education in Texas, to help enrich the Court’s understanding of the real-world financial impact of changes made during the past legislative session. *See generally id.*

Defendants argue that Dr. Zamora is unqualified to offer an opinion on how inflationary pressures affect the spending power of districts and that has never used any price index as part of his work. *See Mot. to Strike at 6-8.* They also argue that he could not identify the specific version of the Consumer Price Index he used in his expert report and, as such, his testimony on the impact of funding changes is unreliable. *Id.* These arguments also fail.

First, Dr. Zamora acknowledged during his deposition that in the field of education, costs rarely stayed stagnant from one year to the next, stating that simply because one has “the same amount of monies going from one year to the next in budget-making, that doesn’t necessarily mean that I’m going to be able to purchase the same goods and products as I did the prior year just because of increases in prices.” Ex. 2 at 52:12-17; *see also* Ex. 1, ¶ 19 (“I am cognizant of the need to be aware of inflation and its impact on operating a school system because costs seldom stay the same from one school year to the next. I thought it necessary and useful to the Court to account for inflation in my analysis for purposes of this case.”).

In comparing the amount of revenue per WADA received by the Edgewood districts in 2010-11 with projected revenue per WADA in 2010-14, Dr. Zamora used a 7.3 percent CPI inflation rate on a calculator that he accessed through the website of the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, at http://www.bls.gov/data/inflation_calculator.htm. *See* Ex. 1, ¶ 20. Dr. Zamora explained that he used this index because according to the Draft Proposed Findings of Fact in this case, the CPI was previously used by other witnesses, including *Defendants’ witness* from the Office of the Texas Comptroller of Public Accounts, Tom Currah, who used the CPI to measure inflationary pressures on school district expenditures over time. *See* Ex. 2 at 53:18-25; *see also* Draft Proposed Findings of Fact and Conclusions of Law, FOF 75, 81. As this Court has made clear, it was not going to allow the parties to take a second bite at the apple and using a uniform price index for consumers that had already been used in the case is reasonable in light of the supplementary nature of Dr. Zamora’s testimony to an extensive, existing trial record. In addition, his methodology allows for

clearer comparisons of any previous analysis by other parties or witnesses. Although Dr. Zamora did not discuss specifically other types of price indexes, he articulated the types of goods and services a CPI includes and applied those to the consumer needs of school districts, referencing as examples transportation costs, materials, etc. *Id.* at 55:9-24. While Defendants are free to challenge the use of the CPI on cross-examination to go to the weight of his testimony, such practice is not grounds to strike Dr. Zamora as an expert witness or his opinion on the matter.

B. Dr. Zamora's opinions on the adequacy of funding weights are relevant to the facts of the case, particularly in light of Defendants' mootness claims.

An expert's opinion must be relevant to be admissible. *See* Tex. R. Evid. 702 and 402; *see also Robinson*, 923 S.W.2d at 555. In order for an expert's testimony to be relevant, it must be "sufficiently tied to the facts of the case that it will aid the jury in resolving a factual dispute." *Robinson*, 923 S.W.2d at 556. Defendants allege that Dr. Zamora's testimony on the inadequacy of the Bilingual and Compensatory Education allotments – given that Edgewood Plaintiffs maintain that the funding weights after the legislative changes continue to reflect *existing* funding weights – has nothing to do with the recent legislative changes and is thus outside the scope of the re-opening of the evidence. *See* Mot. to Strike at 10-11.

While seemingly not wishing to "look backward" toward existing weights, Defendants simultaneously argue that this Court should not look forward. In fact, Defendants argue that the new legislative changes moot the existing claims of Edgewood Plaintiffs and the relief requested. Defendants cannot so contend and then argue irrelevancy when Edgewood Plaintiffs proffer evidence to illustrate why such legislative revisions do not eliminate the existing threats. *See Lakey v. Taylor*, 278 S.W.3d 6, 12

(Tex. App.—Austin 2009, no pet.) (invalidating Commissioner’s claims that, due to policy changes that improved but did not eliminate waiting period under review, case was moot). Dr. Zamora’s testimony that the weights did not change, and that the slight increases in funding for bilingual and compensatory education resulting from minor changes to appropriations of the basic allotment, are certainly relevant to Defendants’ argument that the claims are moot and to Edgewood Plaintiffs’ argument that the system remains unconstitutionally inadequate, unsuitable and provides them no meaningful discretion in setting their tax rates. In sum, Edgewood Plaintiffs are entitled to proffer testimony to defend against Defendants’ mootness claims.

C. Dr. Zamora’s testimony is a result of careful, extensive analysis from multiple sources based on his wealth of experience, and Defendants’ claims of unreliability reflect misapplications of the law for expert testimony.

a. Applicable Law on Reliability

Defendants assert that various sections of Dr. Zamora’s expert report are unreliable. *See generally* Motion to Strike. The Texas Supreme Court has identified six key non-exclusive factors that trial courts may consider in determining whether expert testimony is reliable: (1) the extent to which the theory has been or can be tested; (2) the extent to which the technique relies upon the subjective interpretation of the expert; (3) whether the theory has been subjected to peer review and/or publication; (4) the technique’s potential rate of error; (5) whether the underlying theory or technique has been generally accepted as valid by the relevant scientific community; and (6) the non-judicial uses which have been made of the theory or technique. *See Robinson*, 923 S.W.2d at 557); *see also Daubert v. Merrell Dow Pharms*, 509 U.S. 579, 590 (1993).

In *Gammill*, the Texas Supreme Court recognized that the reliability analysis is flexible and emphasized that the six *Robinson* factors are not definitive and may not apply to certain expert testimony – whether it is scientific testimony or not – that is based on the expert’s experience and knowledge in his field. *See Gammill*, 972 S.W.2d at 722-28. In that case, the Texas Supreme Court noted a potential difference between expert testimony based on methodology and that based on experience. *See Id.*

Where the *Robinson* factors do not apply, the trial court must exercise its discretion to identify other factors as necessary to assess reliability. *See Helena Chem. Co.*, 47 S.W.3d at 499 (citations omitted). In *Gammill*, the Texas Supreme Court stated that the trial court had essentially determined the reliability of the expert by asking whether too wide an “analytical gap” existed between the expert witness’s data and testimony; that is, whether the expert failed to connect how his observations supported his conclusions. *See Gammill*, 972 S.W.2d at 727. The Court held that the trial court is in the best position to decide whether some, all, or none of the *Robinson* factors and/or the *Gammill* analytical-gap test should be applied. *See Id.* at 726; *see also Halim v. Ramchandani*, 203 S.W.3d 482, 490 (Tex. App—Houston [14th Dist.] 2006, no pet.) (finding reliable expert’s testimony based on expert’s personal experience and studies, in part by using the *Gammill* “analytical-gap”).

b. Application of the Facts

Defendants contend that Dr. Zamora’s opinion on the impact of possible programmatic changes of HB 5 is unreliable because it is speculative. *See Mot. to Strike* at 8-10. They argue that Dr. Zamora: 1) did not collect any actual data of specific district costs regarding the impact of the legislative changes; 2) did not analyze whether

or not existing budgets could be reworked to implement any of the changes; 3) claimed, incorrectly, certain impacts from HB 5 that would have existed before the law; and 4) misread a statutory change. *Id.*

Regarding programmatic changes under HB 5, Edgewood Plaintiffs assert that the *Robinson* factors do not apply to Dr. Zamora's testimony. Here, his testimony is based on his extensive experience, training and knowledge as an educator, administrator, consultant and university professor, rather than on any particular scientific methodology.

To reach his conclusions regarding the likely impact on programmatic operations of school districts resulting from the legislative changes, Dr. Zamora collected data from multiple sources: 1) survey, data, and document submissions from Edgewood Plaintiff Districts (designed to obtain more information on districts' general and programmatic budgets, student performance, and instructional programming) as well as corresponding conversations with district leadership; 2) budgetary, finance and ELL/ED student performance data from the TEA website; 3) case documents pertaining to this litigation; and 4) research on effective school practices pertaining to ELL/ED students. *See* Mot. to Strike, Ex. A at 3-5. Against this review, Dr. Zamora analyzed the impact of the 2013 legislative changes, including HB 5 and changes to appropriations, on district operations based on his substantial expertise.

Defendants erroneously argue that Dr. Zamora "summarily concludes that the districts just do not have the money to implement best practices" and "does not engage in the work necessary to reach such a conclusion." *See* Mot. to Strike at 12. They also erroneously criticize Dr. Zamora for not reviewing district expenses to determine if they were allocating resources appropriately. *Id.* However, Defendants once again ignore the

supplementary nature of Dr. Zamora's in this trial. He did not need to re-analyze evidence on the best practices for ELL and economically disadvantaged students (such as class-size reduction, quality pre-K, etc.); had he done so, undoubtedly Defendants would have objected—and perhaps this Court as well. (And Dr. Zamora did compare school district expenditure information for 2012-13 on best practices to expenditures in 2013-14. *See* Mot. to Strike, Ex. A at 21-25) It was perfectly legitimate under Rule 702 for Dr. Zamora to examine the efficacy of offering those best practices in light of the legislative changes, performance data, district budgets, etc., through the lens of his years of experience in educational leadership. This analysis, at a minimum, is sufficient to overcome the “analytical gap” noted in *Gammill*.

Defendants also fault Dr. Zamora for “summarily” concluding that the districts lack the money to implement several listed best practices he gleaned from his research and professional experience. *See* Mot. to Strike at 11. However, Dr. Zamora does not opine on which best practice a district should focus. Rather, he states that “the evidence in this case demonstrated that a highly qualified teacher and reduced class size can have a demonstrable effect on ELL and economically disadvantaged student performance.” *See* Mot. to Strike, Ex. A at 25. Thus, rather than try to replace his judgment for that of the individual districts, he merely selects one best practice that was examined previously by this Court in this case— class size – to illustrate that even manipulating funds available to districts in 2013-14 with the new appropriations, implementing *one* of the best practices “significantly depletes funds available to implement other complimentary best practices suggested in literature and in this case.” *See id.* at 28.

Moreover, Dr. Zamora's conclusion that the State falls short of providing ELL/ED students with the educational opportunities needed to succeed, was reached only after application of his overarching observations to the circumstances of Edgewood Plaintiffs' districts as gathered from his surveys, data review, etc.

D. Defendants' contention that Dr. Zamora's opinions relating to student performance are not opinions requiring special knowledge lack merit as well as context.

Finally, Defendants aver that Figures 2-4 in Dr. Zamora's expert report, which illustrate achievement gaps between ELL/ED students and their counterparts, should be stricken because they do not qualify as specialized knowledge that will assist the trier of fact to understand the evidence or determine a fact issue. *See* Mot. to Strike at 11. Defendants' argument is misplaced, however, because the test is not whether a fact finder could have readily accessed information presented in the expert report on a publicly-available website, but rather whether the expert can help the trier of fact to understand the evidence or determine a fact issue.

An expert may add precision and depth to the ability of the trier of fact to reach conclusions about subjects which lie well within common experience. Because the possible spectrum of education, skill, and training is so wide, a trial court has great discretion in determining whether a witness possesses sufficient qualifications to assist the [factfinder] as an expert on a specific topic in a particular case.

Booker v. State, 2009 Tex. App. LEXIS 5541, 2009 WL 2006428 at 14-15 (Tex. App. Dallas July 13, 2009) (citing *Rodgers v. State*, 205 S.W.3d 525, 527 (Tex. Crim. App. 2006)).

In his report, Dr. Zamora synthesizes, and presents graphically, a collection of STAAR performance results to illustrate, for example, that in 2012-13 "the percent of ELL students scoring at the advanced level decreases as they progress through the

grades.” *See* Mot. to Strike, Ex. A at 17-19. In addition, Defendants discuss Figures 2-4 out of context. The figures illustrating the achievement gap do not do so in isolation but support his analysis of the impact of the legislative changes and his opinion that more funding as well as implementation of various best practices is needed for special populations. *See id.* Had Dr. Zamora not reviewed such performance data, there is little doubt that Defendants would have assailed Dr. Zamora for concluding that these services were needed without analyzing their performance.

III. CONCLUSION & PRAYER

Edgewood Plaintiffs have demonstrated that Dr. Zamora is qualified to offer the opinions presented in this case and that said opinions are reliable, relevant, and admissible under Texas Rules of Evidence 402 and 702. Edgewood Plaintiffs respectfully urge the Court to deny Defendants’ request to strike Dr. Roberto Zamora and exclude him as an expert.

DATED: January 14, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I also certify that on January 14, 2014, I served the foregoing document via electronic mail to the parties listed below:

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D-1-GN-11-003130

Exhibit

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Unofficial copy Travis Co. District Clerk Velda L. Price

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ERTO ZAMORA

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1. My name is Roberto Zamora. I am over the age of 18 and am fully competent to make this Affidavit. The facts stated in this Affidavit are within my personal knowledge and are true.
2. I previously testified to my school finance expert qualifications in this case and they are listed on page one of my expert report and on my curricula vitae filed in this case.
3. I will briefly summarize some but not all of my relevant qualifications. I received a Ph.D. in Educational Administration from the University of Texas at Austin and my master's degree from the University of Texas Pan American. In my education, I took courses in school finance.
4. I have worked in various capacities on school finance issues for about four decades.
5. I currently serve as a lecturer in the College of Education at the University of Texas Pan American and have taught, among other courses: Administration of School Business Services; Public School Law, and Administration of School Facilities.

6. Below is a selection of my additional qualifications (in addition to those described in my expert report, my CV and during my deposition) to offer expert analysis of the financial and programmatic impact of legislative changes resulting from the 83rd legislative session:
7. As Executive Assistant to the Commissioner of Education, I was responsible for coordinating development of the operating budget of the Texas Education Agency (TEA);
8. In that role, I also worked with the Resource Analysis and Reports Division to provide fiscal information to the Commissioner as needed;
9. As Executive Assistant to the Commissioner of Education, I worked with staff from the Legislative Budget Board on various topics such as strategic planning, state funding, administrative costs, school facilities, and the TEA budget;
10. As a member and President of the South Texas Association of Schools (STAS) (2000-2003) and The Equity Center (2001-2003), I kept abreast of the fiscal and programmatic impact of legislative bills being considered and assisted in analyzing the impact of such changes.
11. As the president of those organizations, I met with state school finance experts to examine potential impacts of bills being considered and worked with other Superintendents in developing position papers detailing the financial and programmatic impact that the bills would have on member schools;
12. As president of the STAS, I occasionally met with individual legislators and/or legislative committees to make the positions of STAS known;
13. As Executive Director of an Educational Service Center and as Superintendent of Schools for La Joya ISD, I was keenly aware of education and, particularly, school finance legislation introduced and passed;
14. As Chief Executive Officer in those roles, it was imperative that I have a working knowledge of fiscal and programmatic requirements of the bills pertaining to public education; hence, I devoted time required to determine fiscal and programmatic requirements;
15. As superintendent of La Joya ISD, I assumed administrative responsibility and leadership for the planning, operation, supervision and evaluation of the education programs, services and facilities of the district and prepared and submitted to the board of trustees a proposed budget;
16. As superintendent of La Joya, a fast-growth school district which comprised about 8,000 students when I started in 1987 and about 21,000 students in 2003, I witnessed and experienced changes in the school finance system, curriculum standards, and

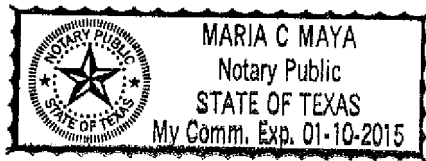
state and federal accountability systems, as well as changes from other legislation that increased the financial burdens on districts; and

17. In that role, I also witnessed and had to make decisions factoring in a continuing increase in costs required to operate a district and its schools.
18. As a Chief Executive Officer of a school district and an Education Service Center, I have analyzed the financial and programmatic implications resulting from legislation.
19. For the abovementioned reasons, I am cognizant of the need to be aware of inflation and its impact on operating a school system because costs seldom stay the same from one school year to the next. I thought it necessary and useful to the Court to account for inflation in my analysis for purposes of this case.
20. To account for inflation in my revenue per WADA analysis involving the five Edgewood Plaintiff school districts, I utilized the Consumer Price Index (http://www.bls.gov/data/inflation_calculator.htm) available at the U.S. Department of Labor's Bureau of Vital Statistics that was mentioned in the Findings of Fact and that had been used previously by the Office of the State Comptroller in this case.

Further Affiant sayeth not.

Roberto Zamora
Roberto Zamora

SWORN TO AND SUBSCRIBED by said Roberto Zamora before me, the undersigned
authority, on this 14 day of January, 2014.



Maria C Maya
Notary Public, State of Texas

Unofficial copy Travis Co. District Clerk Veva L. Price

1/14/2014 9:21:28 AM

Amalia Rodriguez-Mendoza
District Clerk
Travis County
D-1-GN-11-003130

Exhibit

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Unofficial copy Travis Co. District Clerk Velda L. Price

**Deposition of Dr. Roberto Zamora
November 19, 2013**

page:line

52:12-17

53:18-25

178:13-22

Unofficial copy Travis Co. District Clerk Velda L. Price

CAUSE NO. D-1-GN-11-003130

TEXAS TAXPAYER & STUDENT) IN THE DISTRICT COURT OF
 FAIRNESS COALITION, ET)
 AL., CALHOUN COUNTY ISD,)
 ET AL.; EDGEWOOD ISD, ET)
 AL. FORT BEND ISD, ET)
 AL.; TEXAS CHARGER SCHOOL)
 ASSOCIATION, ET AL.,)

Plaintiffs,)

JOYCE COLEMAN, ET AL.,) TRAVIS COUNTY, TEXAS

Intervenors,)

VS.)

MICHAEL WILLIAMS)
 COMMISSIONER OF)
 EDUCATION, IN HIS)
 OFFICIAL CAPACITY; SUSAN)
 COMBS, TEXAS COMPTROLLER)
 OF PUBLIC ACCOUNTS, IN)
 HER OFFICIAL CAPACITY;)
 TEXAS STATE BOARD OF)
 EDUCATION,)

Defendants.) 200TH JUDICIAL DISTRICT

ORAL DEPOSITION OF ROBERTO R. ZAMORA, PH.D.
 11/19/2013

Job No: 67344

1 ORAL DEPOSITION OF ROBERTO R. ZAMORA, PH.D.,
2 produced as a witness at the instance of the Defendants
3 and duly sworn, was taken in the above styled and numbered
4 cause on Wednesday, 11/19/2013, from 9:07 a.m. to
5 2:32 p.m., before Tamara Chapman, CSR in and for the State
6 of Texas, reported by computerized stenotype machine, at
7 the offices of MALDEF, 110 Broadway, Suite 300, San
8 Antonio, Texas, pursuant to the Texas Rules of Civil
9 Procedure and the provisions stated on the record herein.

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Unofficial copy Travis Co. District Clerk Velda L. Price

1 A. The CPI, I do not.

2 Q. Okay. For any purpose in either of those roles,
3 do you use a price index?

4 A. No, neither one, no, ma'am.

5 Q. In any of your prior professional roles, have you
6 ever as part of your work used a price indices for some
7 purpose?

8 A. I have not used the CPIs -- the price indices for
9 any purposes, but I have been very much aware of the
10 changes in costs as we move from one year to the next and
11 how that impacts our budget, that -- I've known that
12 inflation does make a difference and that when I have the
13 same amount of monies going from one year to the next in
14 budget-making, that doesn't necessarily mean that I'm
15 going to be able to purchase the same goods and products
16 as I did the prior year just because of increases in
17 prices.

18 MS. COCHRAN-MCCALL: Objection;
19 nonresponsive.

20 Q. (BY MS. COCHRAN-MCCALL) Which indices are you
21 aware of regarding inflation in various markets?

22 A. For the purpose of this report, the only one that
23 I became aware of and used was the CPI U.S.

24 Q. And what does CPI stand for?

25 A. Consumer price index.

1 Q. And are you aware of any other price indices?

2 A. I'm familiar that there are -- that there are
3 others for the states.

4 Q. Can you identify or list any price indices that
5 you're aware of?

6 A. I don't know what their exact terms are, but I
7 know that there's a CPI for Texas. I didn't go into other
8 details, but I was not able to come up with any means for
9 making the determination as it applied to the work I was
10 doing.

11 Q. Let me make sure I understand what you mean by
12 that. You weren't -- maybe you could just explain what
13 you mean by that. I'm not sure I'm following what you're
14 saying.

15 A. On the Texas CPI?

16 Q. In regard to what you're referencing, I'm not
17 understanding what you're saying.

18 A. It was easy for me to look at the CPI. And the
19 reason that I used the CPI that I used was because that is
20 also one that is in the facts of finding.

21 Q. Okay.

22 A. And I believe that there's reference to it, I
23 don't know whether it was with the state comptroller that
24 was using it or who it was for. But there was a reference
25 made to. Because that was what was in the facts of

1 background, did you have any specialty or focus on any
2 finance studies?

3 A. Yes, ma'am.

4 Q. And can you describe those for me?

5 A. Well, as part of my experiences, I have -- from
6 being a superintendent -- first, at the campus level as a
7 principal doing budget.

8 Q. Well, let me stop you there --

9 A. Okay.

10 Q. -- because I'll ask you related to your
11 professional experience.

12 A. Oh, sorry.

13 Q. But I want to focus on just your educational
14 background.

15 A. Okay. Those would be the courses that I took for
16 the master's degree.

17 Q. Okay. And which courses did you take?

18 A. I do not recall, ma'am.

19 Q. They were finance courses?

20 A. Yes, ma'am.

21 Q. Related to what?

22 A. Public school finance.

23 Q. Okay.

24 A. In fact, my first paper in school finance was one
25 on equity.

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 TEXAS STATE BOARD OF)
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Defendants.) 200TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATION

DEPOSITION OF ROBERTO R. ZAMORA, Ph.D.

TAKEN NOVEMBER 19, 2013

I, Tamara Chapman, Certified Shorthand Reporter and
 Notary Public in and for the State of Texas, hereby
 certify to the following:

That the witness, ROBERTO R. ZAMORA, Ph.D., was duly

1 sworn by the officer and that the transcript of the oral
2 deposition is a true record of the testimony given by the
3 witness;

4 That the deposition transcript was submitted on
5 November 26, 2013 to the witness or to the attorney for
6 the witness for examination, signature and return to TSG
7 Reporting, by December 16, 2013;

8 That the amount of time used by each party at the
9 deposition is as follows:

Ms. Amanda Cochran-McCall - 4:07

10 Mr. David Hinojosa - 00:00

Ms. Holly McIntush - 00:00

11
12 That pursuant to information given to the deposition
13 officer at the time said testimony was taken, the
14 following includes counsel for all parties of record:

15 Ms. Amanda Cochran-McCall - ATTORNEY FOR MICHAEL
16 WILLIAMS COMMISSIONER OF EDUCATION, IN HIS OFFICIAL
17 CAPACITY; SUSAN COMBS, TEXAS COMPTROLLER OF PUBLIC
18 ACCOUNTS, IN HER OFFICIAL CAPACITY; TEXAS STATE BOARD OF
19 EDUCATION

20 Ms. Holly McIntush - ATTORNEY FOR FORT BEND
21 INDEPENDENT SCHOOL DISTRICT PLAINTIFFS

22 Mr. David Hinojosa - COUNSEL FOR EDGEWOOD INDEPENDENT
23 SCHOOL DISTRICT PLAINTIFFS

24 I further certify that I am neither counsel for,
25 related to, nor employed by any of the parties in the

1 action in which this proceeding was taken, and further
2 that I am not financially or otherwise interested in the
3 outcome of the action.

4 Further certification requirements pursuant to Rule
5 203 of TRCP will be certified to after they have occurred.

6 Certified to by me this 26th day of November, 2013.

7
8 _____
9 Tamara Chapman, CSR, RFR

CSR No. 7248

Expiration Date: 12/31/14

10 TSG Reporting, Inc.

Firm Registration No. 615

11 Nationwide - Worldwide

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TEXAS TAXPAYER & STUDENT
FAIRNESS COALITION, *ET AL.*,

Plaintiffs,

EDGEWOOD INDEPENDENT SCHOOL
DISTRICT, *ET AL.*, (consolidated)

Plaintiffs

V.

MICHAEL WILLIAMS, in his official capacity as
Commissioner of Education, *ET AL.*,

Defendants,

[illegible]

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

200TH JUDICIAL DISTRICT

PROPOSED ORDER

On January 16, 2014, Michael Williams, et al., Defendants' Motion to Strike Edgewood Plaintiffs' Expert Dr. Roberto Zamora came to be heard. After hearing the arguments of counsel, the Court denies said motion and all relief requested therein. It is so Ordered.

Signed on the _____ day of _____, 2014.

The Honorable John K. Dietz, Judge Presiding