

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

VIRGINIA ELIZONDO,  
Plaintiff,

VS.

SPRING BRANCH INDEPENDENT  
SCHOOL DISTRICT, ET AL.,  
Defendants.

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)  
) CIVIL ACTION NO.  
) 4:21-CV-1997  
)  
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) 8:29 A.M.  
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)

BENCH TRIAL  
BEFORE THE HONORABLE SIM LAKE  
UNITED STATES DISTRICT JUDGE  
SEPTEMBER 11, 2024  
VOLUME 3 OF 5

APPEARANCES:

**FOR PLAINTIFF:**

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**ALSO PRESENT:**

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MR. RICHARD RIENSTRA

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24 Proceedings recorded by mechanical stenography, transcript  
25 produced by computer.

**I N D E X**

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(Call to Order of the Court.)

**THE COURT:** Good morning. Please be seated.

You may conclude your cross-examination of  
Dr. Elizondo.

**MR. ABRAMS:** Your Honor, just two housekeeping  
matters, if I may, before Mr. Henry continues. You gave me a  
little homework last night, and I did my homework. I presented  
the other side -- the *Thornburg v. Gingles* case, at the red tab,  
discusses the important factors.

Since the Court inquired yesterday about the role of  
intent in a case like this, I've also tabbed, in yellow, the  
portions of the *Thornburg v. Gingles* case that addresses the  
amendment that we discussed on the record. And then, second,  
the *Benavidez* case from the Southern -- Northern District of  
Texas cites *Gingles* for the most important factor issue, and I  
put a red tab there as well.

**THE COURT:** Okay. Everybody cites that *Benavidez*  
case. That's a district court case. We're referred to, in the  
Constitution, as "inferior courts." Has any higher court  
adopted that statement by Judge Solis?

**MR. ABRAMS:** Your Honor, with respect to this specific  
issue, they're simply quoting and citing *Gingles* --

**THE COURT:** Okay.

**MR. ABRAMS:** -- and so I did it for that purpose, to  
show that somebody's listening to the U.S. Supreme Court in the

1 circuit at the district court level. And so that's the only  
2 proposition I'm offering *Benavidez* for, to address your question  
3 about the most important factors.

08:30:45 4 **THE COURT:** Thank you.

08:30:45 5 **MR. ABRAMS:** And then one other scheduling issue. At  
6 the end of the day, the district inquired whether we would allow  
7 them to bring Dr. Craft out of order, who's coming from Boerne,  
8 and the plaintiff is happy to accommodate them. That will have  
9 an impact on the scheduling, and we wanted -- I wanted to visit  
10 with you about what we've at least discussed, subject to your  
11 permission.

08:31:05 12 After Dr. Elizondo finishes, they're going to bring  
13 Dr. Craft out of order. That shifts all the witnesses. We'll  
14 then have four or five short fact witnesses, which leaves  
15 Dr. Stein. But for the change, Dr. Stein might have gone on  
16 this afternoon, but we think that's going to carry us through  
17 midafternoon.

08:31:26 18 Dr. Stein has a class this afternoon he would very  
19 much like to teach, and so if you will permit us, we'd like to  
20 bring Dr. Stein in the morning. I think we'll fill the day,  
21 anyway, with the other witnesses.

08:31:37 22 **THE COURT:** Well, I don't want you just to expand the  
23 testimony for the day.

08:31:41 24 **MR. ABRAMS:** No, no. I just meant I think it will  
25 take you to where you will be happy today.

**Mr. Henry Continued Cross of Virginia Elizondo**

08:31:46 1           **THE COURT:** Okay. Well, if not, then you should be  
2 prepared to call another witness out of order because I want to  
3 finish by Friday.

08:31:53 4           **MR. ABRAMS:** Fine.

08:31:53 5           **THE COURT:** You may conclude your cross-examination.

08:31:55 6           **MR. ABRAMS:** Thank you, Judge.

**CROSS-EXAMINATION CONTINUED**

08:31:57 8           **BY MR. HENRY:**

08:32:00 9           **Q** Dr. Elizondo, yesterday we were talking a little bit about  
10 your 2021 election against current trustee Chris Earnest, and  
11 you testified that you believe that -- that Chris Earnest had  
12 received the Republican Party nomination.

08:32:18 13           Do you believe that political party endorsements were an  
14 important factor for voters in the 2021 election?

08:32:24 15           **A** I think that all the endorsements we received helped our  
16 campaigns.

08:32:29 17           **Q** So including the endorsement for Chris Earnest by the  
18 Republicans -- the Harris County Republicans?

08:32:35 19           **A** Yes, that endorsement helped him.

08:32:40 20           **Q** In the 2021 election, was it your contention that the  
21 drastic increase in total votes in that election, as compared to  
22 prior elections, was because of fear of a minority being elected  
23 to the board?

08:32:57 24           **A** Yes. I do think there were some people that were very  
25 concerned because it seemed like I had a shot.

***Mr. Henry Continued Cross of Virginia Elizondo***

Q Are you familiar with current SBISD trustee John Perez?

A I am now.

Q Are you aware that he's Hispanic?

A Yes.

Q And, obviously, he won his election, correct?

A Yes, but he was not the preferred candidate.

Q Are you aware that, in that election, there was also very high turnout in comparison to pre-2021 school board elections?

A Yes. I think there were big numbers that year as well.

Q So, obviously, in the 2023 election in which John Perez, the Hispanic, was elected, the big turnout wasn't out of fear of a minority being elected, was it?

A I think it had more to do about the values and whether that Latino happened to encompass the values of a Latino community.

Q And Mr. Perez encompassed very conservative values. Is that your understanding?

A He was not the preferred candidate of the Latino community.

Q And that really wasn't my question. My question was: Did Mr. Perez campaign on very conservative partisan issues?

A He campaigned on issues that were not -- that were not appealing to the Latino community.

Q Can you tell me what those were?

A From what I saw, the three of them were kind of together, the other two candidates and himself, and they were kind of talking the same thing, about -- I think they were talking about

**Mr. Henry Continued Cross of Virginia Elizondo**

1 the revisionist history part -- some of the similar things that  
2 Earnest had talked about, as well, with the CRT, with those kind  
3 of components.

08:34:38 4 Q Was he talking about concerns about content of library  
5 books?

08:34:44 6 A I think that -- yeah, that was part of the CRT piece.

08:34:46 7 Q Was he talking about woke ideology in schools?

08:34:50 8 A I don't remember specifically that part. I didn't delve  
9 into his campaign that deeply.

08:34:58 10 Q Yesterday, we looked at some of your campaign materials, and  
11 on those campaign materials, is it correct that you advertised  
12 the dates for your supporters to go vote in early voting in  
13 SBISD?

08:35:10 14 A Yes.

08:35:12 15 Q Do you recall that early voting in SBISD is eight days long  
16 and includes at least one weekend day?

08:35:18 17 A Yes.

08:35:20 18 Q And is it correct that in SBISD, Election Day is just one  
19 day, and it's not on a weekend; it's on a weekday?

08:35:33 20 A Yes.

08:35:33 21 Q Are you aware that state law specifically provides that  
22 school board elections can occur in May?

08:35:38 23 A Yeah, that they're -- they occur in May, yes.

08:35:41 24 Q Are you aware that the vast majority of school districts in  
25 Texas hold their school board elections in May?



**Mr. Henry Continued Cross of Virginia Elizondo**

08:35:47 1 **A** I don't know personally, sorry.

08:35:50 2 **Q** Are you aware of any data showing the percentage of Hispanic  
3 turnout to vote in your election in 2021?

08:36:00 4 **A** We looked at a lot of numbers yesterday showing how many  
5 people came to vote, but I don't know if we saw the breakdown by  
6 race. I don't think we did.

08:36:08 7 **Q** So without knowing the voter turnout of Hispanic voters, you  
8 can't guarantee that the Hispanic preferred candidate would win  
9 an election in the proposed district, correct?

08:36:19 10 **A** Well, from the data that I've seen -- the only data I've  
11 seen has been from Dr. Stein's report, and after reading his  
12 report, I feel very confidently that the Latino preferred  
13 candidate would have a shot in a single-member district.

08:36:34 14 **Q** Without knowing what percentage of Latinos actually vote in  
15 that district?

08:36:38 16 **A** Well, I mean, I don't have it in my memory. I mean, I could  
17 pull Dr. Stein's report. I could share that with you.

08:36:44 18 **Q** We'll defer to Dr. Stein on that.

08:36:47 19 **A** Okay. I thought so.

08:36:49 20 **Q** Yesterday, you testified that curriculum that SBISD uses --  
21 or I should say the subjects that SBISD teaches, come from TEA  
22 in the form of -- in the education world those are called TEKS,  
23 correct?

08:37:04 24 **A** Yes.

08:37:06 25 **Q** The school board hires the superintendent; is that right?

**Mr. Henry Continued Cross of Virginia Elizondo**

08:37:10 1 **A** Yes.

08:37:11 2 **Q** And then they supervise the superintendent and evaluate the  
3 superintendent?

08:37:15 4 **A** Yes.

08:37:16 5 **Q** And the superintendent is in charge of hiring and  
6 supervising those people who make curriculum decisions on the  
7 district's campuses, correct?

08:37:26 8 **A** Yes.

08:37:27 9 **Q** And so those people who report to the superintendent, who  
10 reports to the board, have discretion, do they not, about what  
11 materials will be used and how those TEKS will be delivered to  
12 students?

08:37:41 13 **A** Yes, they do. They're the educational experts.

08:37:45 14 **Q** And so the board, then, by hiring the superintendent, and  
15 then having the superintendent hire and supervise employees of  
16 the district, does guide the curriculum and instruction and  
17 focus of a school district, right?

08:38:03 18 **A** No.

08:38:04 19 **Q** You don't think that the school board has --

08:38:06 20 **A** I think the school board sets the goals that they want the  
21 superintendent to implement, but they don't -- they -- at least  
22 what we -- what I know is that they wouldn't -- and what I've  
23 been trained is that they're not supposed to be handling  
24 day-to-day instructional decisions because that's what you hire  
25 the superintendent as the educational expert for.

**Mr. Henry Continued Cross of Virginia Elizondo**

Q And so if the board doesn't like the day-to-day instruction, they can replace the superintendent and find someone who will do it in a way that they would like it done, correct?

A They have the choice of replacing the superintendent.

Q And have you seen this board, as it's currently constructed, make decisions on things like library book challenge policies that impact what kids can and can't have access to in their school libraries?

A Yes.

Q So this board has, indeed, had an impact on materials and curriculum available to kids?

A Yes. They -- when it came to -- after the state laws changed, it gave them a little more flexibility when it came to the umbrella term that was never defined of CRT. And so, pretty much, they could challenge a lot of things claiming that it was CRT, like the autobiography of Martin Luther King, Jr., and say that that was CRT, and then they'd be able to, you know, review it and -- and make the decision to ban that specific book.

Q Has that book been banned in SBISD?

A I don't know all the list of books that have been banned in SBISD.

Q And that CRT issue you mentioned before, Texas law now prohibits the teaching of critical race theory in K-12 schools, correct?

A Yes, but it has not -- but they failed to define it in the

**Mr. Henry Continued Cross of Virginia Elizondo**

law, and even the State Board of Education has criticized them for not offering a definition for clarification.

**Q** And pushing for a ban on CRT instruction in schools was part of the conservative board's push over the last couple of years in SBISD, correct?

**A** Yes. That phrase -- that phrasing came up in the elections.

**Q** Okay. Thank you.

**MR. HENRY:** I'll pass the witness.

**MR. ABRAMS:** No further questions, Your Honor.

**THE COURT:** Thank you, Dr. Elizondo.

Defendant may call its witness out of order.

**MR. CRAWFORD:** Defendants call Kristin Craft.

**THE COURT:** Please come around and be sworn.

Good morning.

**THE WITNESS:** Hi, good morning.

**THE COURT:** Please raise your right hand and be sworn.

*(Witness sworn.)*

**THE COURT:** Please be seated. You have to raise the microphone and then pull it down so you're comfortable and so that we can all hear you.

**THE WITNESS:** Okay. Thank you.

**THE COURT:** Just take it easy and relax.

Go ahead.

**MR. CRAWFORD:** Thank you, Your Honor.

**KRISTIN CRAFT, DULY SWORN, TESTIFIED:**

**Mr. Crawford Direct of Kristin Craft**  
**DIRECT EXAMINATION**

**BY MR. CRAWFORD:**

**Q** Good morning, Dr. Craft.

**A** Good morning.

**Q** Would you please state your name for the record?

**A** Kristin Craft.

**Q** What is your current job?

**A** I'm currently superintendent of Boerne ISD.

**Q** Before you came -- became superintendent of Boerne ISD, what  
did you do?

**A** I was chief academic officer in Spring Branch Independent  
School District.

**Q** What years of service at Spring Branch, in that capacity,  
did you serve?

**A** I joined Spring Branch in 2016. I moved into the chief  
academic officer, associate superintendent role in 2019, and was  
there until December of '23.

**Q** What were your responsibilities in that capacity?

**A** So as chief academic officer, I was responsible for all  
student achievement, performance, student supports,  
accountability, assessment, student guidance counseling --  
virtually everything that happens in the school for our school  
district and our 33,000-plus students.

**Q** Does Spring Branch ISD have a bilingual program?

**A** Yes.

**Mr. Crawford Direct of Kristin Craft**

Q Would you tell the Court what that program consists of?

A So a bilingual program by the state, you look at the home language survey. When students enroll, if there's an indication of a language spoken other than English in the home, then you do some language testing, and then there are choices available to parents: English as a second language programs and bilingual programs.

So we offer, in Spring Branch, pre-K through fifth grade bilingual programming, that's one-way dual language; and then we also offer two-way dual language as a choice option.

Q In your opinion --

**THE REPORTER:** I'm sorry, a little closer.

**MR. CRAWFORD:** I apologize.

**BY MR. CRAWFORD:**

Q In your opinion as associate -- former associate superintendent for academics, do you think the district's bilingual program is successful?

A Yes, sir, very much.

Q Would you tell us why?

A Well, I would have to say, since 2019, we have been putting in systems and processes, working with principals and teachers, on delivering high-quality instruction, studying data. We have seen gains. Spring Branch came out stronger from the pandemic, and since 2019-2020, Spring Branch ISD has exceeded state and region performance for EB students.

**Mr. Crawford Direct of Kristin Craft**

08:43:42 1 I mean, that is something that we have been tracking very  
2 much so. There's an intentional focus for the success of our  
3 English learners. And down the road, TEA changed it to EB,  
4 emergent bilingual students, but we have been tracking all of  
5 that work, and we have seen significant -- significant gains not  
6 only in the elementary grades, but through middle school and  
7 high school.

08:44:06 8 **Q** Could you give the Court some examples of the academic gains  
9 that you were talking about?

08:44:11 10 **A** Sure. One gain is around the Texas English Language  
11 Proficiency Assessment System. That is the -- in addition to  
12 STAAR, the state test. EL students also take another test for  
13 their English language proficiency, and we have been above state  
14 and region levels for making sure our students progress at least  
15 one year or more.

08:44:35 16 When you look at our EB or EL student performance at the  
17 high school level, our accelerated placement, our dual credit  
18 classes, we have seen gains in participation and achievement.  
19 When you -- you know, part of the bilingual program is making  
20 sure that students have strong English language in addition to  
21 their Spanish language, and so our students excel after they  
22 exit from the EL program.

08:45:02 23 If you look at accountability reports, students one-year  
24 and two-year in the monitor status do very, very well. So there  
25 are also, you know, many other results specific to

**Mr. Crawford Direct of Kristin Craft**

1 accountability that we might get to later, but even looking at  
2 our grade three students -- so there's an intense focus in the  
3 state with House Bill 3 and third grade EB students, and when we  
4 look at paper, '21 and '22, reading increased by 10 to 14 points  
5 at all three performance levels, and math increased 8 to 12  
6 points at all three performance levels specifically for that  
7 grade, to highlight.

08:45:47 8 Q Any other academic gain -- gains that you -- come to mind?

08:45:51 9 A Well, our graduation rates have increased. Our national  
10 clearinghouse data for Northbrook High School and Spring Woods  
11 High School have seen gains in college enrollment the fall after  
12 graduation. We have more of our students -- English-learner  
13 students taking their state exams in English because the state  
14 tells school districts you can no longer offer a bilingual  
15 program after fifth grade.

08:46:16 16 And so it's our responsibility to make sure that students  
17 are well prepared, when they go to sixth grade in middle school,  
18 to do well on their state assessments because instruction then  
19 moves to all English.

08:46:28 20 Q I believe I heard you just say that -- that the bilingual  
21 program lasts through the end of fifth grade per the state?

08:46:36 22 A Yes.

08:46:38 23 Q What is Spring Branch's response to the fifth grade  
24 bilingual program cutoff?

08:46:45 25 A So we also offer another strand of choice programming. So



**Mr. Crawford Direct of Kristin Craft**

1 parents have choice in our school district, and one of those  
2 choices is a two-way dual language program, which we do offer in  
3 the secondary levels. So it can proceed into middle school.

08:47:00 4 **Q** Is that beyond what the state requires?

08:47:02 5 **A** It is in excess and beyond what the state requires.

08:47:06 6 **Q** What sort of programs and outreach does the district provide  
7 for its bilingual students?

08:47:15 8 **A** Our leaders and our teachers are very intentional about the  
9 supports that they put in place and the intervention systems and  
10 the enrichment for our students, and our community has been very  
11 generous. We have sister schools that pair with our campuses.  
12 We have Community in Schools, social work and counselor support  
13 across all of our schools, but over the years we have had  
14 additional CIS staff supporting schools.

08:47:43 15 SpringSpirit has been a great partner. We have Boys and  
16 Girls Club. We started STEM clubs in our middle schools in  
17 particular to connect our middle school students to STEM  
18 opportunities as they move into high school. Our Title I  
19 schools have parent advisory committees. FamilyPoint Resources  
20 is a great resource in our area.

08:48:05 21 And, of course, campuses are required to have -- their  
22 Title I campus, they are required to have parent outreach and  
23 parent support in academic programming, but really we expect  
24 that of all schools. And so no matter what school you're at,  
25 there is an expectation that there are parent trainings and

**Mr. Crawford Direct of Kristin Craft**

parent supports.

But we have done significant work. We take EB/EL students to Rice University in the summer for STEM camp. We created a partnership with Texas A&M in their engineering pipeline to be at the forefront in our schools and connected to our STEM clubs. We have aspiring graduate programs to make sure that all kiddos are on track for graduation.

We offer extensive summer school programming to make sure that all kids are on grade level, ready for the next school year. We have a multilingual welcome center where students and parents who are coming in new to the country, that is the first -- once they go to their school, that's the next place that they go to make sure that we can provide supports to that family.

There are many more, but I'll stop there.

**Q** Does the bilingual program at Spring Branch have a budget?

**A** Yes, sir.

**Q** What are the component parts of the budget?

**A** Well, there's really four parts to a budget: You have staffing; you have training; you have materials; then you have other -- or software, other instruction materials, consultants and so forth. They have a strong budget.

**Q** Do you feel that budget is -- is properly funded?

**A** Yes, I believe it's properly funded. In addition to that, the performance of our EL students has been a priority for our

**Mr. Crawford Direct of Kristin Craft**

superintendent since the day she became superintendent. It's been a priority for our principals. They -- we have goals in all of our campus improvement plans and our district improvements plans. There are dollars associated to this.

Any time that I brought a request forward to our senior staff, if it was about, you know, EL students and the need to do more, it was approved. Like, we had great support. We had a great -- we have a great CFO who really would understand our core business is teaching and learning, and if we have needs at schools and we have a plan to address it, then Dr. Blaine and Ms. Porter found a way to fund -- fund those initiatives.

**Q** Regarding bilingual performance, where does Spring Branch ISD rate?

**A** Well, there have been a number of different reports out there, but we are above the state and region in our EL performance.

**Q** I would like you to take a look at Plaintiff's Exhibit 79, and it's -- I think it will be up on the screen in front of you, if that's helpful.

**A** Okay.

**Q** I think you're in the defendants' exhibit book, by the way.

**A** Yes. There's a lot in here. Okay.

**Q** So is it okay -- are you okay working off the screen?

**A** Yes.

**Q** Perfect.

**Mr. Crawford Direct of Kristin Craft**

08:51:10 1 This is a copy of the 2019 A through F accountability list--  
08:51:21 2 -- listing for Spring Branch from the Texas Education Agency; is  
08:51:23 3 that right?

08:51:21 4 **A** Yes, sir.

08:51:23 5 **Q** The very top has a -- a category called "School Progress,"  
08:51:40 6 and below that it states "Overall Student Achievement,"  
08:51:41 7 "Academic Growth," "Relative Performance," and "Closing the  
08:51:50 8 Gaps." Do you see those?

08:51:40 9 **A** Yes.

08:51:41 10 **Q** Are -- are -- the student achievement, academic growth,  
08:51:50 11 relative performance, and closing the gaps, are those what go  
08:51:51 12 into the overall rating?

08:51:50 13 **A** Yes.

08:51:51 14 **Q** Would you tell the Court what each one of those four domains  
08:51:57 15 measure?

08:51:57 16 **A** Certainly. So all of those domains go into the overall  
08:52:01 17 report, and those are all very critical pieces that teachers and  
08:52:02 18 leaders have to pay attention to. So student achievement -- so  
08:52:03 19 students receive a score: Approaches, meets, masters, or they  
08:52:04 20 do not meet. So there's four levels of how a student scores.  
08:52:05 21 So that is Domain 1.

08:52:21 22 Domain 2A is growth, and that is looking at a student's  
08:52:22 23 performance last year compared to their current year performance  
08:52:23 24 and the expectation to see a year's worth of growth. So that's  
08:52:24 25 very important.

**Mr. Crawford Direct of Kristin Craft**

08:52:35 1 Relative performance is looking at student performance  
2 relative to other districts in similar -- similar economically  
3 disadvantaged characteristics. So you compare your performance  
4 versus the other area -- other districts in that kind of  
5 category, and the TEA defines all that.

08:52:56 6 And then closing the gaps is really looking at the two  
7 lowest student performance groups and making sure they're making  
8 gains. So all of those are very important pieces that a leader  
9 and teachers have to pay attention to because they all factor in  
10 to your overall performance. The state sets the percentages for  
11 each of those domains.

08:53:17 12 It's a big math formula of how you arrive at the overall  
13 score, but all of those areas are critically important because  
14 every school, every teacher, every principal, they have to pay  
15 attention to students who didn't pass in one year and making  
16 sure they are accelerated so that they can meet the standard the  
17 following year. And those are all parsed out in very unique  
18 ways to make sure that school districts are accountable, to  
19 ensure that all students are close to -- on track, above, or on  
20 their way to growing more than a year because if you have a  
21 student who is below level, you have to accelerate the students,  
22 and then a school has to have intervention plans in place to  
23 support that.

08:54:04 24 **Q** Is one domain of the four more important than the others?

08:54:08 25 **A** No. They all are connected. They're all important.

**Mr. Crawford Direct of Kristin Craft**

Q If -- if you were to be analyzing the TEA report card, would you be analyzing primarily the overall score or a particular domain score?

A We would be analyzing the overall score.

Q Why is that?

A Be- -- teachers and leaders work too hard to not make sure that they can really show all the gains that they've made. They work too hard for that, and so that's why the overall score is very important. You need to have students, you know, be -- a school needs to be able to show the gains that they're making with students, and that's why it's critically important that you look at all -- all domains and not just one.

Q I'd like to look at a couple of the schools on this exhibit.

A Okay.

Q This is from 2019 from the TEA.

The first school I'd like you to tell us about is Cedar Brook Elementary. Is that an economically disadvantaged school?

A Yes. 80 percent eco dis.

Q And what was its overall rating?

A Overall rating was a B.

Q Next school, Edgewood Elementary School, is that an economically disadvantaged school?

A Yes. They have 84.7 economically disadvantaged.

Q What was its overall score?

A A "B."

***Mr. Crawford Direct of Kristin Craft***

08:55:35 1 Q Hollibrook Elementary School, is that an economically  
2 disadvantaged school?

08:55:40 3 A Yes. 98.55 percent.

08:55:43 4 Q What was its overall rating?

08:55:45 5 A A "B."

08:55:46 6 Q Ridgecrest Elementary School, is that an economically  
7 disadvantaged school --

08:55:52 8 A Yes. 97.9 percent eco dis.

08:55:56 9 Q What was its overall rating?

08:55:58 10 A B.

08:56:00 11 Q The Bear Boulevard School, is that an economically  
12 disadvantaged school?

08:56:04 13 A Yes. 88.4 percent eco dis.

08:56:08 14 Q What was its overall grade?

08:56:11 15 A An A.

08:56:11 16 Q The Lion Lane School, is that an economically disadvantaged  
17 school?

08:56:15 18 A Yes. 89.8 percent.

08:56:18 19 Q What was its overall grade?

08:56:20 20 A A "B."

08:56:21 21 Q The Panda Path School, is that an economically disadvantaged  
22 school?

08:56:25 23 A Yes.

08:56:27 24 **THE COURT:** Why are the other categories listed as not  
25 reported?

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**THE WITNESS:** And so the Panda Path, Tiger Trail,

Bear, those are pre-K centers, but they're paired with an

elementary campus. And so that's where -- so pre-K schools

don't have a STAAR test because they're of four-year-olds, but

they are -- they have a partner -- so the state requires you to

have a partner campus.

So these are pre-Ks that feed in to --

**THE COURT:** So these are --

**THE WITNESS:** -- an elementary.

**THE COURT:** -- just for pre-K that you're talking about?

**THE WITNESS:** Well, this is how the state records performance for a pre-K center.

**THE COURT:** Okay.

**THE WITNESS:** Every school district, you have to report all of your schools and by grade levels.

**THE COURT:** It says "elementary." That's why I was concerned with it.

**THE WITNESS:** Well, that would be the way TEA defines this category.

**THE COURT:** All right. Thank you.

**THE WITNESS:** Uh-huh.

**MR. CRAWFORD:** Thank you.

**BY MR. CRAWFORD:**

**Q** I don't know if we got out what the overall rating grade for



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1 the Panda Path School was before the judge asked his question.

08:57:30 2 A B.

08:57:31 3 Q What about the Wildcat Way School? And that's another pre-K  
4 school?

08:57:36 5 A Yes.

08:57:37 6 Q And is that economically disadvantaged?

08:57:39 7 A Yes. 59 percent.

08:57:41 8 Q And what was its overall grade?

08:57:43 9 A An A.

08:57:45 10 Q Turning to the second page of this exhibit, Spring Forest  
11 Middle School, is that an economically disadvantaged school?

08:57:55 12 A Yes. I'm waiting for the percent to show?

08:57:58 13 Yes. 50 percent.

08:58:00 14 Q What was its overall grade?

08:58:01 15 A A "B."

08:58:02 16 Q And, finally, the Westchester Academy for International  
17 Study/Students, I'm assuming?

08:58:10 18 A Yes. That is a choice program serving grades 6 to 12.

19 60.7 percent are economically disadvantaged, and they earned an

20 A.

08:58:22 21 Q Now, I want to continue looking at Plaintiff's Exhibit 79,  
22 but I also, at the same time, want to talk to you about  
23 Defendants' Exhibit 74, and I believe Richard's going to be able  
24 to pull both of those up.

08:58:40 25 And if he is, I am very grateful.

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Are you able to --

**A** Yes.

**Q** Okay. Now, we just went over several economically disadvantaged schools that got As or Bs in 2019?

**A** Yes.

**Q** Now, not every economically disadvantaged school got those grades, correct?

**A** Correct. That's true.

**Q** So let's look at Plaintiff's Exhibit 79, which is from 2019, and let's look at Buffalo Creek Elementary School.

Is that economically disadvantaged?

**A** Yes. Buffalo Creek Elementary has 93.9 percent economically disadvantaged.

**Q** And what was its overall grade?

**A** Their overall grade was a C.

**Q** If you will then look at Defendants' Exhibit 74 for Buffalo Creek Elementary School, in 2022, three years later, what was its overall score?

**A** So Buffalo Creek improved from a C to a B.

**Q** Okay. Turning back to Plaintiff's Exhibit 79, Housman Elementary School, is that an economically disadvantaged school?

**A** Yes. 91 percent.

**Q** What was its overall score in 2019?

**A** A "D."

**Q** Turning to Defendants' Exhibit 74, what was the overall

**Mr. Crawford Direct of Kristin Craft**

1 score for Housman Elementary School in 2022?

09:00:10 2 **A** They went from a D to a B.

09:00:14 3 **Q** Turning to Plaintiff's Exhibit 79, Pine Shadows Elementary  
4 School, is that an economically disadvantaged school?

09:00:22 5 **A** Yes, 78.1 percent.

09:00:26 6 **Q** What was its overall score?

09:00:27 7 **A** A "C."

09:00:29 8 **Q** Turning to Defendants' Exhibit 74, what was the overall  
9 score for Pine Shadows Elementary in 2022?

09:00:36 10 **A** In 2022, they improved to a B.

09:00:42 11 **Q** Turning back to Plaintiff's Exhibit 79, Spring Branch  
12 Elementary School, is that an economically disadvantaged school?

09:00:49 13 **A** Yes.

09:00:50 14 **Q** What was its grade in 2019?

09:00:53 15 **A** In 2019, Spring Branch Elementary was an F-rated campus.

09:00:57 16 **Q** You say "F"?

09:00:58 17 **A** F.

09:01:00 18 **Q** Turning to Defendants' Exhibit 74, what was the overall  
19 grade for Spring Branch Elementary School in 2022?

09:01:07 20 **A** So three years later, that school went from an F to an A.

09:01:12 21 **Q** Turning back to Plaintiff's Exhibit 79, Spring Shadow [sic]  
22 Elementary School, is that an economically disadvantaged school?

09:01:19 23 **A** Yes.

09:01:20 24 **Q** What was its overall grade in 2019?

09:01:25 25 **A** Spring Shadows, we're talking about?

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Q Yes.

A Or Terrace?

Okay. Spring Shadows, in 2019, was a D?

Q Turning to Defendants' Exhibit 74, what was the overall score for Spring Shadows Elementary School in 2022?

A So Spring Shadows went from a D to a B.

Q Turning to Plaintiff's Exhibit 79 again, Terrace Elementary School, is it an economically disadvantaged school?

A Yes.

Q What was its grade in 2019?

A In 2019, they were at a D.

Q Turning to Defendants' Exhibit 74, what was the overall grade for Terrace Elementary School in 2022?

A So they improved to a B.

Q Going back to Plaintiff's Exhibit 79, Thorn- -- I apologize, the Tiger Trail school, is that an economically disadvantaged school?

A Yes.

Q What was its overall grade in 2019?

A A "C."

Q Turning to Defendants' Exhibit 74, what was the overall grade for that school in 2022?

A They improved to a B.

Q Turning to Plaintiff's Exhibit 79, Thornwood Elementary School, is that an economically disadvantaged school?

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09:02:40 1 A Yes.

09:02:42 2 Q What was its grade in 2019?

09:02:45 3 A Thornwood, in 2019, was an F-rated campus.

09:02:48 4 Q Turning to Defendants' Exhibit 74, what was Thornwood  
5 Elementary School rated overall in 2022?

09:03:01 6 A Thornwood --

09:03:04 7 **THE WITNESS:** You just had it.

09:03:05 8 A Thornwood improved to a B.

09:03:08 9 **BY MR. CRAWFORD:**

09:03:08 10 Q Turning to Plaintiff's Exhibit 79, Treasure Forest  
11 Elementary School, is that an economically disadvantaged school?

09:03:16 12 A Yes.

09:03:18 13 Q What overall grade did it receive in 2019?

09:03:20 14 A In 2019, Treasure Forest was an F.

09:03:24 15 Q Turning to Defendants' Exhibit 74, what was the overall  
16 grade for Treasure Forest Elementary School in 2022?

09:03:30 17 A Treasure Forest improved to a C.

09:03:34 18 Q Turning back to Plaintiff's Exhibit 79, Westwood Elementary  
19 School, is that an economically disadvantaged school?

09:03:40 20 A Yes.

09:03:41 21 Q What overall score did it receive in 2019?

09:03:44 22 A A "D."

09:03:45 23 Q Turning to Defendants' Exhibit 74, what was the overall  
24 score for that school in 2022?

09:03:51 25 A A "B."

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Q Turning back to Plaintiff's Exhibit 79, Woodview Elementary School, is that an economically disadvantaged school?

A Yes.

Q What overall grade did it receive in 2019?

A D.

Q Turning to Defendants' Exhibit 74, in 2022, what was the overall grade for Woodview Elementary School?

A Woodview improved from a D to a B.

Q Turning to the second page of Plaintiff's Exhibit 79, Northbrook Middle School, is that an economically disadvantaged school?

A Yes.

Q What overall grade did it receive in 2019?

A In 2019, it was rated a C.

Q And turning to Defendants' Exhibit 74, what grade did that school receive -- overall grade -- in 2022?

A In Northbrook Middle? I think it's on the page prior to this one.

Northbrook Middle School improved to a B.

Q And then, finally, turning to Plaintiff's Exhibit 79, Spring Oaks Middle School, is that an economically disadvantaged school?

A Yes.

Q What overall grade did it receive in 2019?

A It 2019, Spring Oaks Middle was rated an F.

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Q Turning to Defendants' Exhibit 74, the second page, what overall grade did Spring Oaks Middle School receive in 2022?

A So Spring Oaks improved from an F to a B.

Q Having looked at the -- those schools and the changes in the overall grades that they made, what does this tell you?

A That our teachers worked hard and our leaders worked hard, and that we aligned our resources to the greatest areas of need.

Spring Branch emerged stronger from the pandemic. We came out stronger in every measure, exceeding state and region performance level across the board for many, many years since then. So we're very proud of the work.

Q At one time during your tenure at Spring Branch, were you in charge of the DAEP program?

A Yes.

Q Would you tell the Court what DAEP means and what it does?

A Sure. So when I first joined Spring Branch in 2016, I supervised principals and schools. I had a third of the schools, and one was DAEP, and that stands for District Alternative Education Program.

And so that, every district has some form of a DAEP campus, and that is an educational setting where students who make poor choices, and they have consequences on the code of conduct, may have to leave their campus and go to the alternative center for a number of weeks for placement.

Q Would you tell the Court about the steps taken under your

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1 watch to be responsive to the needs of the students that were in  
2 DAEP?

09:07:08 3 **A** So as I -- when I first came into the system, and DAEP was  
4 one of the schools that I supported, you know, you -- because  
5 that school supports all the middle schools and the high  
6 schools, you hear a lot of stories about what's going well and  
7 what can be improved. And so in working with the principal, we  
8 streamlined the orientation process; we streamlined the  
9 assignment process; we put in steps to make sure that  
10 administrators who assigned students to DAEP would go over to  
11 DAEP and visit the students and the classrooms to be visible  
12 because, at the end of the day, those are their students, and  
13 the students return to the campus. So we want to make sure that  
14 there's a strong relationship there.

09:07:51 15 We've added community and support -- Community in School  
16 support. We've added an assistant principal. We've had  
17 instructional coaching support. We also made sure that their  
18 campus improvement team was meeting frequently.

09:08:04 19 We supported the campus in establishing freeze dates that  
20 coincide with state testing so that we made sure that the  
21 student was in the most appropriate place for their state test,  
22 and it was also very important to us that students, if they were  
23 at DAEP at the end of the year, that we had a way for them to  
24 meet their requirements over the summer because we believed that  
25 students should start a brand new fresh school year at their



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home campus.

And so we put funds aside to work with the principal to make sure that we had summer programming so that our students, when given the opportunity, could finish their assigned number of days over the summer because every student needs a fresh start.

Q Thank you very much.

**MR. CRAWFORD:** I don't believe I have any further questions, Your Honor.

**MR. ABRAMS:** May I proceed, Your Honor?

**THE COURT:** Yes.

**MR. ABRAMS:** Thank you.

**CROSS-EXAMINATION**

**BY MR. ABRAMS:**

Q Good morning, Dr. Craft.

A Good morning.

Q Congratulations on your promotion.

A Thank you.

Q Earlier in these proceedings, you were designated as a corporate representative for the Spring Branch Independent School District to speak on behalf of the district on certain subjects, right?

A Yes, sir.

Q And you were designated by Superintendent Blaine and the district's lawyers to serve in that role, to be the spokesperson

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1 for the district, correct?

09:09:22 2 **A** Yes.

09:09:24 3 **Q** And you spent many, many hours preparing for the deposition.  
4 You told me that, right?

09:09:29 5 **A** Yes, sir.

09:09:29 6 **Q** I want to cover a few topics that the judge has heard  
7 testimony about, but I want to hear the district's formal  
8 position since a number of issues have come up in the case that  
9 are, apparently, going to be controverted.

09:09:42 10 First, I want to talk about some of the things the  
11 district, through you, has acknowledged.

09:09:48 12 Do you acknowledge that four of the seven middle school  
13 enrollment zones in the district, the Landrum, Northbrook,  
14 Spring Oaks, and Spring Woods enrollment zones, are heavily  
15 Hispanic-oriented enrollment districts?

09:10:04 16 **A** Can you repeat the question?

09:10:06 17 **Q** Yes, ma'am.

09:10:07 18 Do you, on behalf of the district, acknowledge that  
19 four -- well, actually, let's look at Plaintiff's Exhibit 105.

09:10:14 20 **THE COURT:** Put the map up.

09:10:15 21 **MR. ABRAMS:** I just -- thank you, Your Honor. We're  
22 on the same wavelength.

09:10:18 23 Let's look at Plaintiff's Exhibit 105, please.

09:10:23 24 **THE COURT:** She hadn't committed the map to memory  
25 like you have.

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09:10:27 1 **BY MR. ABRAMS:**

09:10:27 2 **Q** Dr. Craft, this map is taken from data in Dr. Stein's  
3 report, which is in evidence, and has not been disputed, which  
4 reflects the racial and ethnic percentage by middle school  
5 enrollment zone throughout the district.

09:10:46 6 Do you recognize, first on the map, that the colored  
7 portions show what are the middle school enrollment zones in  
8 Spring Branch?

09:10:54 9 **A** Yes. I recognize the middle school enrollment zones.

09:10:57 10 **Q** All right. In your deposition, you were questioned about  
11 the statistical data that's now been placed on this chart. So  
12 if I want -- if you want me to go back to the statistical data,  
13 I will, but my question is the one I asked you in your  
14 deposition.

09:11:12 15 Four of the seven middle school zones -- Landrum,  
16 Northbrook, Spring Oaks, and Spring Woods -- are heavily  
17 Hispanic-oriented enrollment districts, right?

09:11:23 18 **A** Well, the data shows that they have a larger Hispanic  
19 population, yes.

09:11:31 20 **Q** You're familiar with the Memorial Villages, which comprise  
21 part of the district, right?

09:11:37 22 **A** Yes.

09:11:37 23 **Q** And the district acknowledges that the racial and ethnic  
24 composition of the population and student population in the  
25 Memorial Villages is largely white, correct?

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09:11:48 1 **A** That's what the data shows.

09:11:50 2 **Q** And the district acknowledges that the ethnic and racial  
3 composition in those areas is significantly different than the  
4 racial and ethnic composition of the students and citizens north  
5 of Interstate 10, correct?

09:12:06 6 **A** That's what the data indicates.

09:12:08 7 **Q** Well, is the answer yes?

09:12:10 8 **A** Yes.

09:12:12 9 **Q** The district acknowledges that there are distinct  
10 differences in the socio and economic conditions in the  
11 populations north and south of I-10, correct?

09:12:21 12 **A** Can you repeat the question?

09:12:23 13 **Q** Yes, ma'am.

09:12:23 14 The district acknowledges there are distinct differences in  
15 the socio and economic conditions of the populations north and  
16 south of Interstate 10?

09:12:33 17 **A** Well, this chart shows ethnic percentages and racial  
18 percentages. This chart does not show economically  
19 disadvantaged.

09:12:52 20 **MR. ABRAMS:** May I approach the witness?

09:12:54 21 **BY MR. ABRAMS:**

09:12:54 22 **Q** I think this may speed this along.

09:12:56 23 **A** Okay.

09:12:56 24 **Q** I'm going to hand you a copy of your deposition, and we may  
25 refer to portions of it to refresh your recollection.

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Do you recall that you were deposed -- you were sworn to tell the truth, you appeared before a court reporter, and you appeared as the corporate rep?

**A** Uh-huh. Yes.

**Q** Do you recognize the copy in front of you as a copy of the typed-up testimony you gave when you were deposed?

**A** Yes.

**Q** All right. If you would, would you turn to page 24 of your deposition?

**A** The little box that says 24, page 6?

**Q** Well, actually, each individual page is numbered.

**MR. ABRAMS:** May I approach, Your Honor, just to get her oriented?

**THE COURT:** Sure.

**BY MR. ABRAMS:**

**Q** Yeah. Each little page -- yes, ma'am. Each little page in this compressed copy will have a page number.

**A** Got it.

**Q** Got it?

**A** Uh-huh.

**Q** Do you recall -- let me just ask you: As a general statement, isn't it true that there are significant differences in the socio and economic conditions of the populations north and south of I-10?

And your answer at that time was?

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09:14:13 1 **A** At that time my answer was: (As read) Every school has  
2 statistics on the level of economically disadvantaged students.  
3 So I'm aware of the differences.

09:14:19 4 **Q** I'm sorry. Let me direct your attention to line 18.

09:14:22 5 **A** Okay.

09:14:22 6 **Q** Do you see, at line 18, I asked you --

09:14:24 7 **A** Yes.

09:14:26 8 **Q** -- (As read) As a general statement, isn't it true that  
9 there are significant differences in the socio and economic  
10 condition of the populations north and south of I-10?

09:14:35 11 What was your answer at line 23?

09:14:37 12 **A** (As read) Yes, there are district differences.

09:14:39 13 **Q** All right. Let's now look at Plaintiff's Exhibit 107,  
14 please.

09:14:49 15 Just to get you oriented, Dr. Craft, this is another map of  
16 the district depicting the four middle school enrollment zones  
17 on which has been superimposed the feeder patterns for each  
18 enrollment zone, the schools that the district indicates, at  
19 least then, were in the feeder pattern, and the percentage of  
20 economically disadvantaged students the district reports at such  
21 schools in the -- I think this was the 2021 or 2022 data.

09:15:21 22 Does this -- does that refresh your recollection that you  
23 produced and discussed economically disadvantaged data during  
24 your deposition?

09:15:30 25 **A** Yes. We discussed eco dis data, not in this format, but

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1 this looks easy to understand.

09:15:37 2 Q Hopefully, this is easier to understand than the table.

09:15:40 3 A Yes, sir.

09:15:40 4 Q All right.

09:15:41 5 A It is, yes.

09:15:42 6 Q Do -- does the district agree that the economically  
7 disadvantaged characterization of students is a function of  
8 income and family size?

09:15:52 9 A Income and family size is correct.

09:15:54 10 Q So it's a proxy for the family's income because, obviously,  
11 your students don't necessarily have income, right?

09:16:02 12 A Correct.

09:16:03 13 Q Gives us a snapshot of the economic conditions of each  
14 family that has --

09:16:07 15 A Yes.

09:16:07 16 Q -- students in the district?

09:16:08 17 A Correct.

09:16:09 18 Q So using economic disadvantage as a characteristic, the  
19 district agrees that the socio-economic characteristics on the  
20 north side of the school district are materially different than  
21 the socio-economic characteristics of the students south of the  
22 freeway, correct?

09:16:27 23 A Yes.

09:16:28 24 Q The same thing is true with middle schools, high schools,  
25 and elementary schools. Substantially all of the most

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1 significantly economically disadvantaged campuses in the  
2 district are located north of Interstate 10, correct?

09:16:44 3 **A** Yes. There's an exception. Thornwood Elementary has a --  
4 south of I-10, and it has 91 percent economic disadvantage.

09:16:53 5 **Q** And with that one exception, all of the other campuses that  
6 reflect substantial economically disadvantaged families are on  
7 the north side, correct?

09:17:04 8 **A** Correct.

09:17:05 9 **Q** Now, it's true, isn't it, that the district recognizes these  
10 substantial socio-economic disparities between the north and the  
11 south, but it's never investigated why those patterns exist?

09:17:18 12 **A** True. That's correct. There's been no investigation.

09:17:22 13 **Q** I want to now turn to the subject that Mr. Crawford devoted  
14 some time with you about: Academic performance in the district.

09:17:31 15 And if we could, let's look at Plaintiff's Exhibit 108,  
16 please.

09:17:37 17 You indicated to us a number of interesting and enrichment  
18 programs the district has put in place in 2019 to improve the  
19 performance of its children in school, correct?

09:17:51 20 **A** Yes.

09:17:52 21 **Q** Had those programs been implemented by 2022?

09:17:57 22 **A** Yes.

09:17:57 23 **Q** And was the district then bearing the benefit of and were  
24 the results reflecting the benefits of the programs which you've  
25 outlined that the district had adopted in 2019?



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09:18:11 1 **A** So keep in mind COVID happened in the middle of -- in the  
2 middle of all this. And so, yes, there were -- were many items  
3 that we put in place, many initiatives that we were starting to  
4 see the positive outcomes by the time 2022 came around.

09:18:27 5 **Q** So is the answer, yes, the programs were in place, and you  
6 believe you were starting to see the benefits of what you put in  
7 place three years earlier?

09:18:35 8 **A** Yes.

09:18:41 9 **Q** You indicated that the district has goals for the  
10 performance of its children; is that correct?

09:18:48 11 **A** Yes.

09:18:49 12 **Q** Would it be fair the district has high expectations for the  
13 performance of all of its children?

09:18:55 14 **A** Yes.

09:18:56 15 **Q** Now, Mr. Crawford went with you through TEA reports for 2019  
16 and 2022, and you explained that there are different grades that  
17 the state assesses based upon the performance, first of the  
18 children, and then of the school at-large. Is that a fair  
19 statement?

09:19:15 20 **A** There are -- Domain 1 is not just all -- Domain 1 is student  
21 achievement, but those results feed into the other domains --

09:19:25 22 **Q** I --

09:19:25 23 **A** -- for growth and so forth.

09:19:28 24 **Q** Understood.

09:19:28 25 You went, in some detail, which we appreciate, through the

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1 overall scores that the schools received. If parents in  
2 Spring Branch get a report card, do they get a report card for  
3 their individual student?

09:19:41 4 **A** Report cards are available, yes, for individual students,  
5 yes.

09:19:44 6 **Q** And is the student's report card a reflection of the  
7 student's achievement?

09:19:50 8 **A** Yes.

09:19:51 9 **Q** And so if a parent in Spring Branch wants to know how their  
10 child is doing, they'll look at their child's student  
11 achievement report card, correct?

09:19:59 12 **A** Uh-huh. Yes.

09:20:01 13 **Q** Now, the district is part of a system that gives the  
14 district credit for its efforts to improve its student  
15 achievement, right?

09:20:11 16 **A** Yes.

09:20:12 17 **Q** And those other metrics go into the overall score that  
18 you've reviewed with Mr. Crawford, right?

09:20:19 19 **A** Uh-huh.

09:20:19 20 **Q** Is that a yes?

09:20:21 21 **A** Yes. So Domains 1 through -- 1 to A, B, 3, they all feed  
22 into the overall.

09:20:28 23 **Q** And if you're dealing with a parent in Spring Branch who  
24 wants to know if their child is meeting or exceeding standards  
25 and how they're doing, they're going to look at their individual

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1 report card for student performance, right?

09:20:44 2 **A** So let me clarify.

09:20:47 3 **Q** Yes, ma'am.

09:20:48 4 **A** When you talk about a report card, TEA has a report card,  
5 but we also have report cards that we send home by grading  
6 period. So I just want to clarify what report card you're  
7 talking about.

09:20:59 8 **Q** I'm really trying to take it from the parents' perspective  
9 and students' performance.

09:21:04 10 **A** Okay.

09:21:05 11 **Q** Because is it fair to say that the metrics that the school  
12 districts operate under with TEA give them credit for factors  
13 that are unrelated to the objective student achievement of their  
14 kids: Growth, improvement -- and I'm not meaning to demean it,  
15 but, I mean, you get participation awards, right?

09:21:26 16 Remember back in the days where kids in soccer all got a  
17 trophy because they participated: Outstanding player, good  
18 conduct? I'm not trying to demean it, but the district gets  
19 points for whether it's headed in one direction or another,  
20 irrespective of the student achievement of its kids, right?

09:21:44 21 **A** So I would not relate it to participation points.

09:21:46 22 **Q** I understand.

09:21:47 23 **A** People work hard.

09:21:48 24 **Q** I'm not demeaning that, and I respect very much --

09:21:51 25 **A** Yes.

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Q -- you and all of the academic educators in the school district. I cannot be more sincere about that.

A But, again, when you look at student growth, okay, the accountability scores are more than just Domain 1. You have to look at how students performed the year prior, and that's growth, and that is important to a school. That's important to a parent. That's important to a teacher.

Q I want to go back to student achievement -- and I appreciate we can respectfully agree to disagree about what the most important metric may be. They may all be important, but I want to focus on student achievement, which I'm going to characterize as sort of the student report card, for how the children are individually doing, because that's what's tested, right?

A On the STAAR test, correct.

Q All right. And with respect to the student achievement for the schools in the north and south in 2022, three years after all of the programs that you've indicated have been initiated to improve student achievement, you'll agree with me that student performance in Spring Branch is still generally correlated with the ethnic and racial characteristics of the school campuses, right?

A This is the first time I'm seeing this chart, and I think it isolates one domain when school districts are graded by the commissioner with all domains.

Q Let me ask you to take a look at page 52 of your --

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09:23:25 1 **THE COURT:** Let me be sure I understand what's going  
2 on here. Is -- what is the exhibit number again?

09:23:34 3 **MR. ABRAMS:** The exhibit on the screen is Plaintiff's  
4 Exhibit 108, Your Honor, and it's taken from the 2022 TEA  
5 report, which is Exhibit 28.

09:23:44 6 **THE COURT:** Okay. Well, so do I understand that  
7 the -- the grades listed on this exhibit reflect student  
8 achievement as -- as that term was used earlier in Defendants'  
9 Exhibit 74 and Plaintiff's Exhibit 79?

09:24:07 10 **MR. ABRAMS:** That is correct, Your Honor. It is  
11 one -- I think the witness has said it's one domain.

09:24:11 12 **THE COURT:** You answered my question.

09:24:12 13 **MR. ABRAMS:** It's one domain.

09:24:13 14 **THE COURT:** And tell me again what student achievement  
15 is based on.

09:24:17 16 **THE WITNESS:** So students in grades three to eight,  
17 and then you have tests at the high school. And so that is --  
18 student achievement is based on the student's performance on the  
19 state exams. For example, in third grade, the student takes  
20 reading and math, and they can score at approaches, meets, or  
21 masters.

09:24:36 22 **THE COURT:** Okay. So is it fair to say that the  
23 various -- I'll use your term, "domains." Student achievement  
24 is based on objective criteria as to the students?

09:24:49 25 **THE WITNESS:** So the state sets the criteria. It's

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one test on one day, and the state scales the scores --

**THE COURT:** But, I mean, as objective. It's based on each student's individual results on his or her exam, not on an evaluation using subjective criteria by a teacher.

**THE WITNESS:** Correct. It's a state exam given in a secure setting. There's strict protocols when you give a state exam. So it's one student's performance on a test.

**THE COURT:** Okay. Thank you.

**THE WITNESS:** Uh-huh.

**BY MR. ABRAMS:**

**Q** Dr. Craft, if you would look at page 52 of your deposition, beginning at line 21, please, ma'am --

**THE COURT:** While we're on that, I want to make an observation. I told you this trial is kind of like a seminar.

Dr. Tijerina's testimony was very interesting yesterday, but the -- most of what he talked about was somewhat removed both geographically and temporally from this district now, and when you submit your proposed findings under the plan I'll talk about later, I really am less concerned about Hispanics in Harris County 50 years ago as to what we're focused on now, students in Spring Branch during the last decade or so.

So I'll -- it's interesting, but it's less relevant in the Court's determination. You can take that for whatever you want to.

**MR. ABRAMS:** Thank you, Your Honor. We will.

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**THE COURT:** Okay. Go ahead.

**BY MR. ABRAMS:**

**Q** Dr. Craft, let me see if I can short-circuit it.

I'll just ask you again: As a general proposition, the district agrees that there's a strong correlation between the race and ethnicity of the students at the schools that are highly economically disadvantaged, right?

**A** Yes. Can you point to me what page you're looking at on the deposition?

**Q** Well, we can look at page 54, line 1 through 14.

**A** Okay.

**THE COURT:** Let me ask another question. Do you have -- does anybody have a chart that uses something like 108, but displays the data over time? In other words, if we took Northbrook Middle and -- could we have other columns, 2015, '17, '19, '20, to show the changes, if any, in student achievement over time?

**MR. ABRAMS:** We do not. The only data we have in the record is 2019 and 2022. If it would assist the Court, we could recreate an exhibit like 108 and superimpose the student achievement data for 2019 and 2022, but I believe, unless I'm incorrect, that the only TEA data the parties put in evidence was the 2019 and the 2022 charts that have been reviewed.

**THE COURT:** That would be very helpful. Before you submit it, talk to Mr. Crawford.

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09:28:09 1 **MR. ABRAMS:** We will -- we'll work on that, and we'll  
2 use the same format, but just put in the years of those  
3 respective grades.

09:28:15 4 **THE COURT:** Because that's -- obviously, we spent a  
5 lot of time on 104, 105, and 108. So we could update 108.

09:28:22 6 **MR. ABRAMS:** We'll be happy to do that, Your Honor.

09:28:24 7 **THE COURT:** Thank you. Sorry to interrupt you.

09:28:25 8 **MR. ABRAMS:** No, no, no. That's all right.

09:28:27 9 **BY MR. ABRAMS:**

09:28:28 10 **Q** Let me go back to my earlier question, and I'm not trying to  
11 confuse you, Dr. Craft.

09:28:34 12 As a -- the question I earlier asked you before I got  
13 sidetracked on my side: As a general proposition, if one looks  
14 at a campus that has an 85 to 90 percent minority student  
15 population, their academic results are not comparable to those  
16 campuses with largely white student populations; is that  
17 correct?

09:28:58 18 **A** And my answer back then was referencing, you know, as a  
19 district and with leaders, we talk about our economically  
20 disadvantaged subgroups. And so teachers and principals pay  
21 very close attention to how their subgroups are performing.

09:29:13 22 **Q** And so with regard to the economic disadvantaged category,  
23 the answer is yes?

09:29:17 24 **A** Yes.

09:29:17 25 **Q** And as a general proposition, the district agrees there's a



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1 strong correlation between the race and ethnicity of the  
2 students at the schools that are highly economically  
3 disadvantaged, correct?

09:29:31 4 **THE COURT:** Okay. I have another -- you answered --

09:29:33 5 **THE WITNESS:** Yes.

09:29:33 6 **THE COURT:** -- yes? Okay. The evidence has been that  
7 this -- I'm sorry I have to ask you questions. It's my job.

09:29:40 8 **MR. ABRAMS:** It's important and, frankly, you're the  
9 most important audience. So that's the most important question.

09:29:44 10 **THE COURT:** It's clear that the students in the north  
11 part, with one little exception, don't do as well as the Anglo  
12 students in the south. It's also clear that they grow up in  
13 homes, many of which English is not the primary language; it's  
14 doubtful that their parents read to them when they're three  
15 years old and teach them to read, probably, by the time they're  
16 in preschool; the parents have more children, so they have --  
17 whatever assets they have, have to be spread among more  
18 children; and the parents work two or three jobs, so they have  
19 less time to help tutor their children.

09:30:21 20 So it's hard to -- for the Court to decide how much of  
21 those socio-economic factors should be attributable to the  
22 district's educational resources, and how much are inherent  
23 based on the socio-economic factors over which the district has  
24 largely no control, if that makes any sense.

09:30:44 25 **MR. ABRAMS:** Yes. And may I respond?

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**THE COURT:** That's why I'm asking you.

**MR. ABRAMS:** All right. This is a Voting Rights Act case, and at its root, the question is whether there should be representation on the Spring Branch ISD School Board of the parents and families that have the very characteristics that Your Honor has just identified, because there is none.

And so the purpose of illustrating the varying socio and economic characteristics of the residents of the proposed District 1 is to illustrate how important it is to the performance of their children's educational system that their voice be recognized. And so we're one step removed from the legal question.

The legal question for you, ultimately, is: Should this district have single-member districts? Our proposition is yes and that District 1 should be formed among seven because the families have the very characteristics that the evidence shows, and Your Honor has clearly absorbed shows how distinctively different their life experience is.

And so that's one of the factors under the totality of the circumstances that we want the Court to consider when deciding whether those families --

**THE COURT:** Okay. But here's my concern: The -- going back to the -- to the Senate factors, all these factors -- and I'm focusing now on one, two, and -- and seven. Many of the others -- talk about the extent of which. Extent, to me, is a

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1 term of causation. So do the poor -- in order to find the  
2 applicability of a particular Senate factor, do I have to  
3 attribute the existence of that factor to -- to causation by the  
4 district?

09:32:37 5 **MR. ABRAMS:** No.

09:32:39 6 **THE COURT:** In other words, let's say -- let me give  
7 you another hypothetical. There's evidence that the election  
8 results are based on -- Mr. Perez has a Hispanic surname, won,  
9 he's also a Republican; is that correct?

09:32:58 10 **MR. ABRAMS:** That's my understanding. We'll find out  
11 from him.

09:33:00 12 **THE COURT:** Well, I think that's what the evidence is.  
13 Okay. So a Hispanic who's Republican can win; a Hispanic who's  
14 a Democrat cannot win under the evidence thus far. So how much  
15 of that is due -- using the word "extent," how much of that is  
16 due to the fact that Hispanics traditionally don't vote for  
17 Republicans; how much is it due to the fact that Mr. Perez has  
18 political positions which are anathema to many Hispanics?

09:33:31 19 In other words, is there a causation question that I  
20 have to address in determining what "extent" means in that  
21 situation also?

09:33:40 22 **MR. ABRAMS:** I believe the short answer is going to be  
23 no, and the focus of the Act is on the preferences of the  
24 voters, and because we can't legally and don't factually  
25 interview each voter, we have to only infer what their

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1 preferences are by candidate, okay? And the issue is what were  
2 the voter preferences in this case of the Hispanic voters, and  
3 you'll hear how that is done. It's a matter of social science.

09:34:09 4 And we know that their preferences are radically  
5 different. Whether that preference is due to positions on a  
6 controversial issue like banning books and CRT or unions in the  
7 schools is irrelevant. Whether it's based upon liberal versus  
8 conservative is irrelevant. Whether it's based upon Democrat  
9 versus Republican is irrelevant because the voter has the  
10 opportunity to express his or her preference at the ballot box,  
11 and what the Act is designed to do is to not discriminate  
12 because they've got different -- the matrix of their preferences  
13 are materially different than the matrix of preferences of the  
14 majority voters.

09:34:51 15 **THE COURT:** So I don't have to deal with issues like  
16 concurrent causation --

09:34:55 17 **MR. ABRAMS:** No. What --

09:34:55 18 **THE COURT:** -- which cause is more predominant than  
19 the other --

09:34:59 20 **MR. ABRAMS:** Respectfully, I expect the district to  
21 argue that you do, and we have authority suggesting you do not.

09:35:05 22 **THE COURT:** Okay. I'll let Mr. Crawford say anything,  
23 if you want. You know where I'm coming from. You don't need to  
24 say anything unless you feel obligated to.

09:35:12 25 **MR. CRAWFORD:** I don't feel obligated to other than to

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say that we do disagree with Mr. Abrams's view of the law.

**THE COURT:** Okay. Let's finish up with her so she can get back to Boerne.

**MR. ABRAMS:** Okay. I will do so.

**THE COURT:** She wants to stop at Hruska's and get some kolaches.

**MR. ABRAMS:** We should have asked her to bring them on the way in.

**BY MR. ABRAMS:**

**Q** Dr. Craft, the district agrees that student performance in the district is generally correlated with the ethnic and racial characteristics of the school campuses, right?

**A** Correct.

**Q** And the district agrees that the vast majority of the campuses with high economic -- high economic disability statistics are on the north side, and relatively few are on the south side?

**A** Correct.

**Q** The district agrees that the Texas accountability reports evidence a similar pattern, that is to say that schools that are performing better are generally found on the south side of the district, and schools that are performing poorly are generally found on the north side, correct?

**A** Well, I would say that our accountability reports over the years show that our schools -- our Title I schools are making

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significant gains.

**Q** I understand that's your position, but my question is somewhat different. So let me ask it and ask you to listen very carefully to it.

**A** Okay.

**Q** The district agrees that the accountability reports from the state show a similar pattern, and that is the schools that are performing better are on the south side, and the schools that are performing more poorly are found on the north side; is that correct?

**A** No, that's not correct. All of our schools are improving in performance.

**Q** Let me direct your attention to page 55 of your deposition, please, ma'am.

**A** Okay.

**Q** And in particular, would you look at the question beginning on line 7 where I asked you: (As read) If we were to do a similar analysis of the accountability reports that you've had the opportunity to review, would we see a similar pattern, that is to say that the schools that are generally performing better on those -- in those accountability reports are found on the south side, and the schools that are generally found to be performing poor in the accountability reports are found on the north side?

What was your answer then?

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09:37:28 1 **A** My answer was, "Yes."

09:37:30 2 **Q** Looking at Exhibit 108 with the accountability ratings for  
3 student achievement as of 2022, are those campuses with C and  
4 not rated scores, which we understand means they're Ds or Fs,  
5 are those campuses meeting your academic expectations?

09:37:53 6 **A** Well, that is one piece of the picture. Again, this is  
7 Domain 1. This is not all domains.

09:37:58 8 **Q** I understand your answer. My question is: Are those  
9 academic ratings for student achievement meeting the district's  
10 expectations?

09:38:07 11 **A** Every school that has a C or was not rated, again, coming  
12 out of COVID, there's plans that are put in place to ensure  
13 students improve.

09:38:19 14 **Q** I'll try it one more time.

09:38:20 15 **THE COURT:** The answer's yes. Let's move on.

09:38:24 16 **BY MR. ABRAMS:**

09:38:24 17 **Q** Turning now to the subject of DAEP, do you remember that the  
18 district received expressions of concern from a group of parents  
19 that Mr. Roy Rodney headed up about racial or ethnic  
20 discrimination and how it disciplined its students?

09:38:40 21 **A** Yes, I'm aware.

09:38:41 22 **MR. ABRAMS:** Richard, could we see Plaintiff's  
23 Exhibit 14, please?

09:38:49 24 **BY MR. ABRAMS:**

09:38:50 25 **Q** Dr. Craft, do you recognize Plaintiff's Exhibit 14 as an

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e-mail with attachments that Mr. Rodney sent to various board members and you and others at the district?

**A** Yes, I'm aware.

**Q** It was back in April of 2019, and -- and Mr. Rodney included -- included in his e-mail two reports.

**MR. ABRAMS:** If you would, Richard, turn to the first page -- the second page of the document.

**BY MR. ABRAMS:**

**Q** One of the reports was a study of racial disparity in Harris County Independent School Districts performed by the Center for Justice Research at Texas Southern University, and then the second --

**MR. ABRAMS:** If you could scroll through the document to the report, if you'll go through it real quickly.

We'll have Mr. Rodney here to talk more about his reports. I want to get to Mr. Rodney's group's report.

There we go.

**BY MR. ABRAMS:**

**Q** Do you recall the second report that Mr. Rodney communicated to you and the board was a report from a parent group called The Coalition of Advocates for Restorative Education?

**A** Yes.

**Q** And this had to do with concerns about potential differential discipline in the students' district alternative education program, what you call DAEP?



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09:40:18 1 **A** Yes.

09:40:19 2 **Q** And do you recall that Mr. Rodney, in reporting to you and  
3 the board, indicated the statistics showed, second only to HISD,  
4 Spring Branch had the largest disparity when one compared the  
5 rate of black and Hispanic student discipline with discipline  
6 that was being imposed on white students?

09:40:42 7 **A** Yes.

09:40:43 8 **Q** And do you recall that The Coalition of Advocates for  
9 Restorative Education report, which Mr. Rodney's group prepared,  
10 analyzed specifically what it contended were disparity  
11 disciplinary statistics affecting Hispanics and African American  
12 children relative to white students in Spring Branch?

09:41:05 13 **A** Correct.

09:41:06 14 **Q** And Mr. Rodney wanted this subject to be a topic at a school  
15 board meeting, and he e-mailed it to the board members, but the  
16 board never made this report a topic at a board meeting,  
17 correct?

09:41:17 18 **A** To my understanding, that's correct.

09:41:19 19 **Q** And do you agree that the core concern expressed in the  
20 reports that Mr. Rodney sent to the district and the board was  
21 that there was a disparity in the disciplinary treatment of  
22 minority and white students?

09:41:34 23 **A** That was in the report, yes.

09:41:35 24 **Q** Do you agree that, when I asked you as the district's  
25 representative, of whether you are aware of any steps the

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1 district took after receiving these reports from Mr. Rodney to  
2 evaluate the reason for the statistical disparities in  
3 disciplinary treatment, you indicated you were not aware of any  
4 steps the district took, after receiving the reports, to  
5 evaluate why there might be significant disparities?

09:41:59 6 **A** Correct.

09:42:00 7 **Q** And at the time you testified as the designated  
8 representative of the district, you stated, on behalf of the  
9 district, that you were unaware of any specific actions taken in  
10 response to the statistical data presented by Mr. Rodney and his  
11 group that shows or reflects differential and disparate  
12 disciplinary treatment of minority and white students, correct?

09:42:22 13 **A** Correct. And I also recall from my deposition talking to  
14 you about steps schools take when they analyze discipline  
15 infractions. They look at reports on a regular basis every six  
16 or nine weeks, and they have plans that they put in place  
17 specific to their needs at that time.

09:42:42 18 **Q** But with respect to the specific issue of trying to figure  
19 out why there statistically appeared to be disparate discipline  
20 being administered to white children and discipline administered  
21 to Hispanic and African American children, the district didn't  
22 take any specific actions, correct?

09:43:03 23 **A** Correct.

09:43:07 24 **MR. ABRAMS:** Pass the witness, Your Honor.

09:43:08 25 **THE COURT:** Do you have anything else?

**Mr. Crawford Redirect/Mr. Abrams Recross of Kristin Craft**

**MR. CRAWFORD:** Just a couple -- maybe two questions.

**REDIRECT EXAMINATION**

**BY MR. CRAWFORD:**

**Q** Dr. Craft, do you remember when Mr. Abrams was -- referred you to your deposition, and -- I think page 55, and was talking to you about accountability ratings?

**A** Yes.

**Q** What date was your deposition taken on?

**A** It was during winter break --

**Q** Look at the first page of your deposition transcript.

**A** Let's see the date. December 29th, 2021.

**Q** Was that before or after the 2022 TEA rating -- accountability ratings, Defendants' Exhibit 74, that we looked at?

**A** That is before.

**Q** So did you have access to that accountability rating when you were asking -- answering Mr. Abrams's questions at your deposition?

**A** No, sir.

**Q** Thank you.

**MR. CRAWFORD:** No further questions, Your Honor.

**MR. ABRAMS:** Just one quick follow-up.

**RECROSS-EXAMINATION**

**BY MR. ABRAMS:**

**Q** The 2019 data that Mr. Crawford asked you about, does it

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change materially with respect to student achievement scores for 2022? I'm really interested in 2022 because it's more current.

You're not claiming the 2022 changes your answers, do you?

**A** Well, I want to remind everyone that because of COVID, there was a delay in how the state reported scores. So those were the most appropriate years that we could find given the timing of the deposition.

**MR. ABRAMS:** Nothing further.

**THE COURT:** May the witness be excused?

**MR. ABRAMS:** Fine with me, Your Honor.

**MR. CRAWFORD:** Yes, Your Honor.

**THE COURT:** Thank you.

Have a safe trip home.

**THE WITNESS:** Thank you.

**THE COURT:** We'll take a 10-minute recess. Well, let's stand in recess till 10:00 o'clock.

*(Recess taken from 9:44 a.m. to 9:59 a.m.)*

**THE COURT:** All right. Plaintiff may call her next witness.

I assume you're the next witness.

**THE WITNESS:** Yes, sir.

**THE COURT:** Please raise your right hand.

*(Witness sworn.)*

**MR. SCOTT:** Your Honor, I'm going to do my best to stay close to this microphone, but it may be a challenge.

***Mr. Scott Direct of Roy Rodney, Jr.***  
**ROY RODNEY, JR., DULY SWORN, TESTIFIED:**

**DIRECT EXAMINATION**

**BY MR. SCOTT:**

**Q** Please introduce yourself to Judge Lake, stating your name and address.

**A** Hello, Judge Lake. My name is Roy J. Rodney, Jr. I live at No. 6 Inverness Park Circle in Spring Valley, and so I am in the Spring Branch School District.

**Q** How long have you lived at No. 6 Inverness Park?

**A** I think it's been 18, 19 years.

**Q** When did you move to Houston?

**A** I moved to Houston in 2005.

**Q** And why?

**A** I moved to Houston as a result of Hurricane Katrina. I previously lived in New Orleans.

**Q** And I understand you're a lawyer.

Will you tell the Court a little bit about when you were licensed to practice law, where you're licensed, and what sort of practice you have?

**A** Judge, I've been a lawyer now for almost 41 years. I started in New Orleans. I'm a graduate of Tulane University and Loyola Law School. I was a partner in the McGlinchey firm for most of the beginning of my career, and then I started my own firm quite some time ago.

I'm licensed in New -- in Louisiana and in Texas, and I

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1 practice frequently in the state courts in both Louisiana and  
2 Texas, and, occasionally, in the federal courts here in Texas,  
3 but not very much. I have -- our practice over the 40 years has  
4 been litigation oriented, but we also did intellectual property.

10:01:24 5 My pro bono practice was in civil rights, and I won the  
6 Louisiana State Bar Civil Rights Award, Pro Bono Award, which  
7 I'm very proud of that. But that would be sort of a short  
8 version of a long legal career.

10:01:46 9 **THE COURT:** Thank you.

10:01:47 10 **THE WITNESS:** You're welcome.

10:01:48 11 **BY MR. SCOTT:**

10:01:49 12 **Q** Mr. Roy, do you have or have -- do you have or have you had  
13 children in the Spring Branch Independent School District?

10:01:55 14 **A** Yes. My -- I have four children, two boys and two girls --  
15 well, two men and two women -- and my youngest, Maxwell, was a  
16 student at both Valley Oaks Elementary School and Memorial High  
17 School.

10:02:13 18 **Q** Okay. We're going to talk about Max a little more in a  
19 minute.

10:02:17 20 **A** Sure.

10:02:17 21 **MR. SCOTT:** And, Your Honor, I should have said we  
22 think that -- that Mr. Roy's [sic] testimony will be important  
23 with regard to certain Senate factors, particularly the  
24 additional factors with regard to responsiveness of the school  
25 district in this case, and his testimony will not be so much

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about the elections or the voting. It will be --

**THE COURT:** All right. Go ahead.

**MR. SCOTT:** -- mostly -- and he'll be testifying about discipline and disparate discipline practices in the school district.

**BY MR. SCOTT:**

**Q** Do you vote in SBISD elections?

**A** Yes, I do.

**Q** So you're here as -- I just told the Court, you're here to talk about the disparity of disciplinary treatment based on race or ethnicity.

Was your son, Max, part of the reason you became interested in that issue?

**A** Yes. My son, yes, Maxwell.

**Q** And we're trying to move along here, so in as concise a way as you can, can you tell the Court about your son, Max, and how his -- events in his life got you interested in this issue?

**A** Well, Max is a great kid, and -- but he -- when he was a freshman, Judge, he made a mistake. He was with the boys' freshman basketball team, and as I understand it, they were smoking marijuana in the bathroom of the Memorial High School. And there was an investigation, and Max was identified as part of the group with the rest of the team.

And Max came to me -- well, the discipline for that violation would be to be referred to the disciplinary

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1 alternative education program, which is an off-campus,  
2 out-of-school building and program, and you're not allowed to  
3 participate in the home school -- in that case, Memorial High  
4 School -- education during that time, or their activities.

10:04:34 5 So Max came to me and asked me -- said, "Dad, all of the  
6 other kids are going to fight this disciplinary referral, and I  
7 don't want to go there, and I don't want to lose my spot on the  
8 team." And I said to him, "Well, Max, I think you should go  
9 because I think you sort of earned it in your mistake, and it's  
10 not going to be that bad." It's just for six weeks or whatever,  
11 and so --

10:05:10 12 Q Let me stop you --

10:05:11 13 A -- he was the only one, I think, who went there.

10:05:13 14 Q Let me stop you. And I think the narrative moves us along,  
15 but I've got a couple of questions about that.

10:05:18 16 A Sure.

10:05:19 17 Q Was Max on an athletic team at Memorial High School?

10:05:22 18 A Yes.

10:05:23 19 Q Which team?

10:05:23 20 A Basketball.

10:05:25 21 Q What was Max -- were his -- any of his teammates either  
22 Hispanic or black?

10:05:36 23 A I think maybe one, but -- may have been Hispanic, but he was  
24 the only African American kid on the freshman team.

10:05:44 25 Q And -- and I should have been more narrow in my question.



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1 Were any of his teammates involved in the incident smoking  
2 marijuana in the bathroom?

10:05:54 3 **A** My understanding is that either they all were, or most of  
4 them were.

10:06:02 5 **Q** Now -- and I interrupted you. So did Max -- and, actually,  
6 Dr. Craft testified to the Court just a few minutes ago about  
7 DAEP --

10:06:13 8 **A** Yes.

10:06:13 9 **Q** -- and you've described it, what it is.

10:06:16 10 Can you continue with what happened with Max when he went  
11 to DAEP at your insistence?

10:06:23 12 **A** So, Judge, Max went to the DAEP program. He had been an  
13 honor student at Memorial High School, and when I sent him to  
14 the DAEP program, I thought that I was helping him by providing  
15 him some discipline that would enure to his benefit later in  
16 life when the stakes are so much higher.

10:06:52 17 And so I told him that. I said, "Look, you can go to this,  
18 or get away with this and maybe find yourself in another  
19 situation in the real world that, you know, I live in as a  
20 lawyer. So go and take your discipline and learn from it." But  
21 when I sent him there, it was only a matter of a few days,  
22 because there's a bit of an orientation, when I realized that --  
23 a couple of things.

10:07:20 24 One, there was -- the education in the DAEP is not the same  
25 as the education in the home campus. It's -- it's incredibly

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1 different. They actually have shared grades where you may have  
2 more than one kid -- Max was in the honors program. There's no  
3 such thing as -- as being a part of that, and I also thought  
4 that it was very strange, having been around Spring Branch ISD  
5 for a long time, that there was so many Hispanic and  
6 African American kids at the disciplinary program.

10:08:02 7 So I began to look into it, and I realized that -- I  
8 thought that something needed some more investigation as to what  
9 was going on. So with some other parents, we formed this group  
10 called The Coalition of Advocates for Restorative Education and  
11 began to try and understand alternatives to the disciplinary  
12 program and why some of the behaviors were taking place or some  
13 of the policies were there, that sort of thing.

10:08:35 14 And as a result of that, that led to our being quite  
15 involved in the disciplinary alternative program pretty much in  
16 every way, not just to criticize it, but also to be involved  
17 with the administrators, the teachers, the program  
18 administrator, the students in almost every way.

10:08:55 19 My wife and I realized that when Max went to the  
20 disciplinary alternative program, that he immediately fell  
21 behind in his work at Memorial High School because Memorial High  
22 School is an incredible school. And when he went to the  
23 disciplinary alternative program, we had to work with the  
24 counselors at Memorial, who were fantastic, and some of his  
25 teachers, and we had to shuttle his homework and his assignments

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from the home campus to him so that he could keep up.

My wife is a vice president of a large corporation. I'm a lawyer. We had the means and the time to do it in our schedule, and it just -- it really bothered me that for most of the kids that I saw at the DAEP, I know that their parents did not have the time to take off from work or from their shift or the jobs that they were working to shuttle homework assignments back and forth between whatever high schools they were in and the DAEP program.

And that turned out to be true because it had a big effect, and there's a higher rate of recidivism between those kids who -- once they entered the DAEP and they returned to their home campus, and I was determined not to let that happen to Max.

Q Yeah. Let me stop there and --

A Sure.

Q -- we're going to get to that.

You have already told the Court about The Coalition for Restorative Education initiatives --

A Uh-huh.

Q -- and the acronym for that CARE, C-A-R-E; is that right?

A This is correct.

Q And how -- how did you find out about or how were you involved with CARE?

A Well, I helped start it with a couple of other parents who I met as a result of the disciplinary program and parents who I

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1 knew have been involved in, in Spring Branch ISD for a long  
2 time. I'd always been involved in Max's education.

10:11:13 3 When he was in elementary school, I started a little  
4 program at Valley Oaks Elementary called Daddy Reader, and the  
5 fathers would come in periodically and read to the grade levels  
6 different stories. So I had been privy to a lot of proactive  
7 parents, and so I started with this idea of starting this  
8 organization with other parents, and we became involved in -- in  
9 trying to understand the disciplinary program.

10:11:54 10 Q What is CARE's mission statement or goal, if you can tell us  
11 that?

10:12:00 12 A Well, we did a report, and I think it says in there, but --

10:12:06 13 Q Hold on one second. Let me get that up so the Court can see  
14 it as well.

10:12:11 15 A Sure.

10:12:12 16 MR. SCOTT: Would you bring up Plaintiff's Exhibit 14.

10:12:22 17 BY MR. SCOTT:

10:12:23 18 Q Before I ask you about this, I want to be sure I ask: Did  
19 you actually go over to the DAEP facility where Max was during  
20 the time he was there?

10:12:35 21 A Too many times to count.

10:12:37 22 Q Okay. Now, on the screen is Plaintiff's Exhibit 14. The  
23 cover page is an e-mail. It should be on your screen as well.

10:12:49 24 You should have it there. Yeah.

10:12:52 25 A Uh-huh.

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Q Can you describe for the Court what the e-mail was, who wrote it, why, and to whom it was sent?

A Yes. We had worked with and talked to a number of board members, administrators, and whatever about this issue for quite some time -- I think beginning in 2016 -- and they knew that at a certain point in time, that we were going to draft a report because our informal discussions were not really resulting in the type of changes we wanted to see in the DAEP.

So we thought that the board would be more responsive to a professional report, or at least as professional as we could do it, and so we drafted this report. And when it was -- we actually sent a few drafts of the report to Kristin Craft and others, and this was the final report that we delivered to the board.

And so among these names are the students, the parents, and other people that I have been referring to who were part of preparing the CARE report, and we delivered this to the board's secretary at a board meeting.

Q Okay.

**MR. SCOTT:** Can we scroll down a little on this page? From, "To Whom It May Concern," Richard, if you can blow that up for us.

**BY MR. SCOTT:**

Q It appears, just to short-circuit this, that you anticipated some workshop, and you were providing a study of the DAEP and

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the discipline in HISD, and mentioned the comparative statistics between Spring Branch and HISD.

Did -- and it's got your name at the bottom. Did you write this?

**A** Yes, I wrote this.

**MR. SCOTT:** If we can go to the next page here, Richard.

**BY MR. SCOTT:**

**Q** This is a -- and this is in evidence, but it's a set of PowerPoint slides --

**A** Yes.

**Q** -- called "Racial Disparity in Harris County Independent School Districts." Do you recognize that document?

**A** Yes, I do.

**Q** Did you have anything to do with writing this document?

**A** I didn't write this document, but I think I had a lot to do with the origination of this document. Because CARE is a voluntary parent-based organization, we didn't have the capacity to look at all of the different school districts and to see where Spring Branch was with regard to racial disparities in discipline. So we went to the Center for Justice Research, which is one of the many university-based, you know, justice/civil rights sort of focused organizations, but this one is at Texas Southern.

And so we went there, and it's under the direction of

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1 Mr. Howard Henderson, and he and some of the students worked to  
2 produce this report, which we considered to be complementary and  
3 supplemental to our support, but was focused more on placing  
4 Spring Branch ISD comparatively with other dis- -- other  
5 districts so that we thought we could make the powerful point to  
6 Spring Branch that you're, you know, well out of line in terms  
7 of your racial disparity in discipline, and you should want to  
8 understand why.

10:17:13 9 Q Okay.

10:17:14 10 MR. SCOTT: And, Your Honor, I am not going to make  
11 the Court look through the whole PowerPoint slide or slide deck  
12 here, but there are a couple that may be important.

10:17:23 13 Richard, can we sort of roll through them just so the  
14 Court can kind of get an idea about...

10:17:44 15 *(Sotto voce discussion between Mr. Scott and Mr. Rienstra.)*

10:17:48 16 BY MR. SCOTT:

10:17:49 17 Q This particular slide is titled "Disparity Ratios Comparing  
18 the Rates of black and Hispanic Students with the Rate of  
19 In-School Suspensions Among White Students"?

10:17:59 20 A Yes.

10:17:59 21 Q Now, which schools were involved in -- or studied in this  
22 particular report slide?

10:18:07 23 A Well, these are school districts. So they're -- they're all  
24 listed here on the bottom. There were many school districts  
25 that they -- that they looked at, but this information comes

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from the TEA.

**Q** All right.

**A** Yes.

**Q** So your cover e-mail had said that you thought, comparatively, that Spring Branch Independent School District's ratio of black and Hispanic students being disciplined was not -- not very favorable. Does this particular slide show that?

**A** I think it does because it shows that Spring Branch has an incredibly large population of African American and Hispanic kids going to discipline even though -- just as high as other ISDs that have a much larger percentage of African American and histor- -- and Hispanic students. And that's why I pointed out Houston ISD just as an exemplar.

We're sending more black and -- as a percentage, we're sending as high a percentage of black and Hispanic kids to disciplinary alternative programs as districts for which the majority are African American and Hispanic kids. How could that be? And that's what I asked them to explain.

**Q** Okay.

**MR. SCOTT:** Richard, if you'll just roll through this till we get to the next...

Back up one, I'm sorry.

**BY MR. SCOTT:**

**Q** This reflects that this was a Texas Southern University --



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**THE REPORTER:** I'm sorry. Can you get a little closer?

**MR. SCOTT:** Yeah, I'm sorry. I knew this was going to be a problem.

**BY MR. SCOTT:**

**Q** This reflects it was a Texas Southern at least sponsored publication, correct?

**A** Yes.

**MR. SCOTT:** Let's go to the next slide.

**A** Produced by them.

**BY MR. SCOTT:**

**Q** Now, do you recognize this document, which is titled "The Call for Restorative Education Initiatives in the Administration of Discipline in Spring Branch ISD"?

**A** Yes.

**Q** And is this the document you -- the report you referred to earlier in your testimony?

**A** This is the report that CARE produced and delivered to the board.

**Q** And did -- did you play any role in the preparation of that report?

**A** Yes. I did quite a bit of work on this report.

**Q** Before you tell us what you did, let me ask this: What qualified you to be involved in this type of report or study?

**A** Well, I was a parent -- first of all, I was a parent with a

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child in the DAE program. I don't know how you can get any closer than that.

Secondly, I had -- you know, I thought I relied upon the representations that the education would be the same and found out that it wasn't. I had been involved as a parent in the district in a number of different schools, and, you know, in my professional life, I had been a lawyer for school programs and districts, not here in Texas, but in Louisiana.

So I felt comfortable being able to -- with the assistance of other parents and Texas Southern, and we had a host of -- of students who volunteered for this project.

**Q** So that's my next question.

Were there academic people involved in this -- in the preparation of this report?

**A** Yes.

**Q** Can you tell the Court who they were, and how they were involved?

**A** Dr. Howard Henderson from Texas Southern, he's the person I referred to earlier who runs their program -- their program, but he was involved in our findings as well. We also had student researchers from University of Texas, Texas Southern, University of Houston who all volunteered to be a part of this.

**Q** And did those student researchers work under the oversight or supervision of their professors and so on?

**A** I know at least one of them, this was a project that they

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had to -- in some way to become part of their education.

Whether this was a class or independent research, independent study, I'm not exactly sure.

**THE COURT:** Did you present this to the board of the Spring Branch?

**THE WITNESS:** Personally.

**THE COURT:** What happened? Tell us what happened next.

**THE WITNESS:** Nothing.

**THE COURT:** Okay.

Okay. Is there anything else?

**MR. SCOTT:** You really got to the heart of it, Your Honor.

**THE COURT:** I'm trying to move along. I don't want to have to come back Monday, but that looks like what we're going to do.

**THE WITNESS:** But to explain it further, Judge --

**THE COURT:** Yeah.

**THE WITNESS:** -- I wanted them to acknowledge the report, to act upon the report, to look at our recommendations and investigate and to do something about it. And I also wanted them, at this meeting, to thank the kids, because these were college students who had worked on this and were very proud of it, and absolutely none of that happened.

**THE COURT:** Let me ask you: Did Maxwell -- how long

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1 did he spend in the DAEP?

10:24:07 2 **THE WITNESS:** I think he was there for, like, three or  
3 four months. I can't remember.

10:24:12 4 **THE COURT:** And how --

10:24:12 5 **THE WITNESS:** It was like a whole semester.

10:24:14 6 **THE COURT:** When he went back, how did he do?

10:24:18 7 **THE WITNESS:** Max went back, and he realized that the  
8 DAEP has no future in his life, and he became a great student  
9 at -- at Memorial. He switched from basketball to fencing. He  
10 walked on to the fencing team at Ohio State. He graduated magna  
11 cum laude, was accepted to their Fisher school, and one month  
12 ago we got the notice that Max was the Ohio State University's  
13 nominee for the Rhodes Scholarship this year.

10:24:52 14 **THE COURT:** So your stern advice had a big effect,  
15 although I'm sure your wife takes most of the credit for his  
16 success.

10:24:58 17 **THE WITNESS:** It -- you know, it had some effect, but,  
18 boy, there was a lot of guilt that went along with it, Judge.

10:25:03 19 **THE COURT:** Well, congratulations.

10:25:05 20 **THE WITNESS:** Thank you very much.

10:25:06 21 **THE COURT:** Go ahead and finish.

10:25:07 22 **MR. SCOTT:** I think Your Honor has hacked my outline  
23 somehow.

10:25:12 24 **THE COURT:** It's not my first trial.

10:25:14 25 **MR. SCOTT:** But you're certainly much quicker than I

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am.

**BY MR. SCOTT:**

**Q** Let's turn to page 7 of this report.

**THE COURT:** When will you find out about the Rhodes Scholarship?

**THE WITNESS:** He has to have everything submitted, I believe, by the 17th, and so we'll find out sometime in October --

**THE COURT:** Okay. Good luck.

**THE WITNESS:** -- whether he gets his final interview. Thank you.

**MR. SCOTT:** Your Honor -- well, let me just ask the witness.

**BY MR. SCOTT:**

**Q** Mr. Rodney, can you confirm that there were findings made in this CARE report?

**A** Yes.

**Q** And I've turned to page 7, which begins those findings -- key findings, opinions, and observations at a glance.

**MR. SCOTT:** And, Your Honor, there are about 12 of them. We're not going to go through all of them, but they're certainly in the report, which is in evidence for the Court to see.

**THE COURT:** Thank you.

**MR. SCOTT:** And I think the headings on each one of

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these give you a good idea of what -- what it's about.

And then, if you can turn to page 11 of this report, three or four more pages -- there we are.

The report also includes recommendations made to SBISD to address the findings, and those will be under Tab B at page 11 of the CARE report.

**BY MR. SCOTT:**

**Q** I want to ask you, Mr. Rodney -- I'm going to greatly shrink this --

**A** Hmm.

**Q** -- and I want to talk about an issue the Court raised, which is what the responsiveness was. You saw part of, at least, Dr. Craft's testimony a few minutes ago. Did you --

**A** Just a little.

**Q** Did you deal with Dr. Craft in -- at the SBISD in -- with regard to this report and this issue?

**A** All the time.

**Q** Were there specific board members that you dealt with?

**A** Well, I've spoken to, probably, most of the board members, but I probably had more conversations with Karen Peck and Josef Klam. Of course, that was a different board, you know, than they have now, yeah.

**Q** And both of them were addressees on the very first page of Plaintiff's Exhibit 14, the e-mail that we saw earlier?

**A** Yeah, probably.

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1 Q Now, there is something called the student code of conduct.  
2 Do you know what that is?

3 A Yes, I do.

4 Q Can you tell the Court what that is?

5 A Well, the student code of conduct is the school's code of  
6 conduct, and it's based upon the Texas statutes and the Texas  
7 rules from the TEA as to what the disciplinary infractions are  
8 and what the discipline is for those infractions both in school  
9 and out of school in compliance with Texas law.

10 Q Did the Spring Branch Independent School District alter or  
11 amend its stude- -- its student code of conduct in response to  
12 the CARE report?

13 A I think so. They -- they made changes to the disciplinary  
14 code in response to our constant involvement and, you know,  
15 engagement, but they never did any work as to the issue of the  
16 disparate treatment and the disparate education that was being  
17 provided at the DAEP.

18 They did some changes with regard to the violations that  
19 would send you to the DAEP and, quite frankly, many of those  
20 changes I thought were as protective of the more privileged  
21 population than maybe even the kids that we were dealing with.

22 Q Let me try to get some examples of that, if I can.

23 A Yeah. Sure.

24 Q And if you can just tell me what those examples are, and I'm  
25 looking for things that the changes in the student code of

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conduct affect white kids as much as they do Hispanic kids or black kids?

**A** I think that there was some lessening with regard to the violations that can refer you to -- to the DAEP. I don't know what they are right here. I'd have to look in the report, but a lot of the kids were being sent to DAEP for drug and alcohol infractions.

And so I think that there was an effort to try and do some restorative education, which is what we were advocating for, so curative equitable education rather than sending the kid into such a harsh disciplinary environment. So I think there was some mitigation of that, but I guess what I'm trying to say to you is that our greatest disappointment was that they never wanted to investigate why so many kids were going there as much as possible.

In fact, they opposed it because we asked for the information as to the source schools that were feeding the disciplinary program because we thought, well, maybe there's just, perhaps, a few bad apples or a few impatient teachers, or maybe teach- -- who were sending so many kids to DAEP, but they opposed that. But it was clear that many of these kids were coming from the north side of the district.

**Q** And the report sets all that out. It sets out the percentages of -- that reflect the disparate disciplinary action?



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**A** We thought so.

**Q** Did -- were you ever allowed to speak to the board in a --  
in a meeting?

**A** No. They only gave us the three minutes that they would  
give to anyone else, although we had worked on this program and  
had been involved in the DAEP for -- for years on the -- on a  
weekly, sometimes daily basis.

As I said before, we were not only there to criticize, but  
we were there to assist. So we facilitated teacher trainings  
and we bought teacher conference lunches. You know, we came out  
of our pockets and greatly contributed our time.

I thought it was very unfair that they would not even take  
up the issue, not allow us to speak, and not to thank the  
student researchers who had worked so hard on what I thought was  
their behalf.

**Q** And the students were volunteers, I assume?

**A** The students were very much volunteers.

**Q** Do you have any opinion or view about whether the adoption  
of a single-member district plan for SBISD could or would be  
helpful or advantageous with regard to this disparate  
disciplinary action?

**A** Well, I would hope so, that with such a large percentage of  
kids coming into the disciplinary program from the north side  
from the Hispanic population, that at least one school board  
member would be interested in making an issue of it and trying

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1 to find out what the cause of it was and, hopefully, to reduce  
2 and provide other sorts of remedies to eliminate the disparate  
3 treatment. I know that's a long answer, but that's what I  
4 thought of it.

10:33:04 5 **MR. SCOTT:** Pass the witness, Your Honor.

**CROSS-EXAMINATION**

10:33:19 7 **BY MR. HENRY:**

10:33:20 8 **Q** Good morning, Mr. Rodney. It's good to see you again.

10:33:23 9 **A** Good morning, sir.

10:33:24 10 **Q** At the beginning of your testimony, you gave your address to  
11 the Court. Is that address for a house north of I-10 or south  
12 of I-10?

10:33:32 13 **A** North of I-10.

10:33:34 14 **Q** Have you always lived north of I-10?

10:33:38 15 **A** In Spring Valley, that's the only place I've lived.

10:33:41 16 **Q** Okay. In Spring -- I'm sorry. In Spring Branch, you've  
17 lived --

10:33:44 18 **A** Yes, Spring Branch ISD. But it's called Spring Valley  
19 Village.

10:33:48 20 **Q** Okay. And what high school -- so you live in a village, I'm  
21 sorry. Let me ask that question first.

10:33:54 22 You live in one of the villages?

10:33:58 23 **A** Yes.

10:33:58 24 **Q** Okay. And what high school is your house zoned for?

10:34:01 25 **A** Memorial.

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10:34:02 1 Q And is Memorial High School north or south of I-10?

10:34:05 2 A South.

10:34:05 3 Q So I take it, from your address and your testimony just now,  
4 you do not live in either the Landrum or Northbrook precincts.

5 Is that correct?

10:34:17 6 A No, because Spring Valley is -- well, it's a very nice --

10:34:22 7 **THE COURT:** Why don't you move it along. What's --

10:34:23 8 A -- it's a very nice neighborhood. It's carved out to go to  
9 Memorial, but I'm very familiar with Landrum and Northbrook  
10 because I coached for many, many years in the Spring Branch  
11 sports organization. So I'm familiar with those kids. I'm  
12 familiar with those schools because I coached basketball for  
13 12 years.

10:34:47 14 **MR. HENRY:** I understand. I'm not trying to take up  
15 any extra time. I just wanted to establish where this voter  
16 lives in relation to the middle school precincts.

10:34:55 17 **BY MR. HENRY:**

10:34:55 18 Q Mr. Rodney, we're going to look at page 29 of the CAREs  
19 [sic] report, which is Plaintiff's Exhibit 14.

10:35:15 20 **MR. HENRY:** Richard, are you able to bring that up?  
21 Thank you.

10:35:19 22 **BY MR. HENRY:**

10:35:20 23 Q And I'm going to look at the first two paragraphs.

10:35:22 24 Earlier, it was your testimony that, you know, the district  
25 did nothing to address the state of discipline in the district,

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1 but I want to read these paragraphs. So the first one says, "No  
2 review of discipline on the SBISD would be fair without  
3 acknowledging recent changes in the Student Code of Conduct and  
4 the innovations instituted by the DAEP and SOC."

10:35:46 5 And the second paragraph says, "In the 2014-15 school year,  
6 SBISD leadership created the System of Care team" -- "(SOC) team  
7 in response to rising discipline numbers and a decrease in  
8 academic achievement. The goal was to increase the academic  
9 performance of all students by exploring an alternative to  
10 traditional discipline and supporting campuses in the  
11 implementation of these alternatives. The SOC team supported  
12 positive outcomes at the schools which had the highest student  
13 referral rates to the Disciplinary Alternative Education Program  
14 (DAEP). The SOC team also endorsed campuses who were leading  
15 the district with restorative efforts. In the last three years,  
16 the district has managed to lower suspension and reassignment  
17 data by 26 percent. The SOC has been a positive agent for  
18 change in the system through its project towards school  
19 discipline reform through supplemental change, policy change,  
20 and advocacy... Recently the SOC with CARE as a strategic  
21 partner was able to secure a Rockwell grant to further fund  
22 their activities."

10:36:56 23 Would you agree with this paragraph in your report -- in  
24 the CAREs report that SBISD made changes to the way it did  
25 business in order to address the referral rates that were

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1 concerns from this organization?

10:37:13 2 **A** Yes, they did, at our -- I think as -- as the paragraph  
3 says, as a direct result of our involvement.

10:37:21 4 **Q** And so if you look below, there's a chart.

10:37:26 5 **A** Uh-huh.

10:37:26 6 **Q** And it has a list of the CARE concerns, including parents  
7 delivering classwork, which is an issue you raised?

10:37:33 8 **A** Yeah.

10:37:33 9 **Q** Transition; summer programs; meal service; quality of  
10 instruction; mindset; referrals; drug and alcohol prevention;  
11 and, on the next page, design sessions.

10:37:46 12 Do all of these bullet points -- and I won't read them all  
13 for the judge. He has a copy. But do all of these bullet  
14 points reflect changes that were made to Spring Branch ISD's  
15 discipline system in response to CARE's report?

10:37:59 16 **A** Yes, but let me say this: I think it's important to  
17 understand that when we got involved in the DAEP program, Judge,  
18 the disparities between how that program operated and how a  
19 normal school operated was stunning. For example, at the DAEP,  
20 the kids had a cold lunch as opposed to the school right next  
21 door where there were hot lunches served.

10:38:28 22 The students had to engage in behaviors where they walked  
23 on one side of the hallway with their shoulder or whatever and  
24 came back on the other side of the hallway. There were a number  
25 of things that were -- they -- that was happening there that

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really needed to be addressed beyond simply the issue of the disparate education and the disparate referrals. And with Ms. Craft and others, they addressed some of those issues of, which there are many issues that, in my opinion, should have never been there to begin with that were inequitable to begin with.

So as long as you put it in context, I think you're correct.

**Q** Is it correct that you visited other DAEPs of other school districts in doing your research for this report?

**A** Many.

**Q** And isn't it correct that SBISD's DAEP program was very similar to the DAEP programs of other school districts in this state that you visited?

**A** I -- I don't know about that. I will say this: I think that there were disciplinary programs that were much worse, much more punitive, much more involved in sort of prison-like behaviors, but there were some districts in which there were restorative programs attempting to prevent kids from coming there or shortening their time.

I would say what I saw, you know, at Spring Branch was better than some and worse than others.

**Q** Earlier, you stated that your biggest disappointment was that the school board --

**A** But may I say this: Almost all of the schools that I saw,

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1 the few -- and we didn't see all, but some of the ones that I  
2 saw suffered from the same disparate referral problems that,  
3 as -- as with Spring Branch, but Spring Branch was consistently  
4 among those who had the most disparate in terms of racial and  
5 ethnic referrals to DAEP.

10:40:48 6 Q Did you visit Houston ISD DAEP?

10:40:52 7 A I never visited, but I talked to people there.

10:40:55 8 Q And are you aware, from your report, that Houston ISD had  
9 one of the worst disparate discipline ratings of the districts  
10 that were studied?

10:41:04 11 A Absolutely. And I also was aware of the fact that they had  
12 a much larger population of African American and Hispanic kids  
13 than was in Spring Branch ISD.

10:41:14 14 Q And you're aware that Houston ISD has a system that  
15 incorporates single-member districts into its election process?

10:41:22 16 A I think so, yes.

10:41:25 17 But I also know that they have tried to address these  
18 disciplinary issues in the past whereas, in Spring Branch, there  
19 was no effort to do so with regard to the disparate education  
20 and the sources of the kids that were coming there.

10:41:43 21 Q Let me get to the question I was going to ask you, which  
22 was --

10:41:46 23 A Uh-huh.

10:41:46 24 Q -- you testified that one of your biggest disappointments  
25 was that the school board didn't acknowledge the report at a

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1 school board meeting; is that accurate?

10:41:55 2 **A** Yes.

10:41:56 3 **Q** Okay. Did you have a one-on-one meeting with School Board  
4 Trustee Karen Peck to discuss this report?

10:42:04 5 **A** Ms. Peck? I've talked to her many times to discuss this  
6 report. I would say of the school board members, you know, she  
7 was most empathetic. Plus, we shared the fact we were both  
8 lawyers.

10:42:19 9 **Q** Did you also have a one-on-one meeting about the report with  
10 school board member Josef Klam?

10:42:24 11 **A** Yes, I had one with Mr. Klam. I knew Mr. Klam from my  
12 coaching in the Spring Branch sports organization, and I know he  
13 was a pastor. But, you know, his position was that -- if I  
14 might say, that they should not spend the time in dealing with  
15 these DAEP issues because they had many other issues and too  
16 many other students to deal with.

10:42:55 17 In fact, I will never forget that conversation because I --  
18 we talked about the -- the parable of the prodigal son, but  
19 didn't make a difference.

10:43:07 20 **Q** Did you have a one-on-one meeting with District  
21 Superintendent Scott Muri?

10:43:11 22 **A** I've had several.

10:43:13 23 **Q** About this report?

10:43:15 24 **A** Not so much about this report. Except that he knew it was  
25 coming.



***Mr. Henry Cross of Roy Rodney, Jr.***

1 Q Did you --

2 A But about the issues that are in the report, certainly.

3 Q Did you meet one-on-one with now-superintendent Jennifer  
4 Blaine?

5 A I think once when she first became the new superintendent.

6 Q So although the school board didn't make an announcement  
7 during a meeting that it had received your report, you had at  
8 least four, that we can count in your testimony right now,  
9 one-on-one meetings with school board members or very  
10 high-ranking officials at the district to discuss your report,  
11 and then changes were made as outlined in the report?

12 A Well, that doesn't mean that we were successful. I mean,  
13 I've had many meetings in which -- as I talked about, for  
14 example, with Mr. Klam where the -- that there was refusal to  
15 prioritize what we would -- were dealing with here. And I think  
16 the fact that I had a meeting with, you know, public officials  
17 and administrators who represented me and my child does not mean  
18 that the board was welcoming and addressing all of the issues  
19 that we raised.

20 MR. HENRY: Now, if you would, could you please bring  
21 up Defendants' Exhibit 25, please?

22 BY MR. HENRY:

23 Q And we're going to look at page C-28 within that exhibit.  
24 This is the Spring Branch ISD Student Code of Conduct.

25 MR. RIENSTRA: Do you have a PDF page number?

***Mr. Henry Cross of Roy Rodney, Jr.***

**MR. HENRY:** I may.

**MR. RIENSTRA:** You said C-28?

**MR. HENRY:** Yes.

That's it. Thank you.

**BY MR. HENRY:**

**Q** Is one of the things that CAREs was advocating for, an opportunity for students who are in the DAEP to leave the DAEP early if they have good behavior?

**A** Yes, but not just that simple. We pressed for what we called a meritorious release, that there would be consideration of what that kid was doing both in DAEP and outside of DAEP in terms of his tenure in the program.

**Q** Okay. And I'll read under "Length of Placement," which is in the middle of the page. This is in the SBISD code of conduct.

It says, "The duration of a student's placement in the DAEP is 45 days. Student progress is reviewed at regular intervals and students may be eligible to exit the DAEP program early."

Is that one of the reforms that CAREs was looking for as an opportunity for students to have their placement reviewed and to potentially leave the DAEP early?

**A** Well, certainly, but I'm not aware of any kid who left DAEP early.

**Q** It's allowed by policy, though, correct?

**A** Yes, but it -- as a practical matter, they weren't getting

***Mr. Henry Cross of Roy Rodney, Jr.***

out early. In fact, many kids were staying there longer.

Q If you would, please, look at "Restrictions during Placement," which is also on this page. It says: (As read) State law prohibits students placed in DAEP for reasons listed in Texas Education Code 37- -- 37.006 -- which I'll represent to you includes using controlled substances -- from attending or participating in school-sponsored or school-related extracurricular or co-curricular activities during the period of placement.

So are you aware that the prohibition, then, against students participating in things like basketball, swimming, other extracurricular activities while they're at DAEP is a function not of the district's doing, but of state law?

A I don't understand what you're saying.

Q Well, in other words --

A Are you saying that I understand that Spring Branch couldn't do anything about that? I don't -- I don't agree with that.

Q That Spring Branch couldn't violate -- could violate the state law against -- that prohibits the participation in extracurricular activities by students who are assigned to the DAEP?

A It says if there are extenuating circumstances that requires a kid to return to his home for a specific event, the decision to allow access will be at the discretion of the home campus building principal, and in my experience, the four years that I

**Mr. Scott Redirect of Roy Rodney, Jr.**

1 was involved in this, I've not -- I'm not aware of any child who  
2 was able to do that. Certainly not my son.

10:48:29 3 **Q** How many basketball games did your son miss as a result of  
4 being at DAEP? Do you recall?

10:48:34 5 **A** I don't know. I don't know if he missed -- I don't know if  
6 he missed any because we tried to time it so that he wouldn't  
7 miss, but if it -- at most, it was a few, yeah. But basketball  
8 wasn't the most important thing to us.

10:48:53 9 **Q** All right. Thank you for answering my questions.

10:48:55 10 **A** Okay.

10:48:56 11 **MR. HENRY:** I'll pass the witness.

10:48:58 12 **MR. SCOTT:** I have very brief, Your Honor.

10:48:59 13 **REDIRECT EXAMINATION**

10:49:01 14 **BY MR. SCOTT:**

10:49:01 15 **Q** Mr. Roy [sic], would you turn to -- Mr. Roy, would you turn  
16 to pages 29 and 30 that Mr. Lucas just showed -- I'm sorry, that  
17 Mr. Henry just showed to you?

10:49:10 18 **A** Yeah.

10:49:12 19 **Q** The issue here -- he pointed out some things like better  
20 lunches and -- and better assignments, transfer of assignments  
21 and so on. That's once the kid is there. The issue we've got  
22 here is referral, whether there's a difference or disparity in  
23 the referral to DAEP among Hispanic kids particularly and black  
24 kids and white kids.

10:49:40 25 Did any of these items on 29 and 30 deal with that issue,

***Mr. Scott Redirect of Roy Rodney, Jr.***

1 that is, who gets referred to DAEP, no matter whether it's  
2 better or worse once you get there?

10:49:56 3 **A** Let me say that the issue of referral was never addressed  
4 and the source and the reasoning of that -- of those referrals  
5 from north source schools of primarily African American,  
6 Hispanic kids, I don't ever recall that being addressed. The  
7 issue of how the DAEP operated once kids were there, I tried to  
8 explain to the judge that it was -- it was a stark reality both  
9 for my family and for them, and many of those behaviors were  
10 addressed.

10:50:38 11 The issue of the disparate education that was being  
12 provided to those kids who were in the DAEP was never, in my  
13 opinion, or -- I think the report reveals, adequately addressed  
14 so that when kids were there for whatever length of time they  
15 were there, 45, 90 days, or whatever, they suffered a -- a  
16 disparate and substandard education. And that's why my wife and  
17 I, in the case of my son, Maxwell, who would be completely  
18 embarrassed to have us talk about him like this -- but for my  
19 son, Maxwell, we literally shuttled assignments back and forth  
20 from the school, to home campus to the DAEP, because, otherwise,  
21 he would have been hopelessly behind had he returned to Memorial  
22 High School.

10:51:43 23 And that is one of the reasons that I think we identified  
24 as there being a high rate of recidivism, because you cannot  
25 return from the DAEP without this kind of help and expect to

***Mr. Scott Redirect of Roy Rodney, Jr.***

1 compete at schools like Memorial and Stratford and what have  
2 you. It is exceedingly difficult.

10:52:06 3 Q You and your wife had the resources and jobs that allowed  
4 you time, when you needed it, to do that, correct?

10:52:15 5 A Thank God. And that's why I said to the judge it worked  
6 out, but it was not without a high degree of guilt or effort.

10:52:24 7 Q And just the last thing I want to ask you, if you'll go back  
8 to pages 7 and 8 --

10:52:31 9 MR. SCOTT: And, Your Honor, I had pointed out that  
10 between pages 7 and 11 of the CARE report, the key findings were  
11 there, and the Court can read those for the weight that you give  
12 it.

10:52:41 13 BY MR. SCOTT:

10:52:42 14 Q What were No. 1 and 2, if you would just read the bolded  
15 part for No. 1 and 2 key findings?

10:52:51 16 A The key findings were that the disciplinary program  
17 disproportionately impacted minority youth, and that was in many  
18 ways.

10:53:00 19 And that, No. 2, the DAEP program suffers from a high  
20 frequency rate of recidivism. One of the reasons is which I  
21 just explained.

10:53:12 22 Q Thank you, Mr. Roy.

10:53:14 23 MR. SCOTT: That's all I have, Your Honor.

10:53:16 24 MR. HENRY: I will be very brief.

10:53:16 25 **RECROSS-EXAMINATION**

***Mr. Henry Recross of Roy Rodney, Jr.***

**BY MR. HENRY:**

**Q** If we will look at page 29 and 30 of the CAREs report, and, Mr. Rodney, during redirect examination just now you brought up two very specific issues that you had, and one was parents delivering classwork.

And if we look on page 29, the very first change to the disciplinary policies that Spring Branch ISD enacted, correct, was that, effective February 2017, a process was implemented for electronic transfer of assignments between home schools and DAEP. So Spring Branch ISD did take steps to address that issue, correct?

**A** I don't think that's correct. I think they implemented a policy of doing it, but taking steps, that will be too -- too -- that wouldn't be accurate. For example -- let me give you an example.

At Memorial High School, all of the kids had, at that time, a tablet, you know -- a tablet that they could take home, and they can do their assignments. At DAEP, they had a tablet, but they could not take the tablet home. They could only have the tablet there.

So -- and as far as the electronic transfer of assignments, that wasn't done very well at all, particularly with regard to some of the schools on the north shore. It happened, to some extent, in Max's case only because my wife and I went to the school, and the counselor, on an individualized basis, helped to

***Mr. Henry Recross of Roy Rodney, Jr.***

1 make sure that it was being transferred to Max, and where it  
2 wasn't, we used a copy machine and brought it to him.

10:55:10 3 But that's because we had that ability to do it, and that's  
4 how CARE came about, because I couldn't just do it for Max and  
5 see all of these kids in -- in that situation. And that's --  
6 that's -- that led to this report.

10:55:27 7 **Q** Very briefly, because we need to move on --

10:55:29 8 **A** Sure.

10:55:29 9 **Q** -- there was one other issue that you raised during your  
10 redirect testimony, and that was about the district addressing  
11 the issue of who gets referred to DAEP. And back on that same  
12 page number 30, the district took the following steps: It --  
13 the second bullet point is more specific, but a student can no  
14 longer be referred to DAEP for a Level 1 infraction.

10:55:56 15 Next, the campus is expected to develop intervention  
16 supports and involve parents in the process.

10:56:01 17 And then, last, administrators are expected to consider  
18 mitigating factors regardless of whether the action is a  
19 mandatory or discretionary placement in DAEP.

10:56:11 20 And these are reforms that your organization put as  
21 positive reforms in its report, correct?

10:56:19 22 **A** No. These are responses of the SBSID [sic] to the  
23 criticisms and the suggestions of CARE, but not in every case,  
24 and I will say probably, in -- in looking at this, in many cases  
25 these initiatives weren't carried out.



***Mr. Scott Direct of David Lopez***

10:56:41 1 Q All right.

10:56:42 2 MR. HENRY: I'll pass the witness. Thank you.

10:56:44 3 THE WITNESS: Okay.

10:56:45 4 MR. SCOTT: Your Honor, I don't know that I'm allowed  
5 another one, but I do need to apologize to Mr. Rodney for  
6 continuing calling him Mr. Roy. I have two last names too.

10:56:54 7 THE WITNESS: I know it's a Southern thing. Thank  
8 you.

10:56:55 9 THE COURT: Thank you. You're excused.

10:56:57 10 THE WITNESS: Thank you, Judge. Nice to see you.

10:56:59 11 THE COURT: You may call your next witness.

10:57:01 12 MR. SCOTT: Your Honor, plaintiff calls David Lopez.

10:57:03 13 THE COURT: Please come around and be sworn.

10:57:03 14 Please raise your right hand.

10:57:24 15 *(Witness sworn.)*

10:57:27 16 THE COURT: Please be seated.

10:57:32 17 You may proceed.

10:57:33 18 MR. SCOTT: Thank you, Your Honor. I'm a little  
19 disorganized here. It'll take me one minute.

10:57:37 20 DAVID LOPEZ, DULY SWORN, TESTIFIED:

10:57:37 21 DIRECT EXAMINATION

10:57:55 22 BY MR. SCOTT:

10:57:55 23 Q Would you please introduce yourself --

10:57:55 24 THE REPORTER: I'm sorry.

10:58:00 25 MR. SCOTT: I'm sorry. I pulled it away.

***Mr. Scott Direct of David Lopez***

10:58:01 1 **BY MR. SCOTT:**

10:58:01 2 **Q** Would you please introduce yourself to Judge Lake by telling  
3 him your name, where you live, and something about your family  
4 and growing up.

10:58:10 5 **A** Sure. My name is David Lopez. I live at 9521 Kerrwood Lane  
6 in the Campbell Woods neighborhood in Spring Branch in Houston,  
7 Texas. I'm originally from Miami, Florida, and went to  
8 Miami-Dade County public schools; graduated high school from  
9 Lincoln Park Academy in Fort Pierce, Florida, in 2012; and I  
10 went to the University of Florida, graduated in 2015.

10:58:36 11 **Q** Would you tell the Court something about your parents?

10:58:39 12 **A** Yeah. My father is a immigrant -- both are  
13 Colombian-American immigrants. They -- my father immigrated in  
14 the '80s; started his own carpet cleaning and -- business;  
15 didn't graduate college. My mother was my -- was the first in  
16 her family to graduate from college and was a probation officer  
17 for the state of Florida.

10:59:00 18 **Q** Is 9521 Kerrwood Lane, where you live, in the Spring Branch  
19 Independent School District?

10:59:06 20 **A** It is.

10:59:06 21 **Q** Is it north or south of Interstate 10?

10:59:09 22 **A** North.

10:59:11 23 **Q** Let's move to your work career, if we can.

10:59:13 24 After you graduated from college, what was your first job?

10:59:17 25 **A** My first job was -- well, I moved to Houston in 2015 as a --

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1 2015 Houston Teach for America Corp member, and I was placed --  
2 TFA placed me at YES Prep Northbrook Middle School to teach  
3 eighth grade English.

10:59:38 4 Q And TFA is Teach for America, that program, correct?

10:59:42 5 A Correct.

10:59:42 6 Q Is that your first involvement with SBISD, in 2015 when you  
7 started teaching eighth grade English at YES Prep?

10:59:48 8 A Yes, that was. And to clarify, YES Prep Northbrook Middle  
9 School is a partnership campus -- or was a partnership campus  
10 with Spring Branch ISD.

10:59:59 11 Q How long did you teach at Northbrook?

11:00:02 12 A So I taught eighth grade English for three years, and then I  
13 moved up -- that third year, I moved up with my eighth graders  
14 to them teach ninth grade English at YES Prep Northbrook High  
15 School. So four years total.

11:00:14 16 Q Did you have any administrative positions in the  
17 Spring Branch Independent School District?

11:00:20 18 A Well, I was a dean of students for three years for YES Prep  
19 Northbrook High School and a director of campus operations for  
20 one year, up until this past summer, July 2023.

11:00:34 21 Q And so what have you done since July of 2023? What's your  
22 job now?

11:00:39 23 A Last summer I transitioned to work for Leadership for  
24 Educational Equity. It's a national civic engagement nonprofit,  
25 and I am a civic engagement coach.

**Mr. Scott Direct of David Lopez**

1 1:00:48 1 Q Would you tell the -- I confess I was not aware of what a  
2 civic engagement coach does.

1 1:00:52 3 Would you tell the judge what -- what you do as a civic  
4 engagement coach?

1 1:00:57 5 A Sure. So, generally, I -- Leadership for Educational  
6 Equity, the nonprofit I work for, has over 60,000 members across  
7 the country, a majority of which are Teach for America alumni,  
8 and I coach members in California, Nevada, Arizona, and Colorado  
9 around getting involved civically. And that can mean running  
10 for office, that can mean organizing in their community around  
11 an issue that they're passionate about, or it could mean moving  
12 into a career in policy, advocacy, or organizing.

1 1:01:31 13 Q Can you tell the Court a little bit about how you -- I'm  
14 going to call it LEE, L-E-E, but that's Leadership for  
15 Educational Equity. What is that group's goal, purpose,  
16 mission?

1 1:01:44 17 A Yeah. The mission of LEE -- and that's correct. We -- the  
18 name is long. So LEE is -- started off as a nonprofit to  
19 address the -- the realities that the power in elected  
20 leadership, power in policy leadership, and power in organizing  
21 advocacy leadership across the country has deep impacts in how  
22 education is carried out in the -- in this country.

1 1:02:12 23 So we specifically address making sure that we have leaders  
24 that are equity minded and -- and understand and have  
25 experiences that matter in positions of power across the country

**Mr. Scott Direct of David Lopez**

when it comes to addressing educational inequities.

Q Are you familiar with an organization called Somos,  
S-O-M-O-S, Spring Branch?

A Yes.

Q What is it?

A Somos Spring Branch is a nonprofit organization. We  
incorporated in January of this year, but we've been around,  
loosely, as a group since 2019.

Q How are you involved in Somos Spring Branch?

A Well, recently was promoted to executive director, but  
really, since 2019, I've been an organizer for -- with Somos  
Spring Branch and done a lot of advocacy in Spring Branch  
around, mostly, the schools, but really any issue related to  
social injustice, representation, and advancing Democratic  
values.

Q Based on your time teaching and being a dean of students at  
Northbrook Middle School and High School, and the director of  
campus operations, and living in this community for many years,  
are you familiar with the social, ethnic, and economic  
demographics of the students enrolled in those schools?

A I am.

Q The Court's heard this several times, and I'm not going to  
spend a lot of time with it.

Is it fair to say that the north of the -- of I-10 is a  
primarily or predominantly Hispanic area?

**Mr. Scott Direct of David Lopez**

1 A Yes.

2 Q And south of I-10 is predominantly an Anglo area?

3 A Yes.

4 Q And the economic demographics are such that south is  
5 wealthier and north is less wealthy?

6 A Yes.

7 Q At some point in time, did you decide to run for the  
8 Spring Branch Independent School District?

9 A Yes. I decided --

10 Q Board of trustees, sorry.

11 A Yes. I decided to run for Spring Branch ISD Position --  
12 Spring Branch ISD Board of Trustee Position 4 in 2019 -- in the  
13 2019 election.

14 Q Why?

15 A So at that point I had been teaching for four years. I was  
16 in a unique position that I was employed by YES Prep Public  
17 Schools but taught and was an -- well, I taught inside of a  
18 North- -- of Northbrook Middle School and Northbrook High School  
19 and was able to see the realities of how students were treated  
20 and are -- and the resources that were available for students.

21 And I also understood that my reality as a teacher, the  
22 realities of the families that I taught, of the students that I  
23 taught, that I got to know them for the -- over those four  
24 years, there was -- there was a systemic nature for their --  
25 for -- around how they were approaching education and their --

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and, ultimately, their performance in the classroom.

I was also inspired through a program that I did with LEE where I Googled the composition of the Spring Branch ISD Board of Trustees and saw that there was no representation economically, racially, and lived-experience-wise for my students that I was teaching in the classroom every day. So I was inspired to be that leader for them.

**MR. SCOTT:** Can we -- Richard, can we put up Plaintiff's 53?

**BY MR. SCOTT:**

**Q** It should be on the monitor in front of you there, Mr. Lopez. Can you identify that document?

**A** Yeah. This is an e-mail that I sent to Houston Public Media in April of 2019 during my campaign. Essentially, I tried to lay out the -- the -- my reality of the campaign, that all seven board members were white, high net worth individuals, that the majority of the students in Spring Branch ISD was Latinx, were economically disadvantaged, and some were undocumented as well, and that none of those board -- members of the board of trustees had ties to the communities north of I-10.

And I was just trying -- I was trying to get their coverage around the election.

**Q** And you mention in this e-mail at-large structure of boards leads to disenfranchised population in district. What did you mean by that?

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11:07:03 1 **A** So the -- the at-large structure of the board had clearly  
2 had an impact on the representation of minority families,  
3 students because there had never been a person of color elected  
4 to the Spring Branch ISD Board of Trustees at this time, and the  
5 demographics of the district I was trying to make clear to  
6 Houston Public Media here was disproportionately students of  
7 color and, at that point, English language learners -- or, now,  
8 emergent bilinguals -- and that those students did not have, in  
9 my opinion, the right representation in the governance of the  
10 district.

11:07:45 11 **Q** So that it's clear, this e-mail was not sent to anybody at  
12 the Spring Branch Independent School District, correct?

11:07:52 13 **A** It was not.

11:07:53 14 **Q** What -- and so why were you sending it to this Houston media  
15 group?

11:07:57 16 **A** Well, at that point I hadn't seen any coverage of this --  
17 what I thought was a major equity issue around the -- the  
18 governance system of a major school district in Houston, and I  
19 was running -- at that point I was the second Latino candidate  
20 in -- in -- in recent history to run, and I wanted to make -- I  
21 was attempting to make sure that the public knew and understood  
22 how the system was affecting representation in the district.

11:08:31 23 **Q** Thank you.

11:08:32 24 **MR. SCOTT:** Richard, can we go to Plaintiff's 58?

11:08:34 25 You might be able to blow that up a little bit.



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11:08:39 1 BY MR. SCOTT:

11:08:39 2 Q Can you identify Plaintiff's Exhibit 58 for the Court?

11:08:43 3 A This is an opening statement that I typed up in preparation  
4 for the Spring Branch Council of PTAs' Spring Branch ISD Board  
5 of Trustees' forum in 2019.

11:08:57 6 Q Was this an event at which you were going to speak or make  
7 some presentation?

11:09:00 8 A Yeah. It was a forum that me and J. Carter Breed, my  
9 opponent, were invited to.

11:09:07 10 Q Does Plaintiff's Exhibit 58 also provide some of the reasons  
11 you decided to run for SBISD?

11:09:13 12 A Yes. Specifically in this opening statement, I talk about  
13 how the experience of my parents would have gone in vain if I  
14 didn't work as hard as they did in school and in my job, and  
15 also, for me, it was about having role models like I did.

11:09:32 16 And I -- and part of that is role models in the civic world  
17 for students, and they had none in Spring Branch ISD that looked  
18 like them, and, you know, it is known that when students of  
19 color or children of color see themselves specifically racially,  
20 they have -- there's a -- an additional impact to their ability  
21 to really see themselves and be -- being -- understand that they  
22 have a future that they can work towards.

11:10:05 23 So I was trying to address that in my opening statement and  
24 show that my mom worked very hard to -- as her -- as the first  
25 in her family to graduate from college; my dad started his

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work -- his own small business while undocumented, and in this country it's hard to do that, but it's also -- in this country, we have the opportunities to -- clearly, as my dad did, to succeed.

**MR. SCOTT:** Can we go to Plaintiff's Exhibit 59?

**BY MR. SCOTT:**

**Q** Can you read that on the screen there?

**A** Yes.

**Q** Can you identify it for the Court?

**A** So this is a document that I also prepared for this forum that we just talked about, just some talking points that I created.

**Q** One of the things -- and Richard has it on the screen here. It has some talking points with regard to ACT and SAT scores.

What was the point of this particular slide?

**A** So for me, I -- the district and schools in general, obviously STAAR is a very prominent data point, and college readiness, for me, was also an important aspect to -- that I wanted to talk about in the forum. And here these are college readiness scores based on the overall performance of high school students taking the ACT and the SAT from 2017 to 2018, and it shows what I was trying to communicate is a very large disparity between college readiness at Northbrook High School and Spring Woods High School that hover around -- from 30 to 50 percent college ready as opposed to Stratford High School and Memorial

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1 High School that hover from 76 to 88 percent college ready.

11:12:04 2 Q And not to beat a dead horse, but Northbrook and Spring  
3 Woods are north of I-10; Stratford and Memorial are south of  
4 I-10, correct?

11:12:14 5 A Correct.

11:12:16 6 MR. SCOTT: Let's go to Plaintiff's Exhibit 60.

11:12:22 7 You may need to blow the top of it up a little bit,  
8 Richard.

11:12:25 9 BY MR. SCOTT:

11:12:26 10 Q Can you identify Plaintiff's Exhibit 60 for the Court?

11:12:28 11 A This is a social media post that I drafted during the  
12 campaign around the same statistics related to college  
13 readiness. I think I was possibly responding to a Memorial High  
14 School and Westchester Academy of choice making the top 100 high  
15 schools in the state, which was great, and I wanted to highlight  
16 that there was still a lot of work to do, which was the reason I  
17 was running, around schools that did not have the -- that were  
18 far from being top 100 in the state and -- and highlight that  
19 there were some data to back that up.

11:13:05 20 Q Let's go to Plaintiff's Exhibit 52.

11:13:12 21 Can you identify Exhibit 52 for the Court?

11:13:14 22 A This is a copy of my campaign literature for my 2019  
23 campaign.

11:13:18 24 Q And one of the things it mentions is -- it refers to early  
25 voting. In fact, there's a fairly large part of it that deals

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1 with early voting locations. Why did you include that in your  
2 campaign flyer?

11:13:34 3 **A** Well, I, one, wanted to make sure it was clear to all of the  
4 voters where the locations for early voting was. Second, early  
5 voting is a very important part of -- early voting turnout is a  
6 very important part of campaigns in general, but especially in  
7 Spring Branch.

11:13:52 8 **MR. SCOTT:** And, Your Honor, I'm not going to go into  
9 it because other witnesses will, but we would point to the Court  
10 that Plaintiff's Exhibits 110 and 120, which are in evidence,  
11 reflect the importance of early voting to the ultimate result.

11:14:05 12 **THE COURT:** All right. Thank you.

11:14:06 13 **BY MR. SCOTT:**

11:14:06 14 **Q** Now, let's go to Plaintiff's Exhibit 126. This will be  
15 election results from the 2019 election, and these are pie  
16 charts that were sourced on information from Dr. Robert Stein's  
17 report.

11:14:26 18 The -- have you seen this document before?

11:14:33 19 **A** I have.

11:14:34 20 **Q** And can you tell the Court what it -- I think it's fairly  
21 apparent, but what does it reflect?

11:14:39 22 **A** To me, it reflects that a larger share of the  
23 Hispanic -- well, 98 percent of the Hispanic vote percentage,  
24 David Lopez won, which is me, and J. Carter Breed won 75 percent  
25 of the white vote percentage, while I won 24 percent of the

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1 white voter percentage.

11:14:58 2 Q And, ultimately, did you win this election?

11:15:00 3 A I did not.

11:15:01 4 Q And that's with 98 percent of the Hispanic voters preferring  
5 you and, if this information is correct, almost 25 percent of  
6 the white voters preferring you, correct?

11:15:14 7 A Correct.

11:15:14 8 Q Let's go to -- let me ask this: Are Dr. Stein's findings  
9 consistent with your observations with regard to voter  
10 preferences, that is, Hispanic voter preferences have not won?

11:15:29 11 A Absolutely. I -- in my canvassing and in my work as a  
12 candidate in both elections and over the past nine years in  
13 Spring Branch and in organizing and advocacy, Latino voters in  
14 Spring Branch want representation on the board specifically --  
15 not necessarily only Latino representation, but they do prefer  
16 it -- but there was also a -- they want someone from their side  
17 of the community, as well, and those were the conversations I  
18 was having with the white voters as well.

11:16:00 19 There were some that want- -- that wanted representation.

11:16:03 20 **THE COURT:** We're going to take a recess until 11:30.

11:16:06 21 *(Recess taken from 11:16 a.m. to 11:29 a.m.)*

11:29:45 22 **THE COURT:** The witness should return to the witness  
23 stand. You may conclude your direct examination.

11:29:51 24 **MR. SCOTT:** Yes, Your Honor. Thank you.

11:30:04 25 And, Your Honor, I didn't tell the Court this at the

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beginning as I intended to, but Mr. Lopez is dealing with Senate -- with Senate factors three, five, and six, and probably the additional factor that we mentioned earlier regarding responsiveness.

Richard, can I get Plaintiff's 131?

**BY MR. SCOTT:**

**Q** Mr. Lopez, we've talked about the 2019 election in which you ran against Carter Breed. Did you run again?

**A** I did. I ran a second time, last year in 2023.

**Q** And we're not going to spend any time with this, but Plaintiff's Exhibit 131 shows the same information for 2023 that we had for 2019 with regard to the Hispanic preference and the percentage of the vote that you got in which you were the preferred candidate in both the Hispanic community and the white community, correct?

**A** Correct.

**Q** Let's turn to Plaintiff's 53.

**THE COURT:** I believe we've covered that.

**MR. SCOTT:** I think this may be a -- oh, we did cover it, Your Honor. I apologize. My reading is off, Your Honor. It's 57.

**BY MR. SCOTT:**

**Q** Yeah. Can you tell the Court -- can you identify it and, if so, tell the Court what this exhibit is, 57?

**A** This is the text of a social media post that I posted at the

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1 end of the 2019 election where I congratulated J. Carter Breed  
2 on his win and summarized my experience.

11:32:05 3 **Q** And what was the purpose, from your perspective, to send  
4 this -- put this -- post this on social media?

11:32:12 5 **A** Well, one, to congratulate J. Carter Breed on his win, to  
6 thank my volunteers and the -- and the voters of Spring Branch  
7 ISD for their engagement in the election, those that did engage,  
8 and then to list out what I think was the -- the path forward  
9 for a more equitable district.

11:32:33 10 **MR. SCOTT:** And can we scroll down a little bit on  
11 this one, Richard?

11:32:36 12 Yeah. If you -- "Here's what I strongly believe," is  
13 what I wanted to start with.

11:32:45 14 **BY MR. SCOTT:**

11:32:45 15 **Q** You say it would be a good thing for all of SBISD -- and I'm  
16 not going to read the whole thing out to you, but what was the  
17 purpose here of talking about what -- what kind of candidate  
18 would be a good thing for SBISD?

11:33:02 19 **A** Well, here I was talking about the electoral system. I  
20 compare it to differentiation in the classroom. As a teacher,  
21 you -- it's not an all -- one-size-fits-all approach, and I  
22 found, as a candidate, that that was the same approach that I  
23 think that, as a governance system, Spring Branch should take.  
24 And the point of -- in teaching, if you will, in the classroom  
25 you differentiate because, especially when you have a diverse

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1 student body in the classroom, to meet the needs -- to meet the  
2 diverse needs of students.

11:33:40 3 There is a parallel in governance. Single-member districts  
4 would allow the diverse needs of the district to come out in  
5 governance and discussions in board meetings and in the  
6 responsibilities of the board. So that was the point that I was  
7 making in the first one.

11:33:55 8 Q You also say, "Turn-out in our school district election is  
9 abysmal and embarrassing."

11:34:01 10 What -- what things, in your view, having campaigned -- I  
11 assume you went door to door in your campaigns. Is that true?

11:34:11 12 A Yes.

11:34:11 13 Q North and south side?

11:34:12 14 A Yes.

11:34:13 15 Q What things did you learn then and do you believe are the  
16 cause of the low voter turnout?

11:34:23 17 A Well, it depends on the -- on -- in the -- by precinct. It  
18 depends on the side of the highway, really, but especially for  
19 the precincts around my home on the north side, a lot of -- in  
20 this election, the 2019 election, for me, my nearest early  
21 voting location was over -- over three, four miles away from me  
22 at Holy Cross Lutheran Church, and that was one of the main  
23 issues in my 2019 election around turnout.

11:35:01 24 There are also other factors, like transportation access to  
25 polling locations, the timing of polling loc- -- of when you can



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1 vote --

11:35:11 2 Q Why does that matter?

11:35:12 3 A Well, for -- especially for working-class families and  
4 Latino families in Spring Branch, but for any -- any family of  
5 any race that is -- has a job or working-class family that can't  
6 vote during those hours or can't make it to the poll, that is a  
7 barrier to their constitutionally protected right to vote.

11:35:36 8 Q Are these issues that were raised to you while you were  
9 campaigning, knocking on doors trying to get people to vote for  
10 you?

11:35:44 11 A Absolutely. I would hand a voter their nearest early voting  
12 location card, and they -- one -- most of them wouldn't  
13 recognize what -- Holy Cross Lutheran Church. If I'm block  
14 walking on the -- in Spring Shadows, that's way too far for them  
15 to even know where that church is; and, two, they would say,  
16 "What do you mean? Where -- why can't I vote at this location,"  
17 where they usually vote in the November election in this -- in  
18 this election.

11:36:12 19 The other part was they didn't even know an election was  
20 happening because of the May election calendar and that in  
21 our -- in Spring Branch, the only election that ever happens in  
22 May is really, if there's a bond election, the bond election,  
23 but if there's not, it's just the one to three positions that  
24 are in -- in Spring Branch.

11:36:34 25 Q One other question from your door knocking as you

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1 campaigned: Was -- was it ever expressed to you that --  
2 something like, "Our candidate can't win," or people get  
3 dispirited when their candidates -- preferred candidates can't  
4 win? Was that ever expressed to you?

11:36:55 5 **A** 1,000 percent. I had to -- that was also a personal barrier  
6 for me as a candidate, you know, psychologically, but most north  
7 side voters -- some that had voted in the past in the  
8 Spring Branch election said, "You have no chance," and it was  
9 because of this systemic history of candidates that they  
10 preferred losing election after election and them knowing that  
11 me going against the money and the power that is entrenched in  
12 the Memorial Villages and in the south side of I-10, and  
13 candidates that run in the system, it is such an uphill battle  
14 that they've seen that they have no faith in the elections  
15 anymore.

11:37:37 16 **Q** Let's turn to Plaintiff's Exhibit 77.

11:37:44 17 Mr. Lopez, can you identify Plaintiff's Exhibit 77?

11:37:49 18 **A** This was an e-mail that Somos Spring Branch sent the board  
19 of trustees -- the Spring Branch Board of Trustees in October of  
20 2021 around requests related to the changes to the Spring Branch  
21 electoral system and other policies relating to voting in the  
22 district.

11:38:11 23 **Q** And I think it was apparent, but the addressees were most,  
24 if not all, of the Spring Branch trustees at that time, correct?

11:38:20 25 **A** Correct.

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Q Now let's go to the body of it.

One of the issues --

**MR. SCOTT:** Let me scroll down a little bit here.

Richard, I think we're going to be on the next page.

One more, please. There we go.

**BY MR. SCOTT:**

Q So you make certain requests of the SBISD board in this.

A It was a long e-mail, yes.

Q And let me ask this: Were you involved at all in preparing this particular text for the e-mail?

A The three organizers co-created this e-mail.

Q And who were those people?

A Patricia Cabrera, Diana Martinez Alexander, and me.

Q All right. What were the issues -- what were the requests you made of SBISD?

A Well, there are a lot, but in general, it is structural changes to the election system specifically transitioning to the -- a new single-member district system in compliance with federal and state laws, and specifically that they -- that they divide up Spring Branch ISD into seven separate geographic single-member districts based on the current SBISD middle school zoning or a hybrid model.

We were also requesting that a -- really, we used the law to highlight how that process could -- could go -- could take -- take part. We also -- further down, we talked about voting

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1 access and specifically changing the election to a November  
2 election, that that will allow members across the entire  
3 district to engage better in the election because November  
4 elections, in the psyche of the country, is when elections  
5 happen.

11:40:27 6 We were also requesting that the Spring Branch ISD follow  
7 the state law around voter registration at the four high schools  
8 that we believe were not happening.

11:40:35 9 Q Explain that, if you will. And I think --

11:40:38 10 MR. SCOTT: Your Honor, we won't be long with this.

11:40:41 11 BY MR. SCOTT:

11:40:41 12 Q But I think the Court's heard about this.

11:40:43 13 A Sure.

11:40:44 14 Q What is the voter registration requirement for high schools  
15 in Texas?

11:40:47 16 A That public schools have a responsibility -- public school  
17 principals, in the state of Texas, have a responsibility to  
18 facilitate voter registration regularly for their  
19 18-year-old-plus students in Spring Branch as well.

11:41:03 20 Q And the only other question I have about this exhibit is:  
21 Did you make a special provision in your request for changing to  
22 a single-member district format with regard to the trustees that  
23 were still -- already on the current trustees, and would they  
24 just have to go away and start all over? Did you make  
25 provisions for that?

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**MR. SCOTT:** And scroll back up if you will.

A little more.

**A** Yeah. No, we made it clear that we believe that trustees should be allowed to complete their three-year terms; that after the system is implemented, that when their position is up for election, that they re-run in those positions in the districts that -- as -- that the single-member district allows.

**MR. SCOTT:** Let's go to --

**A** Can I add one more thing --

**BY MR. SCOTT:**

**Q** Of course.

**A** -- just on the election -- the early -- we also requested early voting sites that were more accessible to north side communities to -- to really address the importance of early voting in Spring Branch ISD and the lack of access to early voting locations at that time.

**Q** Some of the barriers that you've discussed with the Court this morning to Hispanic voting in the north side?

**A** Yes.

**Q** Are you aware of school closures in the fall of 2023?

**A** Yes.

**Q** And we don't need to spend any time with this. The Court's heard some of the details of it.

Is it fair to say that the school closures and programs in 2023 were all on the north side?

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1 **A** Yes. They disproportionately affected north side schools,  
2 schools with heavily Latino populations and economically  
3 disadvantaged students.

4 **Q** Do you believe or contend that changing to a single-member  
5 district format for Spring Branch trustees would advantage the  
6 district and enable voters in the proposed District 1 to elect  
7 the candidate of their preference?

8 **A** I do.

9 **Q** Do you have any opinion as to whether or not, if a  
10 single-member district were formed as proposed, primarily in the  
11 northeast corner, would a candidate -- could -- could or would a  
12 candidate prevail who was the Hispanic preference in that  
13 community?

14 **MR. HENRY:** Objection, I think that calls for expert  
15 testimony.

16 **THE COURT:** Not necessarily. Calls for an opinion  
17 based upon his experience as a candidate and a member of the  
18 ethnic group in question. I'll allow it. I'll give it the  
19 weight I think it deserves.

20 You may answer the question.

21 **A** Based on my canvas- -- my extensive canvassing of,  
22 especially the precincts on the northeast side of the district,  
23 yes, I do believe that a Latino candidate -- a  
24 Hispanic-preferred candidate -- or the preferred candidate of  
25 the voters in that district would prevail in the election.

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11:44:30 1 BY MR. SCOTT:

11:44:30 2 Q Thank you, Mr. Lopez.

11:44:32 3 MR. SCOTT: I pass the witness.

11:44:34 4 THE COURT: All right.

11:44:34 5 CROSS-EXAMINATION

11:44:38 6 BY MR. HENRY:

11:44:46 7 Q Good morning -- for a few more minutes -- Mr. Lopez.

11:44:48 8 How are you?

11:44:49 9 A Good morning. Good.

11:44:50 10 How are you?

11:44:51 11 Q Good.

11:44:53 12 Earlier, you testified about a group named Somos

13 Spring Branch that you were involved in.

11:44:59 14 Did Somos Spring Branch ever submit to the SBISD Board of  
15 Trustees a petition under the Texas Education Code seeking to  
16 place the issue of single-member districts on the ballot for the  
17 voters to vote on?

11:45:13 18 A No.

11:45:14 19 Q Did Somos Spring Branch ever attempt to get the votes  
20 necessary -- sorry, the signatures necessary to make such a  
21 petition?

11:45:24 22 A No.

11:45:26 23 Q Earlier, you testified about college readiness and the  
24 ACT/SAT scores, factors that were inside of your talking points  
25 for a forum.

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1 Would you agree that many factors that are outside of the  
2 district's control, such as income level, family size, parental  
3 employment -- agree that those have an impact on college  
4 readiness as well?

5 **A** Absolutely. Yeah.

6 **Q** And in your experience as a teacher on the north side, were  
7 a lot of your students new to the country?

8 **A** A lot? Not necessarily, no.

9 **Q** Did you have many students who had limited English  
10 proficiency?

11 **A** According to the state of Texas, yes, they were -- I had a  
12 good proportion of students that were labeled as English  
13 language learners, yes.

14 **Q** And into the high school years, still, students who were  
15 English language learners?

16 **A** Yes.

17 **Q** Would you agree that it can be pretty difficult to get a  
18 student who is an English language learner ready to go to  
19 college if they're still an English language learner in the  
20 tenth or eleventh grade?

21 **A** Can you repeat the question?

22 **Q** Sure.

23 If a student is, say, new to the United States, learning  
24 English, and they're in the eleventh grade, they're almost able  
25 to potentially graduate, would you agree that getting them



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1 college ready when their English proficiency is low is a  
2 difficult task?

11:46:52 3 **A** It is a challenge. It adds a challenge for teachers to --

11:46:57 4 **Q** But as a teacher and administrator in Spring Branch, you  
5 worked very hard with those students to try to bring them up to  
6 that level and, hopefully, get them proficient in English and  
7 maybe even college ready by the time they were ready to  
8 graduate?

11:47:08 9 **A** Yes.

11:47:10 10 **Q** In the 2015 election, you ran against Carter Breed, correct?

11:47:14 11 **A** Yes.

11:47:14 12 **Q** If we could --

11:47:17 13 **MR. SCOTT:** I think it was 2019.

11:47:18 14 **MR. HENRY:** Oh, I'm sorry. I said the wrong year.

15 2019.

11:47:23 16 **BY MR. HENRY:**

11:47:23 17 **Q** In 2019, you ran against Carter Breed.

11:47:30 18 **MR. HENRY:** If you would, Richard, can you please put  
19 up Exhibit -- Plaintiff's Exhibit 126?

11:47:37 20 **BY MR. HENRY:**

11:47:37 21 **Q** By this graphic, it shows that, according to the expert's  
22 data, Mr. Breed received 75 percent, approximately, of the white  
23 vote, and you received just shy of about 25 percent or a quarter  
24 of the white vote; is that correct?

11:47:54 25 **A** Yes.

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1 Q Okay.

2 MR. HENRY: Could we please put up Plaintiff's  
3 Exhibit 57?

4 BY MR. HENRY:

5 Q If you would please look at the second sentence on the  
6 screen, it says -- and these are your words. It says: (As read)  
7 This election thankfully couldn't have contrasted our national  
8 politics more. I don't think Hillary would have brought Donald  
9 a Subway sandwich for lunch on Election Day or vice versa. I  
10 hope this -- sorry -- the board begins to have a real  
11 conversation about how to improve outcomes for all kids in our  
12 district, with extra care and attention to north side schools.

13 Would you agree that your national politics contrasted  
14 drastically with Carter Breed's national politics per your  
15 sentence in this outline?

16 A I'm not aware of J. Carter's -- Breed's national politics.

17 Q Okay. Was this statement about the amicable nature of your  
18 campaign rather than about your differences in your political  
19 beliefs?

20 A Yeah. I was talking -- yeah. I specifically made a  
21 comparison to -- to the national politics and the rhetoric and  
22 how, you know -- during that time --

23 Q Seeing -- I'm sorry. I didn't mean to cut you off.

24 So you believe that your race against Carter Breed, he  
25 treated you fairly and was polite to you during that time?

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1 **A** Yes.

2 **MR. HENRY:** If we could please look at Exhibit 129.

3 I'm sorry. 126, I think.

4 I may have written down the wrong exhibit.

5 **BY MR. HENRY:**

6 **Q** Okay. In -- I don't have the graphic up there, but are you  
7 aware that when Lisa Alpe later ran against Carter Breed for  
8 this trustee position, and she was successful, that Lisa Alpe  
9 received a greater share of the white vote than did Carter  
10 Breed?

11 **A** I have -- no, I wasn't -- I'm not aware.

12 **Q** So you haven't looked at the statistics on whether Carter  
13 Breed was the candidate of choice for Hispanic voters in his  
14 election against Lisa Alpe?

15 **A** No.

16 **Q** Okay. Then I'll save those questions for when the expert  
17 testifies about that.

18 **MR. HENRY:** Okay. If we could please put on the board  
19 Defendants' Exhibit 12.

20 **BY MR. HENRY:**

21 **Q** This is data from the 2023 election in which you ran against  
22 Courtney Anderson. She was your opponent that year, correct?

23 **A** Yes.

24 **Q** And if you would look, which candidate, you or Courtney  
25 Anderson, prevailed in the Landrum precinct?

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**A** Courtney Anderson.

**Q** And which candidate, you or Courtney Anderson, prevailed in the Northbrook precinct?

**A** Courtney Anderson.

**Q** And is the Northbrook precinct the precinct in which you live?

**A** No.

**Q** Which precinct do you live in?

**A** Spring Woods.

**Q** Spring Woods.

So Courtney Anderson prevailed in Landrum and Northbrook.

**MR. HENRY:** If we could please bring up Exhibit -- Defendants' Exhibit 3.

And if we could zoom in on Precinct No. 1.

**BY MR. HENRY:**

**Q** And I'll represent to you, Mr. Lopez, that this is a drawing of No. 1, the demonstrative district that plaintiff's expert has drawn as a potential single-member district in this case.

Precinct No. 1 drawn by the expert looks to encompass mostly Landrum and part of Northbrook, correct?

**A** Yes.

**Q** So the single-member district that plaintiff's expert has drawn encompasses mostly territory from two precincts that you did not carry or win in the 2023 election, correct?

**A** Can you repeat the question?

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Q Yes.

Plaintiff's expert has drawn proposed single-member District No. 1 which encompasses mostly Landrum and part of Northbrook precincts, and those are both precincts that you did not carry, you did not win in the 2023 election, correct?

A Yes.

**MR. HENRY:** Okay. If we could please put on the screen Defendants' Exhibit 51.

**BY MR. HENRY:**

Q Do you recognize this as a graphic that was posted on your campaign Facebook page in 2023?

A Yes.

Q And it looks like an endorsement from a group called Moms Demand Action; is that correct?

A Correct.

Q Is it correct that Moms Demand Action is an organization that lobbies for increased gun control measures?

A Yes.

Q What does it mean to be the Gun Sense candidate on this post?

A It means that I filled out a candidate survey asking about my opinion on the safety and security measures at schools related to guns, and that I believe that guns shouldn't be in schools.

Q So by that statement, I take it you didn't support the

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state's movement to put armed marshals and police officers in each school in Texas.

**A** Not necessarily, no.

**Q** To your knowledge, did your opponent gain an endorsement from the Moms Demand Action group?

**A** No.

**Q** If we could please look at Defendants' Exhibit 52.

This is a post from Harris County Precinct 0407, Democrat.

During your campaign in 2023, did you receive the endorsement of the Harris County Democrats?

**A** No.

**Q** You did not.

Were you aware that the Harris County Democrats Precinct 0407 was posting in support of your campaign?

**A** I found out after they posted it.

**Q** If you would -- well, have you ever seen any post of the Harris County Democrats supporting your opponent during that election, Courtney Anderson?

**A** No.

**MR. HENRY:** If we could look at Exhibit 53.

And it's got very small type, but if we could blow up in the third paragraph down.

**BY MR. HENRY:**

**Q** This is another Internet post on a fundraising site. It says: (As read) But David -- that's David Lopez -- is not just

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1 running to address the core issues that families care about. He  
2 is also deeply concerned about the rise of far-right fringe  
3 candidates and outside groups infiltrating our school board with  
4 a political agenda that is dangerous for our kids. As board  
5 members -- sorry. As a board member, David will work tirelessly  
6 to ensure that our schools remain free from divisive and harmful  
7 political agendas.

11:56:13 8 Is it your belief that the SBISD School Board was  
9 experiencing a rise of far-right fringe candidates for the  
10 board?

11:56:26 11 **A** The candidates that had been running at that time, yes,  
12 their campaigns were extremely political.

11:56:36 13 **Q** Is that diametrically opposed to your political beliefs?

11:56:41 14 **A** Which -- what is?

11:56:43 15 **Q** A far right-wing political agenda.

11:56:46 16 **A** I am not a far right-wing political person, no.

11:56:50 17 **Q** If we could look at Exhibit 54.

11:56:56 18 Do you recognize this as a social media post endorsing your  
19 candidacy for SBISD trustee by the Texas Blue Action Democrats?

11:57:08 20 **A** The endorsement is from Safe Schools for All, which I  
21 believe is a nonpartisan organization.

11:57:15 22 **Q** Okay. And it's the Texas Blue Action Democrats who posted  
23 that endorsement?

11:57:18 24 **A** Correct.

11:57:19 25 **Q** Pictured next to you is a candidate, Becky Ardell Downs.

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1 Did she also run for trustee the same year, 2023, that you ran?

11:57:30 2 **A** Yes.

11:57:30 3 **Q** But not against you, correct?

11:57:33 4 **A** No.

11:57:34 5 **Q** Was Becky Downs successful in getting elected?

11:57:37 6 **A** No.

11:57:39 7 **Q** Just for the record, Becky Downs is Anglo, correct?

11:57:44 8 **A** Yes.

11:57:45 9 **Q** If we could look at Exhibit 55 -- Defendants' 55, this is a  
10 post -- a social media post by you, and it says, "Last chance to  
11 vote," and it's a graphic that pictures you next to Candidate  
12 Becky Downs.

11:58:10 13 Did you support Becky Downs during her campaign?

11:58:16 14 **A** Yeah.

11:58:19 15 **Q** Did you vote for Ms. Downs?

11:58:23 16 **A** Yes.

11:58:25 17 **Q** Did you see yourself and Ms. Downs as running together, to  
18 some extent, against the more right-wing candidates of Anderson  
19 and Mahan?

11:58:35 20 **A** We were collaborating on resources, yes.

11:58:39 21 **Q** And, in fact, you participated in online forums together to  
22 answer questions for voters, right?

11:58:49 23 **A** I don't recall.

11:58:50 24 **Q** If we could look at Exhibit 56, this is another post from  
25 your social media page, and you've posted a graphic that I take



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1 it you didn't make, but you've posted it here.

11:59:02 2 It says, "Breaking News. Far-right Extremist U.S. Senator  
3 Endorses Courtney Anderson and Shannon Mahan," and it has a  
4 picture of Ted Cruz next to it.

11:59:16 5 Was it your understanding that Ted Cruz endorsed your  
6 opponents, Shannon Mahan -- sorry, endorsed your opponent,  
7 Courtney Anderson, in the 2023 election?

11:59:28 8 **A** Yes.

11:59:35 9 **Q** And there's a statement in the blue box that says,  
10 "Far-right groups nationally and across Texas continue their  
11 efforts to influence this SBISD election."

11:59:44 12 Would you agree that far-right groups nationally and across  
13 Texas were attempting to influence SBISD's elections for  
14 political purposes?

11:59:58 15 **A** Yes.

11:59:59 16 **Q** Even though there's no party affiliations on the ballot for  
17 SBISD elections, did your school board race essentially become a  
18 partisan election?

12:00:08 19 **A** My campaign wasn't, but the others were.

12:00:15 20 **Q** If we could look at Exhibit 57, and we'll look at the second  
21 page first, do you recognize this as a post from 2020, just  
22 after you had run for trustee, urging community members to  
23 contact the school board and urge the board to not reopen  
24 schools for in-person education for the beginning of 2021-22  
25 school year due to COVID?

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1 A This was 15 months after the election, to be clear. But,  
2 yes.

3 Q And the first page, was that a letter -- a form letter that  
4 you were urging parents to send to the school board urging them  
5 to not reopen schools yet?

6 A Yes. I had major equity issues related to COVID-19 and how  
7 it was affecting my students of color.

8 Q Is it your understanding that in 2021, Chris Earnest, who  
9 was running for the board against Virginia Elizondo, was pushing  
10 for in-person maskless education?

11 A I don't remember his platform.

12 Q Okay. If we would look at Exhibit 59, do you recognize this  
13 as an e-mail between you and a person named Rebecca Shulka [sic]  
14 from April of 2019?

15 A Yeah.

16 Q And this was during your 2019 campaign, correct?

17 A Yes.

18 Q And is it correct that Ms. Shulka was, at the time, a  
19 representative of a group called Swing TX Left, a Democratic  
20 advocacy party?

21 A I don't fully know the relationship between the Democratic  
22 Party and the organization, but, yes, it looks like she was a  
23 representative for that organization.

24 Q How did Swing TX Left assist with your campaign, if at all?

25 A I think Rebecca probably block walked with me, but I'm not

**Mr. Henry Cross of David Lopez**

1 sure. I don't remember the extent to their involvement.

12:02:26 2 Q If we could look at Defendants' Exhibit 60, please.

12:02:32 3 Do you recognize this --

12:02:33 4 MR. HENRY: And we can zoom in to the top. Thank you.

12:02:36 5 BY MR. HENRY:

12:02:36 6 Q -- as an e-mail between you and a person named Marco

7 Orrantia of the Texas Democratic Party?

12:02:48 8 A Yes.

12:02:49 9 Q And if we could look at the bottom of this page, and I'll

10 look at the paragraph down there. It says: (As read) My name

11 is David Lopez and I'm a candidate for SBISD Board of Trustees

12 in Houston. I'm reaching out for more information on Van and

13 how to gain access through the Texas Democratic Party. You can

14 learn more about my race at this website. Our current strategy

15 is to target Democratic primary voters to come out and vote.

16 The election is historically very low turnout, and we need a

17 solid block walk and phone banking list to ensure we use time as

18 efficiently as possible given the campaign is on May 5th. Thank

19 you.

12:03:24 20 Would you agree with your statement in this e-mail that it

21 was your strategy -- strategy to target Democratic primary

22 voters?

12:03:35 23 A In the e-mail, it does say that, yes.

12:03:37 24 Q Is it correct that you believe that Democratic primary

25 voters would be more inclined to support your candidacy than

***Mr. Henry Cross of David Lopez***

1 Republican primary voters would?

12:03:48 2 **A** More inclined? Maybe.

12:03:54 3 **Q** Earlier, you mentioned a person named Diana Alexander who  
4 was involved in Somos Spring Branch with you; is that correct?

12:04:01 5 **A** Yes.

12:04:02 6 **Q** Is it correct that Diana Alexander ran for the Democratic  
7 nomination in the race for U.S. House District 38?

12:04:09 8 **A** Yes.

12:04:10 9 **Q** And was it correct that Ms. Alexander was involved in  
10 promoting your campaign for SBISD Trustee in 2023?

12:04:21 11 **A** As a candidate?

12:04:23 12 **Q** She assisted in promoting your campaign.

12:04:27 13 **A** Yes. She was involved as a volunteer.

12:04:30 14 **Q** She hosted a candidates' forum for you and broadcast it on  
15 the Internet; is that correct?

12:04:35 16 **A** Yes.

12:04:36 17 **Q** She endorsed you; is that correct?

12:04:38 18 **A** Yeah.

12:04:39 19 **Q** And she block walked for you, right?

12:04:41 20 **A** Yes. We have a strong relationship in our nonpartisan  
21 organization, Somos Spring Branch.

12:04:49 22 **MR. HENRY:** I'll pass the witness.

12:04:50 23 **THE COURT:** Any redirect?

12:04:52 24 **MR. SCOTT:** None, Your Honor. Thank you.

12:04:54 25 **THE COURT:** Plaintiff may call her next witness.

***Mr. Scott Direct of Noel Lezama***

**MR. SCOTT:** Plaintiff calls Noel Lezama.

**THE COURT:** Good afternoon, sir. Please come around  
and be sworn as a witness.

**THE WITNESS:** Good afternoon, Judge.

**THE COURT:** Please raise your right hand.

*(Witness sworn.)*

**THE COURT:** Please be seated.

**THE WITNESS:** Hello? Testing.

**THE COURT:** You may proceed.

**MR. SCOTT:** Thank you, Your Honor.

**NOEL LEZAMA, DULY SWORN, TESTIFIED:**

**DIRECT EXAMINATION**

**BY MR. SCOTT:**

**Q** Please introduce yourself to the Court by stating your name  
and address.

**A** My name is Noel Lezama, and I live 9038 Colleen.

**Q** Is 9038 Colleen Road in the Spring Branch Independent School  
District?

**A** Yes. It's north of I-10.

**Q** Would your home be in what we've called --

**MR. SCOTT:** Let's put it up real quick, Plaintiff's  
24.

Can you blow that up a little bit, Richard?

**BY MR. SCOTT:**

**Q** Would your home be in what is marked as District 1 or Zone 1

**Mr. Scott Direct of Noel Lezama**

1 on Plaintiff's Exhibit 24?

12:06:42 2 **A** Let's see. That's Blalock. I'm assuming that the next  
3 street right below it is Kempwood. I'm not sure where Hollister  
4 is. So it would be right there at the cusp of --

12:06:56 5 **THE COURT:** Can you please pull the microphone to you?

12:06:58 6 **A** It would be at the cusp of two or one.

12:07:03 7 **THE COURT:** Thank you.

12:07:03 8 **A** Actually, hold on. I see Kempwood over here. It would be  
9 one. It would be one.

12:07:07 10 **BY MR. SCOTT:**

12:07:07 11 **Q** Mr. Lezama, would you tell the Court where you grew up,  
12 where you went to school and -- up into college, and we'll start  
13 again then.

12:07:16 14 **A** Yeah, sure. I was born in Managua, Nicaragua. We  
15 immigrated in 1988 and got to Houston in 1992. I'm a proud  
16 product of Spring Branch ISD; went to Spring Shadows Elementary,  
17 which is a school that is currently closed right now; went to  
18 Northbrook Middle School; went to Northbrook High School; and  
19 graduated from the University of Houston.

12:07:38 20 In fact, my whole family's a product of Spring Branch ISD.

12:07:41 21 **Q** Tell the Court a little bit about that.

12:07:44 22 Which of your family members, including your children, have  
23 attended Spring Branch schools?

12:07:48 24 **A** Yeah. So my wife graduated from Northbrook High School,  
25 went to Northbrook Middle, and she went to Edgewood Elementary;

**Mr. Scott Direct of Noel Lezama**

1 and my son went to Edgewood, he went to Northbrook Middle  
2 School, YES Prep, went to Westchester Academy; and my little  
3 one, he's -- he's at Cedar Brook right now. He's in second  
4 grade.

12:08:10 5 Q Are all of those schools on the north side of I-10?

12:08:14 6 A Yes, with the exception of Westchester Academy.

12:08:19 7 Q Let's go to your employment history a little bit --  
8 actually, tell the Court, if you will, what your degree was in,  
9 in college, and then begin with your career from there.

12:08:28 10 A Yeah, sure. So graduated with psychology, a minor in bio;  
11 for whatever strange reason, decided to go into entrepreneurial,  
12 and so I have an insurance business; and I also do consulting  
13 for commercial companies that have 50 to a thousand employees.

12:08:48 14 Q Did you run for the -- at some point in time, did you run  
15 for the Spring Branch Independent School District?

12:08:53 16 A Yes. It was in 2018.

12:08:56 17 Q Who was your opponent in that election?

12:08:59 18 A Minda Caesar.

12:09:02 19 Q Let's go to Plaintiff's Exhibit 47.

12:09:13 20 Can you identify Plaintiff's Exhibit 47 for the Court?

12:09:17 21 A Yeah. It's -- it was my -- I guess my welcome letter,  
22 right, letting the community know that I was going to be  
23 running. I was already pretty well-known and helping out. I  
24 was very involved with various different activities throughout  
25 the neighborhood and also through -- through Spring Branch ISD.

**Mr. Scott Direct of Noel Lezama**

1 And so that's the way I announced myself, that I was going to be  
2 running for this position.

12:09:44 3 Q And the -- it's helpful -- Plaintiff's Exhibit 47 lists some  
4 of your community activities --

12:09:49 5 A Uh-huh.

12:09:50 6 Q -- including Houston Livestock Show and Rodeo. I think -- I  
7 seem to remember Communities in Schools. That may not be on  
8 this one.

12:09:59 9 What -- what other community activities can you tell the  
10 Court about in your experience?

12:10:08 11 A Sure. So I've been part of the campus improvement team; the  
12 bond committee; been a mentor for kids at Spring Woods High  
13 School; also volunteered with Communities in Schools; done  
14 fundraisers; was the president of Northbrook Middle PTO, and --  
15 yeah. Done various different things.

12:10:39 16 Q Let's turn to Plaintiff's Exhibit 25 -- actually, is this --  
17 Richard blew it up for us.

12:10:48 18 Is this a pretty fair summary of the community activities  
19 you've had, including some of the activities you've had related  
20 to Spring Branch schools?

12:10:57 21 A As far as year-to-date 2018, yes. There's been other things  
22 that I've done since then.

12:11:03 23 Q Okay. Let's go to Plaintiff's Exhibit 47.

12:11:16 24 MR. RIENSTRA: This is 47.

12:11:17 25 MR. SCOTT: Oh, I'm sorry. Twenty-five.



**Mr. Scott Direct of Noel Lezama**

I'm sorry, 125.

There we go.

**BY MR. SCOTT:**

**Q** Have you seen this exhibit before?

**A** Yes.

**Q** The Court has seen several exhibits like this, if not this one.

**A** Uh-huh.

**Q** This exhibit reflects that in the 20- --

**THE REPORTER:** I'm sorry.

**MR. SCOTT:** I'm sorry. It's on me.

**BY MR. SCOTT:**

**Q** In the 2019 election, you were the preference of 99 -- I'm sorry. 2018 election, you were the preference of 99 percent of the Hispanic voters and 35 -- I can't read it -- 35 percent of the Anglo or white voters. Is that consistent with your recollection?

**A** Yes.

**Q** And did you win or lose this election?

**A** So I won four of the schools that are north of I-10, and I lost three of the schools that are south of I-10.

**Q** And that's notwithstanding the fact that you had almost 100 percent of the Hispanic voter preference and a third of the white voter preference?

**A** That's correct.

**Mr. Scott Direct of Noel Lezama**

1 2:12:35 1 Q Why? How can that happen?

1 2:12:37 2 A Well, when you start thinking about -- and, you know,  
3 other -- other witnesses have spoken, right? There is --  
4 there's not a lot of turnout in -- north of I-10, and in my  
5 experience, when I went door knocking and speaking to other  
6 voters, the sentiments was that we can never elect somebody from  
7 north of I-10; that if you really wanted to win the election,  
8 you really needed to campaign to those voters south of I-10.

1 2:13:13 9 And so I think, really, the 35 percent comes from those  
10 advocates that lived south of I-10, and they really did a good  
11 job of getting my name out; letting them know who I was; letting  
12 them understand of why I was running. In my race, I really  
13 didn't talk about whether, hey, a Hispanic needed to be on the  
14 school board. I think it was already -- it was already said  
15 without having to mention it.

1 2:13:41 16 For me, what it was -- most important was representation  
17 from the entire 44 square miles of the school district, which  
18 unfortunately, historically, hasn't been that way. It's been  
19 more of a very segregated one, two-mile radius of where the  
20 majority of these board members live, and that doesn't make  
21 them -- doesn't make them bad people, it just means that, hey,  
22 they only know what they know.

1 2:14:05 23 And so when they're going to make decisions for the school  
24 board or for the entire school district, it's very limited,  
25 right, in regards to what ideas or notions they're bringing to

**Mr. Scott Direct of Noel Lezama**

1 the table.

12:14:16 2 **Q** Were the comments that you've just made to the Court based,  
3 in some part, upon the campaigning that you did and the  
4 door-to-door canvassing of potential voters?

12:14:29 5 **A** What was the question?

12:14:30 6 **Q** Yeah.

12:14:30 7 The question is: Were your comments based on information,  
8 in part, that you gathered from canvassing voters in your  
9 efforts to get elected?

12:14:39 10 **A** Oh, yes, 100 percent. Even when I was door knocking in the  
11 south, right, you can tell the vast division or the questions  
12 that were being asked. In the north, it was mostly scholastic  
13 like, "Hey, how are we going to make sure the kids are reading  
14 and writing, getting back to where they need to be," because  
15 there was a decline, and in the south it was mostly in regards  
16 to our budget because we have budget constraints.

12:15:03 17 And so their question was, "Hey, how are you going to  
18 prioritize our budget? How are you going to make sure we're  
19 keeping Austin responsible, right, for what our fair share is?"  
20 So there was that -- definitely very drastic questions when I  
21 was door knocking.

12:15:19 22 **MR. SCOTT:** And, Your Honor, Mr. Lezama's testimony  
23 will relate to Senate factors one, three, five, particularly  
24 six, and -- and the additional factor regarding responsiveness.

12:15:34 25 **THE COURT:** Thank you.

**Mr. Scott Direct of Noel Lezama**

1 2:15:39 1 BY MR. SCOTT:

1 2:15:41 2 Q In connection with your campaign, were there ever any overt  
3 or subtle racial comments or communications made?

1 2:15:52 4 A In the beginning, there was comments made that maybe I was  
5 going to run on the platform that, hey, we need a Hispanic on  
6 the board, and that I was going to make my campaign all about  
7 having a Hispanic on the board. Other -- other suggestions were  
8 that could I keep confidential information to myself, and, you  
9 know, that one actually kind of made me chuckle because at that  
10 point I had my security license. So I needed to be vetted all  
11 the way up to the FBI because of FINRA rules, and I don't think  
12 anybody else in the board -- maybe -- I don't know, maybe the  
13 attorneys do get vetted all the way up to the FBIs [sic] because  
14 there were so few attorneys on the board then. So that was kind  
15 of interesting, that those type of comments were said.

1 2:16:40 16 So -- but there was nothing heavy, right? It was all  
17 basically based on whether I was going to use the Hispanic card  
18 or whether I was -- whether my integrity was being questioned,  
19 right? It was not till after the election where I started  
20 receiving racist letters through the mail, and, you know, that  
21 really impacted me because my son was the first one to open up  
22 that letter. And at that moment, if I'm not mistaken, he was --  
23 he was a sophomore or a junior in high school, and so that  
24 really upset me.

1 2:17:13 25 I really kept it to myself for -- for -- for quite a while

**Mr. Scott Direct of Noel Lezama**

1 until an advocate of my campaign brought it to Josef Klam, and  
2 then I received a call from Reverend Klam at one point, and, you  
3 know, he was disgusted. He was like, "Hey, this is  
4 unbelievable. I don't want this to impact you. I don't want  
5 this to discourage you from ever running again," and the reality  
6 is that, you know, I always think about those things, right?

1 2 : 1 7 : 4 5 7 I don't want my wife, my kids, my -- my seven-year-old now,  
8 right, to ever get those type of messages anywhere. And so...

1 2 : 1 7 : 5 7 9 Q You've related to me a -- an event that occurred to you when  
10 you were in elementary school in the Spring Branch School  
11 District, and I'll ask you -- which relates to how you were  
12 viewed as a Hispanic student by a teacher. Would you relate  
13 that event to the Court?

1 2 : 1 8 : 1 6 14 A Yeah. So I believe it was either in -- we had just -- we  
15 had just moved to Houston, so it had to be, like, either '93 or  
16 '94. I would stay after school for the kids program. It was,  
17 like, some choir thing. And during that time, a lot of teachers  
18 were asking, for whatever reason, "Hey, what do your parents  
19 do?"

1 2 : 1 8 : 3 8 20 My father's a physician. He's a doctor, but when you  
21 immigrate to the states, you have to redo all your exams. So he  
22 was going through that process. And when it came to me and they  
23 asked, you know, what does your father do, and I said -- told  
24 them, "Hey, my father's a doctor," immediately that teacher  
25 said, "Hey, it's not good to lie."

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12:18:57 1 Of course, I was -- well, maybe -- maybe I was taken a  
2 little bit aback or maybe he didn't hear me, and I said, "No,  
3 no. My father's a doctor."

12:19:06 4 And I was very puzzled because then I went home that night,  
5 and having the lioness of a mother that I have, I told her  
6 exactly what happened. And unbeknownst to me, the following day  
7 she picks me up from Spring Shadows parking lot with the same  
8 thing, same program after school, and I get in the car. I'm  
9 already in the backseat, and -- no. Actually, I'm standing next  
10 to the teacher, and she pulls out my father's diploma, and she  
11 goes, "Hey, come here. Listen here," in her broken English, and  
12 then she just switched to Spanish -- because, if I recall, the  
13 teacher spoke Spanish too.

12:19:45 14 And she said, "Don't you ever call my son a liar. His  
15 father is a doctor. He's not a doctor here in the states yet,  
16 but he's a full-blown doctor," and ever since then, you know,  
17 things really did change. Not drastically, but enough where you  
18 can sense that both my brother and my little sister were always  
19 treated a little bit different.

12:20:08 20 There was a care that meant that, hey, these parents,  
21 right, are not afraid or not scared to, obviously, come up here  
22 and make a ruckus. And, you know, that's unfortunate because  
23 when you start thinking about the community north of I-10, there  
24 is a lot of immigrants, and the fear for a lot of immigrants,  
25 whether they're legal here or not, is that they don't want to

**Mr. Scott Direct of Noel Lezama**

1 cause any trouble.

12:20:34 2 And I remember to this day my father always telling me --  
3 and this is an educated person -- highly educated -- would  
4 always tell me, "This is not our country. You have to make sure  
5 you mind your Ps and Qs and don't cause any trouble." And even  
6 though I felt sometimes there was a lot of injustice, that  
7 always played in the back of my head because he would always  
8 say, "You never know" -- and at that moment I wasn't a citizen  
9 -- "when they can take your rights, and then they will deport  
10 you back to Nicaragua."

12:21:01 11 And if you recall in the 1980s, there was a conflict in  
12 Nicaragua with the Contras and the Sandinistas, and we were  
13 fleeing because of that. So my parents were petrified of us  
14 being sent back as young kids.

12:21:14 15 Q Let's go to Plaintiff's Exhibit 48.

12:21:22 16 And some of this may be difficult to read -- there we go.

12:21:26 17 **MR. SCOTT:** Blow it up a little bit.

12:21:27 18 **BY MR. SCOTT:**

12:21:27 19 Q Can you identify Plaintiff's Exhibit 48?

12:21:30 20 A Yes, that's the -- one of the letters that I received in the  
21 mail, and I -- I can't see the -- the photo, but, basically, it  
22 said, "Beat Noel," "Noel's home is ghetto." "He lost." "Lez  
23 homo," and, I guess, "Ha, ha, ha," and, "Sux."

12:21:54 24 And this was after the election, so I was really taken  
25 aback by it because there was no need. It was done, you know.

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1 She won. She -- she -- she ran a good campaign, and she was  
2 able to get people to come out and vote for her.

12:22:14 3 **Q** And is Plaintiff's Exhibit 48 a true and correct copy of  
4 information that was sent to you following the election in  
5 2000- --

12:22:20 6 **A** Yes. It came through the post office. It was stamped;  
7 sealed. It came through -- through the mail.

12:22:28 8 **Q** Let's go to Plaintiff's Exhibit 49.

12:22:34 9 **MR. SCOTT:** And, Richard, if you blow up, first -- the  
10 top is just --

12:22:37 11 **BY MR. SCOTT:**

12:22:37 12 **Q** Is this you forwarding some piece of information you  
13 received?

12:22:42 14 **A** Yes.

12:22:42 15 **Q** Okay. Let's go back to the actual photo here.

12:22:48 16 And can you explain to the Court how you got this piece of  
17 information, when you got it, and --

12:22:55 18 **MR. SCOTT:** And I don't think we need to read it out  
19 loud, Your Honor. It's -- the exhibit is what it is, and it's  
20 more than (inaudible).

12:23:04 21 **THE REPORTER:** I'm sorry. More than...?

12:23:04 22 **MR. RIENSTRA:** More than crass.

12:23:08 23 **A** It came in the mail, and I believe this is the one that my  
24 son opened up.

12:23:13 25 **BY MR. SCOTT:**



**Mr. Scott Direct of Noel Lezama**

Q Did you view these as taunting? How did you view this -- these --

A Yeah. I viewed it as taunting, and then, you know, as I started talking and really, you know, it was Reverend Klam where, at first, I was just like, man, like, I can't believe this happened. And, you know, he brought it to light and said, "I don't want this, you know, discouraging you from running again" and, quite frankly, I had not said anything, but it does bother me, right?

Like, it -- it puts a weight on my wife. She rethinks it. Obviously, she's a professional as well, and she prefers to be out of the crosshairs, but knowing how opinionated I am, she -- she knows that might be a tall order.

But the point is the -- it was effective. It was effective in regards to making me think twice about being able to run, at least in my school district, because of who might retaliate, you know, even though after the fact.

Q Let's go to Plaintiff's Exhibit 46.

Now, we're not going to spend much time on this because it's already been addressed by another witness. Who is Nicole Marino?

A She's actually one of my neighbors.

Q And did she send this -- these photographs and this information to you in February of 2022?

A She did. She did. She was very upset. The -- the softball

**Mr. Scott Direct of Noel Lezama**

1 field was vandalized, and she feels even to this day, right,  
2 that if this would have happened anywhere else in the school  
3 district south of I-10, this would have been cleaned up  
4 immediately whether it would have been by the school district  
5 or, you know, any other means necessary.

1 2 : 2 5 : 1 5 6 And so she sent out this e-mail in hopes of others  
7 advocating and being able to, hopefully, apply pressure to the  
8 school district and, hopefully, get it cleaned up as soon as  
9 possible.

1 2 : 2 5 : 2 9 10 Q All right. Did you agree with the opinions that Ms. Marino  
11 had with regard to how quickly this sort of vandalism would have  
12 been cleaned up on the south side as opposed to the north side?

1 2 : 2 5 : 4 4 13 A Yes, partially. Partially. And here's why I say  
14 "partially." From one take, right, I think it was more of the  
15 response that she got where the response was, "Well, we can't  
16 take care of it right now, if you guys can take care of it."  
17 That would have never been said anywhere else.

1 2 : 2 6 : 0 4 18 Q All right. That's included in her e-mail, and we don't need  
19 to go back through that.

1 2 : 2 6 : 0 9 20 Let's go to...

1 2 : 2 6 : 1 0 21 Yeah. The fall of 2023, were there school closures in the  
22 fall of 2023?

1 2 : 2 6 : 3 3 23 A That's correct.

1 2 : 2 6 : 3 4 24 Q And can you give us the -- tell the Court briefly again --  
25 he's heard this, so very briefly --

**Mr. Scott Direct of Noel Lezama**

1 2 : 2 6 : 4 2 1 A Yeah.

1 2 : 2 6 : 4 2 2 Q -- what schools and programs were closed, where they were --

1 2 : 2 6 : 4 5 3 A Well, it was proposed and passed to close KIPP, which is  
4 north of I-10; YES Prep Middle School; YES Prep High; Treasure  
5 Forest, if I'm not mistaken, and all those schools impacted the  
6 north very disproportionately.

1 2 : 2 7 : 0 7 7 When you start thinking about the students that went to  
8 those schools, which actually was great because it actually  
9 brought some resources, parents that were -- wanted to be in  
10 those programs, no matter where they were in the district,  
11 obviously, as long as they were able to get in, it brought a lot  
12 of resources, and a lot of the parents would stay put. They  
13 would not try to either bus their kids to other schools that  
14 they felt were deemed better than the ones that they were zoned  
15 to.

1 2 : 2 7 : 3 2 16 And so when you take that away, you really disenfranchise  
17 the community. It removed a lot of intellectual equity from  
18 parents that maybe were a little bit more involved because they  
19 had the time and effort versus other parents that couldn't get  
20 off of work in a timely manner, right, because they were maybe  
21 working from 8:00 to 5:00, 8:00 to 7:00, 8:00 to 8:00, which  
22 there are a lot of those working families in -- north of I-10.

1 2 : 2 8 : 0 0 23 It's not that they don't care about their kids, it's just  
24 they've got to figure out, "Do I put food on the table, or do I  
25 skip out, you know, these four hours that may be the difference

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1 between paying the mortgage or, you know, seeing my kid on  
2 stage."

12:28:15 3 Q We've talked about a couple of these instances.

12:28:18 4 Do you consider that there are disparities between how the  
5 Spring Branch School District Trustees address issues on the  
6 north and south side of I-10?

12:28:28 7 A Yes.

12:28:30 8 Q Can you -- other than the school closures and the Northbrook  
9 vandalism, can you give the Court other examples?

12:28:39 10 A Well, the most recent one, right, that I would look at would  
11 be, for example, the fire. There was a fire north of I-10 that  
12 blasted almost ten days, and we were still getting -- we were  
13 still getting notices, right, about bring the kids to school;  
14 the -- the -- the air is safe, and, you know, there was ashes  
15 everywhere.

12:29:02 16 And this is public information. Everybody can look it up  
17 and see how far those ashes were traveling.

12:29:09 18 And the reality is that, you know, the school board could  
19 have, at that moment, made a decision or, at the very least,  
20 gave a response and help that principal or that campus, right,  
21 mitigate that problem or, at the very least, change what they  
22 were currently doing, and I didn't see any of that, and my wife  
23 was very involved in keeping up-to-date on all those notices.  
24 So I don't think that would have happened somewhere else.

12:29:39 25 Q Do you have awareness or information about the relative

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availability of family or parent resources, the difference -- or disparity between the north and south side of I-10?

**A** Yeah, it's no secret. South of I-10 is a very affluent community, which that's awesome, right? They've earned it, they worked their butt off, and their education has allowed them to do that. So when you start thinking about the PTAs or the organizations that they have, they're very well funded. So if there is a shortage, they're able to capitalize on that and make sure it doesn't interrupt their kids' education.

That doesn't happen north of I-10. Unfortunately, those resources are not there. So when there is a challenge, right -- and I think there was a comment said about, hey, there's, you know, a percentage of resources that is being sent more for north of I-10. Well, it's also identified that kids that are learning a new language or that have immigrated, right, need more resources than a child that is -- that was naturally born here or that speaks the language.

So it's not a fair comparison to say that, hey, there's more resources going there by default. So, yeah, there are those disparities in regards to resources that could be applied from one side versus the other.

**MR. SCOTT:** Can we see Plaintiff's Exhibit 24?

And I just have a couple of more questions.

**BY MR. SCOTT:**

**Q** I think I showed you this just a little bit ago, and you

**Mr. Scott Direct of Noel Lezama**

1 have seen this before.

12:31:20 2 As preface to my question to you, though, you grew up and  
3 live in this -- in District 1 -- what is marked as zone --  
4 District 1, right?

12:31:30 5 **A** Correct.

12:31:31 6 **Q** You went to school there; you have children in school there,  
7 correct?

12:31:34 8 **A** I do.

12:31:34 9 **Q** Are you familiar with the residential development and  
10 population, the common characteristics in that area?

12:31:40 11 **A** I do.

12:31:41 12 **Q** Are you familiar with the schools in that area?

12:31:43 13 **A** I do.

12:31:44 14 **Q** Are you familiar with the community groups and the common  
15 characteristics among those groups?

12:31:50 16 **A** I am.

12:31:51 17 **Q** Familiar with the racial and ethnic background of the  
18 residents in that district?

12:31:55 19 **A** Yes.

12:31:57 20 **Q** In your view, does District 1 reflect an area with a  
21 population with shared -- which is a shared community of  
22 interest?

12:32:06 23 **A** Yes, but I would like to add: This is the proposed map,  
24 right, in the event they were going to go single district?

25 Okay. Perfect. Because earlier, right -- this is a little bit

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misleading because this does not show the mapping of the current setup.

And so when you start thinking about where these votes are coming from and where they are actually casting the vote, it really incorporates the majority of District 1 and District 7 and District 6. And so that really makes an impact on who's actually running. So it's not as transparent.

So this -- if you're using this to say, hey, this is how the future would look, candidacy would definitely change. If you're using it to compare what happened in the past, then it's very misleading.

**Q** Do you believe that the Spring Branch Independent School District would benefit from having a single-member district that encompassed -- whether it's exactly one or something like that, that encompassed the -- this community of common interest we've discussed? Would that benefit Spring Branch School District?

**A** 100 percent. I know we have a Hispanic on the board, and so when you start thinking about somebody that resembles me, right, immediately goes to their head, Oh, they have to have the same commonalities. That is not true. That is far from true.

In fact, Nicole Marino, she's a white lady, and her and I have more things in common with my Asian neighbor, my black neighbor, which live within the same proximity of where we live, than I would have with that board member. So, yes, 100 percent.

You'll be able to bring up challenges that are happening

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1 within that area. An example would be if -- if I recall, there  
2 was a meeting where they were discussing whether, "Hey, should  
3 we stop having buses within a mile radius or two-mile radius" --  
4 I can't recall immediately what that radius was -- and some  
5 parents that we know usually drive their kids to school or live  
6 on the south were like, "Yeah, actually, that would be great,  
7 you know, for exercise. They can ride their bike."

1 2 : 3 4 : 1 7 8 But the reality is there's some parents that are going to  
9 work at six in the morning, and so they rely on their kids being  
10 able to get on that school bus at the very least from a security  
11 standpoint even if it's a mile away. And so that would have  
12 never been brought up to light if that parent would have never  
13 said anything, right? And it's no fault of those parents.  
14 That's their reality. Our reality's completely different.

1 2 : 3 4 : 4 2 15 And so it's difficult, and that's why I always bring it  
16 back that board members are not there for malicious intent, or  
17 at least I hope not, right? As a human being, you hope they're  
18 not. But the reality is you can only do as much as you can with  
19 the information that you have in front of you.

1 2 : 3 4 : 5 6 20 And so when you are able to actually break it down to these  
21 quadrants, then -- in hopes of being able to bring somebody from  
22 1, 2, 3, 7, 4, 5, and 6 and say, "Hey, this is exactly what's  
23 happening in my community," I can't imagine any other board  
24 members that live in my district -- on this proposed district  
25 that were impacted by a fire for ten days burning at the Kolbe



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Farms, and that is right behind Cedar Brook Elementary.

**Q** Last question: Do you believe that a -- it may not be the last question, sorry.

Yeah. It is the last question.

Do you believe that a Hispanic-preferred candidate like you or someone like you, could win if District No. 1, Zone No. 1, a plan that involved single-member districts with that being one of the districts, that that Hispanic-preferred candidate could win?

**A** Hispanic or somebody that would resemble closer to my socio-economic background, lifestyle, whatever the case would be, yes, 100 percent.

**MR. SCOTT:** Pass the witness.

**THE COURT:** Okay. We'll stand in recess till 1:30.

*(Lunch recess taken from 12:36 p.m. to 1:31 p.m.)*

**THE COURT:** Good afternoon. Be seated, please.

Cross-examination of Mr. Lezama.

**CROSS-EXAMINATION**

**BY MR. HENRY:**

**Q** Good afternoon, Mr. Lezama.

**A** Good afternoon.

**Q** Before lunch we saw a couple of exhibits, Exhibit 48 and 49 of the plaintiffs, that were some crass communications that you received.

Do you know who sent these communications to you?

**Mr. Henry Cross of Noel Lezama**

13:31:50 1 A I don't.

13:31:51 2 Q Do you know their address? Like, was there a return address  
3 on the letters?

13:31:55 4 A There wasn't.

13:31:56 5 Q And do you know the race of the people who sent those  
6 communications to you?

13:32:01 7 A I don't.

13:32:04 8 Q When you ran against Minda Caesar in 2018, by that time had  
9 you participated in the Lead SBISD program?

13:32:17 10 A I don't believe so.

13:32:17 11 Q Did you then participate in that program after you had run?

13:32:21 12 A Yes.

13:32:21 13 Q Were you invited by someone at the district to be a part of  
14 that program?

13:32:25 15 A I was.

13:32:25 16 Q Do you recall who that was?

13:32:30 17 A Linda, if I'm not mistaken. Linda.

13:32:33 18 Q Okay. Have you ever served on any bond committees for  
19 SBISD?

13:32:38 20 A I have.

13:32:39 21 Q Can you tell me: Was that the 2017 bond?

13:32:45 22 A No. It was...

13:32:52 23 Q 2007?

13:32:53 24 A No, it was the 2017, if I'm not mistaken. Yeah.

13:32:56 25 Q Okay. When you ran for trustee in 2017 -- I'm sorry, I said

***Mr. Henry Cross of Noel Lezama***

1 the wrong year. No, that's the correct year.

13:33:05 2 When you ran against Minda Caesar in 2018 --

13:33:07 3 **A** 2018.

13:33:08 4 **Q** -- did you have the endorsement of the Spring Branch

5 American Federation of Teachers union group?

13:33:14 6 **A** I did.

13:33:15 7 **Q** Could you please turn to Exhibit 66 -- Defendants' 66, which

8 we'll show on the board.

13:33:29 9 Is this a text message thread between you and a person

10 named Craig Adams?

13:33:33 11 **A** Correct.

13:33:34 12 **Q** Who is Craig Adams, and what is his relationship to the

13 Spring Branch AFT, or what was it at that time?

13:33:42 14 **A** Right. So if I recall, I think he was the president for the

15 Spring Branch American Federation of Teachers.

13:33:48 16 **Q** And in green you ask, "Text me how your organization

17 endorsement should say on the website."

13:33:53 18 Did you publicize your endorsement by the AFT on your

19 website?

13:33:59 20 **A** I did.

13:34:00 21 **Q** Do you have any political party -- are you active in any

22 political party organizations?

13:34:07 23 **A** During that time, no.

13:34:08 24 **Q** How about now?

13:34:09 25 **A** I'm looking forward to it.

***Mr. Henry Cross of Noel Lezama***

Q And which political party?

A Most likely Democrat.

**MR. HENRY:** Can you please put on the screen  
Exhibit 63?

**BY MR. HENRY:**

Q The headline on this -- well, first, do you recognize this  
as a post that you made to social media?

A I did.

Q And the headline says, "When School Boards Go Extreme,  
Teachers Flee."

By, "When School Boards Go Extreme," do you mean  
politically extreme?

A Correct.

Q And at the top of this post you say, "This is already  
happening in SBISD."

Is it your contention that, in SBISD, the school board was  
going politically extreme?

A I didn't have to make that case. The propaganda that was  
being mailed out to homes on a weekly basis made that.

Q Okay. If you would please turn to Exhibit 64.

Do you recognize this as a text message thread between you  
and a person named Ronald very close in time to -- around the  
election between Virginia Elizondo and Chris Earnest?

A Correct. This was for the Virginia Elizondo and Chris  
Earnest, uh-huh.

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1 Q Do you see your text in blue there that says, "Dude made it  
2 a political race"?

13:35:38 3 A Yes. At that time it was all about the issues of education,  
4 and then the advertisement started coming out that, hey, if he  
5 didn't get elected versus the other candidate, then,  
6 unfortunately, right, that the school system was going to be  
7 going down in shambles, or something along those lines.

13:35:56 8 So, yes.

13:35:59 9 Q And was, in your opinion, Chris Earnest the politically  
10 right-wing candidate in that race?

13:36:05 11 A I don't know if he was politically right, but I do know that  
12 the propaganda that was going out was echoing that.

13:36:12 13 Q If you would please look at 65 -- Defendants' Exhibit 65.

13:36:19 14 And do you recognize this as a group text from your phone?

13:36:28 15 A Yes. Uh-huh.

13:36:29 16 Q Okay. And in green you say, "It's unfortunate, but a  
17 nonpartisan race became a partisan race with these nonsense  
18 people."

13:36:37 19 A Correct. That was the sentiment during that election.

13:36:41 20 Q If you would, please, turn to Exhibit 67.

13:36:49 21 Is this a text message that you received during the  
22 Earnest/Elizondo campaign advertising Chris Earnest as the  
23 Harris County GOP candidate?

13:37:01 24 A Yes. I did get a message from them, I believe, that he had  
25 been endorsed by them. So it just made sense that they were

**Mr. Henry Cross of Noel Lezama**

1 going to be sending, on his behalf, messages of that nature to,  
2 obviously, get people to come out to vote if they align with the  
3 GOP.

13:37:17 4 Q Are you aware that Virginia Elizondo may be the first  
5 Hispanic person to ever run for a position as a school board  
6 trustee at SBISD?

13:37:29 7 A Was I aware of it?

13:37:31 8 Q Yes.

13:37:33 9 A No, I was not aware of it.

13:37:35 10 Q And then Mr. Perez, who ran in 2022, is a Hispanic  
11 gentleman, and he was actually elected to the board. Are you  
12 familiar with Mr. Perez?

13:37:45 13 A I am.

13:37:47 14 Q Did you support Mr. Perez's campaign?

13:37:49 15 A I did not.

13:37:50 16 Q Can you tell me why?

13:37:53 17 A The propaganda and the views that were being sent out, and,  
18 also, he did not live on my side of the district. In fact, if I  
19 recall during that race, every single one of the candidates was  
20 a registered Republican, and so the sentiment was that, finally,  
21 we were actually going to get somebody from our side of the  
22 neighborhood that was going to represent us because,  
23 historically, and even in my race, they made sure to say, "Hey,  
24 make sure that, you know, you talk about being fiscally  
25 responsible. Make sure that you don't lean too progressive or

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1 liberal because, otherwise, you won't get voted in."

13:38:32 2 And so when we actually had registered Republicans, all  
3 three candidates -- that was J. Carter Breed, that was Ed  
4 Kaczinski, and David Slattery, we really thought we had a  
5 chance, but they all got wiped out by the other candidates that  
6 ran as a slate.

13:38:48 7 Q And earlier you talked about your neighbor, Ms. Marino, and  
8 it was your testimony that your neighbors and your neighborhood,  
9 white, black, Hispanic, Asian, have more in common with you than  
10 Hispanic people on the south side, correct?

13:39:03 11 A Yeah. That's a generality, but yes.

13:39:06 12 Q So in that sense -- so more about geography than it is about  
13 race -- geography and life experience than it is about race?

13:39:13 14 A Well, I think it's a combination of both things, right? You  
15 can't just be exclusive to one versus the other, but if you're  
16 going to definitely make sure that you have a fair  
17 representation of the community, it should be somebody that  
18 actually lives, breathes, and plays in your backyard, not  
19 somebody that lives across, you know, the city.

13:39:31 20 And in this case, that is the economy of Spring Branch:  
21 Very, very different views and culture.

13:39:39 22 Q Are you familiar with the Spring Branch ISD's changes to  
23 their policy on library book challenges?

13:39:47 24 A I am.

13:39:49 25 Q Did you make a challenge to try to have a book removed from

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1 the Spring Branch ISD library after this board changed that  
2 policy to allow parents to make those challenges?

13:40:01 3 **A** I did.

13:40:02 4 **Q** And the book that you challenged was called *Robots of Dawn*,  
5 correct?

13:40:06 6 **A** Correct.

13:40:07 7 **Q** And the reason you gave to the district for objecting to  
8 this book was that you said glorification of robots, not enough  
9 concern with the risks civics associated with artificial  
10 intelligence; is that accurate?

13:40:28 11 **A** Sounds familiar.

13:40:29 12 **Q** Was this a serious book challenge, or were you trying to  
13 point out what you thought was the absurdity of the trustees'  
14 conservative approach to that policy?

13:40:37 15 **A** It was the absurdity. They were passing out certain things  
16 in order to be able to fit their agenda. The library and,  
17 actually, Spring Branch ISD already had a very thorough process  
18 in being -- vetting out books. There was no need to challenge  
19 that.

13:40:52 20 I believe Dr. Blaine and her crew are more than  
21 well-equipped in their profession and their field to be able to  
22 do that, and so when they started making those changes, it  
23 really was impacting a lot of parents and kids alike. So there  
24 was no need to continue making it more complex than what it was  
25 already -- than what it already is.



**Mr. Scott Redirect of Noel Lezama**

13:41:14 1 Q Is that one of the policy issues that you had great  
2 disagreement with Mr. Perez about?

13:41:19 3 A Partly, uh-huh.

13:41:21 4 MR. HENRY: Pass the witness.

13:41:22 5 THE COURT: Any redirect?

13:41:23 6 MR. SCOTT: Just a couple. Really, just one I think,  
7 Your Honor.

**REDIRECT EXAMINATION**

13:41:25 8  
13:41:26 9 BY MR. HENRY:

13:41:27 10 Q Mr. Lezama, regardless of whether you favored Democrats or  
11 Republicans, Ted Cruz or his opponent; whether you agreed with  
12 critical race theory or not; whether you didn't think -- whether  
13 you thought kids should wear masks at school and your opponent  
14 thought they shouldn't; and whether you believed in book banning  
15 or not; or whether you liked robots or artificial intelligence  
16 or not, you were still the Hispanic preferred candidate in your  
17 race, true?

13:41:56 18 A I am. I was.

13:41:59 19 Q Thank you.

13:41:59 20 THE COURT: All right. Thank you.

13:42:00 21 You may call your next witness.

13:42:04 22 MR. SCOTT: We're going to change seats, Your Honor,  
23 if we could.

13:42:07 24 MR. LLAGOSTERA: I'm going here, Bob. Thank you.

13:42:11 25 Your Honor, plaintiff calls Patricia Cabrera.

**Mr. Llagostera Direct of Patricia Cabrera**

**THE COURT:** Good afternoon. Please raise your right hand and be sworn.

(Witness sworn.)

**THE COURT:** Thank you.

**MR. LLAGOSTERA:** And, Your Honor, just for orientation purposes, Ms. Cabrera's testimony is -- touches on Senate factors two, three, and five.

**THE COURT:** Thank you.

**MR. LLAGOSTERA:** Richard, will you please pull up PX24?

**THE COURT:** You need to speak up. I can't hear you.

**MR. LLAGOSTERA:** I will.

Richard, will you please pull up PX24, please?

My apologies, Your Honor. I will talk louder.

**PATRICIA CABRERA, DULY SWORN, TESTIFIED:**

**DIRECT EXAMINATION**

**BY MR. LLAGOSTERA:**

**Q** Ms. Cabrera, would you please introduce yourself to Judge Lake?

**A** Yes. My name is Patricia Cabrera.

**Q** And where do you live, Ms. Cabrera?

**A** I live at 1407 Lynnview Drive, 77055.

**Q** Up on the screen, you see a map, and I'll represent to you that this is an illustrative plan for the district.

Can you let us know where your address is by district

**Mr. Llagostera Direct of Patricia Cabrera**

1 number?

13:43:36 2 **A** I live in District 7.

13:43:38 3 **Q** District 7.

13:43:43 4 Will you please describe where you grew up and the schools  
5 you went to?

13:43:47 6 **A** Yes. I -- my parents moved us to Spring Branch when I was  
7 ready to start school, and so I started school at Edgewood  
8 Elementary; I attended junior high at Landrum Junior High; and  
9 then at Spring Branch High School, which is no longer there, but  
10 I went to high school at Spring Branch High School.

13:44:13 11 **Q** About what year did you move into Spring Branch?

13:44:17 12 **A** That was 1959.

13:44:18 13 **Q** These schools you mentioned, Ms. Cabrera, where are they on  
14 this map?

13:44:25 15 **A** Edgewood, I believe -- at that time, we were probably living  
16 in District 1 -- District 1.

13:44:37 17 Yes, in that area of the district.

13:44:40 18 **Q** The middle school and the high school you mentioned, are  
19 those schools that were north of I-10?

13:44:44 20 **A** Yes. I'm sorry, the north -- north side of the district.

13:44:47 21 **Q** Are your parents U.S.-born?

13:44:50 22 **A** My parents were born in Guatemala.

13:44:53 23 **Q** Were you born here in the states?

13:44:54 24 **A** I'm a U.S.-born citizen, yes.

13:44:57 25 **Q** After high school, did you go to college?

**Mr. Llagostera Direct of Patricia Cabrera**

1 A I graduated from the University of Houston.

2 Q What was your degree in?

3 A I have a Bachelor of Science in psychology.

4 Q After you got your degree, did you move back to  
5 Spring Branch?

6 A Eventually, yes. Yes. I've been there since 1997.

7 Q What did you do after college?

8 A I started working in the nonprofit sector. So my first  
9 formal job was at Volunteer Houston, which was a clearinghouse  
10 for volunteers, and then I worked for the American Red Cross for  
11 about ten years, and then I worked for MALDEF as a parent  
12 leadership director.

13 I worked for Houston Independent School District for  
14 four years, and then ten years -- my last formal job was at  
15 AAMA, the Association for the Advancement of Mexican Americans,  
16 and now I have a contract job. I'm working with a neighborhood  
17 in the east end -- it's a Latino community -- helping residents  
18 build a neighborhood that fosters mental health and well-being.

19 Q So would you say you've been in nonprofits for about 30-plus  
20 years?

21 A Oh, 40 -- 40-plus years.

22 Q What was the focus of your nonprofit work in those 40-odd  
23 years?

24 A All -- all my jobs -- I started doing outreach to the  
25 Hispanic population ensuring that Latinos were represented among

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1 the volunteer -- volunteer core of citizens in -- in the -- in  
2 the Houston community. With the Red Cross, I was hired to  
3 increase the Latino participation not just as recipients of  
4 service, but as volunteers and staff and leadership volunteers.

1 3 : 4 6 : 5 5 5 I worked the last three years in the Red Cross in the -- in  
6 diversity initiatives, and -- and then with MALDEF, it was a  
7 program that we opened here in -- in Houston to encourage, help  
8 Latino parents navigate the school system; help their children  
9 graduate from high school; advocate for their children so they  
10 could continue in higher ed. And I was hired by Houston ISD to  
11 work in parent engagement for Latino parents.

1 3 : 4 7 : 3 2 12 And then my final job at AAMA was in adult education. So  
13 helping Latinos complete their studies, whether it's -- it was a  
14 GED, learning English, and workforce certificates.

1 3 : 4 7 : 4 8 15 Q When you say "Latino outreach," that includes Latinos in  
16 Spring Branch ISD?

1 3 : 4 7 : 5 4 17 A I -- when I worked with MALDEF, I had schools in  
18 Spring Branch ISD and in Houston ISD.

1 3 : 4 8 : 0 4 19 Q Are you a member of any boards?

1 3 : 4 8 : 0 5 20 A Currently, I'm on the board of the Spring Branch Community  
21 Health Center -- that's a federally qualified health center --  
22 and I'm on the board of NewSpring. That has an arts program  
23 for -- enrichment program for children in SBISD, and I also  
24 serve -- for the school district -- for Spring Branch ISD, I'm  
25 on the bond oversight committee.

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1 Q As a member of the board, health center, did you -- have you  
2 witnessed any health challenges in the Spring Branch Latino  
3 community?

4 A Yes. The clinic was -- was created, the health center was  
5 created because especially Latino working families aren't  
6 usually employed by companies that provide health benefits. So  
7 they need to have a center where they can make that a medical  
8 home. Otherwise, working families tend to wait until they're  
9 really sick or they have an emergency, and they overuse  
10 emergency rooms or they -- they finally go to a doctor when  
11 they're very ill.

12 So there is a lack of access to medical facilities and  
13 health services.

14 Q In your time with nonprofit organizations, Ms. Cabrera, have  
15 you been involved in education in Spring Branch ISD?

16 A Yes. I was also -- when I started working with MALDEF,  
17 the -- the district was very receptive to my program, and so I  
18 was asked to serve on family engagement committees for the  
19 school district.

20 Q What does that mean, "family engagement committees"?

21 A The work -- we worked with several community members, with  
22 the staff at the school district to encourage participation of  
23 Latino parents in their children's education, and I would say  
24 all the school -- well, that was across the district. My  
25 experience had been with schools on the north side of the

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district.

Q What about election -- school board elections? Have you had any involvement with that?

A I did. It was part of getting parents to participate in the school system. It's understanding where decisions are made and how they can use their voice to impact decisions. So when I started working with MALDEF, that was in 2000. I -- I've always been a chronic voter. I vote at all elections, but I wanted to participate in school board elections, and so I was -- wanted to know who was running, where were they voting, and I -- I think, once I -- I think David Lopez was one of the candidates that I -- that I helped in that election.

I've always participated in voter registration and just helping in getting the word out for people to know who to vote for.

Q Earlier today, Ms. Cabrera, we heard about an organization called Somos. Are you familiar with that?

A Yes, I am.

Q What is Somos?

A Somos Spring Branch is an organization we started in Spring Branch to -- "somos" means "we are." So we are Spring Branch -- to encourage Latinos in the Spring Branch area to recognize, acknowledge and -- and -- or be recognized and acknowledge that we are part of this community also.

So we look at inequities in how Latinos are participating

**Mr. Llagostera Direct of Patricia Cabrera**

and specifically in education.

Q What is your role in Somos specifically, your title in Somos?

A I'm a board member. I'm the secretary for the board.

Q Earlier, you mentioned that you were on the bond committee. What was your role in the bond committee for Spring Branch ISD?

A I start- -- I've been on the committee for many years. It's a 2017 bond, and so I was asked, as a community member and as a resident in Spring Branch, to be on the committee. We participate in the whole process of how, once the -- the bond passes, how the money is allocated and -- it's an oversight committee on how the money is allocated.

So sometimes we are assigned to a school, to -- to visit the school and just observe or be -- be there in case parents or the staff have questions on the local committee. So it's -- it's a very interesting process, and -- and I've been very happy to be a part of that committee.

Q So in your capacity on the bond committee, would you say you have a window in the allocation of funds between schools in the south versus those in the north?

A Yes. We -- we are updated on a -- now it's on a quarterly basis on what -- how the money is being spent or the progress and construction and -- in the schools -- in each of the schools. We're kept up-to-date on that, and we have an



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1 opportunity to ask questions, to visit the schools, and -- and  
2 be there for the ribbon cuttings once the work is completed.

1 3 : 5 3 : 4 1 3 **Q** Have you seen any differences in the way funds have been  
4 distributed to the schools in the south versus those in the  
5 north Spring Branch ISD?

1 3 : 5 3 : 5 1 6 **A** Well, the process -- what caught my attention is that the  
7 process is very -- it's very fair. We know what money is  
8 allocated to each of the schools. Where -- where I've been  
9 somewhat concerned or curious is that once you see the final  
10 project -- product, there are inequities in the schools.

1 3 : 5 4 : 1 5 11 Like, there's a school on the south side that, once it was  
12 finished, there was a coffee bar in the school that kind of  
13 rivaled a Starbucks, and I looked at the school on the north  
14 side, the high school that was along that same -- was receiving  
15 along the same funds, and it was very plain; there was nothing.

1 3 : 5 4 : 3 7 16 And it made me think, you know, there's something that  
17 happens -- after that money is allocated, there's someone  
18 advocating for these students to have amenities that they  
19 need -- I'm sure that there was a rationale made for that  
20 school -- but who is advocating for the schools on the north  
21 side? Maybe Northbrook wouldn't have needed a coffee bar, but  
22 there may have been something else that they -- they could have  
23 needed that would have encouraged students or made them feel  
24 especially proud of their school, and it just seemed like it  
25 was -- it was an imbalance there.

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13:55:14 1 Q Do you have an example of how a school in the north could  
2 raise funds to help their facilities?

13:55:21 3 A There's another -- there's another example of -- there's a  
4 school on the south side that has a beautiful theater. I would  
5 say that theater rivals the theaters in the Theater District of  
6 the city, and they have a great drama program.

13:55:36 7 And so the parents on the south side raised money -- I  
8 think they can buy bricks -- and that theater is just an amazing  
9 theater. There's a school on the north side, Spring Woods,  
10 where the students have won awards, also. They have a great  
11 drama program, and I saw on Facebook that they were having to  
12 raise, like a GoFundMe fund for the theater seats that had dry  
13 rot on the seats.

13:56:07 14 And I thought, you know, this is just -- there -- at some  
15 point we have to look at: How do we balance that? Because they  
16 were just as worthy on the north side as they are on the south  
17 side.

13:56:20 18 Q Ms. Cabrera, I want to shift to your -- your testimony about  
19 being involved in elections, and we'll cover this quickly.

13:56:29 20 We've already heard testimony today about voting obstacles,  
21 and I want to ask you: In your capacity -- in your roles with  
22 the nonprofits, have you personally witnessed voting obstacles  
23 for Latinos in the north side of Spring Branch ISD?

13:56:44 24 A I think -- in addition to what's already been covered, I  
25 just think it's very difficult, unless you're an insider, to

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1 know -- and it was -- earlier on -- it's kind of gotten livelier  
2 lately, but it was very difficult to know that there was even an  
3 election going on. There's very little information that goes  
4 out unless you -- you know that you want to vote in this -- in  
5 this school board election.

13:57:13 6 There were few signs out in people's yards. It's  
7 not -- you don't vote in the regular places where you vote.  
8 It's held in May, not in November, which is a usual -- general  
9 elections. If you -- it took me a long time to find out, you  
10 know: Where do I vote? Where do I vote depending on where I  
11 live?

13:57:35 12 Early voting, which I always try to do early voting, there  
13 was one site on the north side until very recently. Now they've  
14 added another one. So -- but, mainly, it was just the  
15 awareness. We did door knocking, and people honestly did not  
16 know that there was an election going on.

13:57:52 17 So they -- if they didn't know the election was going on,  
18 they -- they also didn't know who was running and what was the  
19 difference between the candidates, and -- and, more importantly,  
20 what does the school board do, right? There was just a lack of  
21 information to the community and people --

13:58:10 22 Q Do you --

13:58:10 23 A -- people who were eligible to vote.

13:58:12 24 Q My apologies. I didn't mean to cut you off.

13:58:14 25 In your experience in -- in SBISD elections, was that lack

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1 of awareness on the north side of I-10 different than on the  
2 south side of I-10?

13:58:23 3 **A** Well, I -- I do think there's opportunities to be more aware  
4 on the south side because, as I understand, the -- some of the  
5 voting sites on the south side are held in the city halls of the  
6 villages where, if they're voting for the mayor or city council,  
7 they're already going to vote there at the same time that  
8 there's a school board election.

13:58:46 9 So there's more opportunity to know that here are the --  
10 here are the elections that are being held at this particular  
11 site, and it's their city hall. They know -- they know where  
12 that is. Most of the candidates are from the south side, so,  
13 obviously, there's going to be more signs on the south side.

13:59:04 14 So, yes, I would say that there's more awareness on the  
15 south side than on the north side.

13:59:09 16 **Q** Ms. Cabrera, were you -- are you aware that there have been  
17 several school closures north of I-10, including Treasure Forest  
18 and Panda?

13:59:18 19 **A** Yes, I am aware.

13:59:20 20 **Q** Now, you testified earlier that you're a member of Somos.

13:59:24 21 Were you ever asked to attend a meeting with the board  
22 about the school closures?

13:59:30 23 **A** Well, the meeting was with the superintendent and her staff,  
24 and so the four members of the board attended, and when we  
25 arrived, there were two board members in the meeting with us.

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Q Okay. We'll get to who was there in a second.

Do you recall when that meeting occurred?

A November 15th. November 15th, 2023.

Q Okay. How do you know it was at that time?

A I -- I found a meeting invite for that meeting.

Q Okay. So you confirmed the date of the meeting?

A Yes.

Q Do you know if that meeting occurred before or after the vote for the school closure?

A It was before the vote.

Q And who was present at this meeting?

A There were four Somos board members. It was David Lopez, Diana Martinez Alexander, Natalia Fernandez. We also had Ricardo Barnes from the Spring Branch Family Development Center, and Marlen Trujillo, who is the CEO of the Spring Branch Community Health Center. And the two board members, I believe, were Lisa Alpe and Shannon McMann [sic].

Q Thank you.

And the super- -- you said earlier the superintendent --

A The superintendent, Linda Buchman, and another person from Linda's department.

Q Okay. So the -- the board asked Somos to attend a meeting on the school closures?

A No. The superintendent invited us.

Q The superintendent. My apologies.

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And what was the purpose of that meeting?

**A** Well, we -- we wanted to meet with the superintendent and her staff because we were concerned that information had -- the parents did not know about the school closures or had not had an opportunity to be told in a public forum, in a community forum. I think staff was being told about it, but the community didn't have an opportunity.

And we felt that they -- they gave us a rationale, but we felt like if they heard the community's stories about how it was going to be a challenge for parents, that maybe they would have more information hearing directly from parents, and parents would have an opportunity to ask questions and -- and understand what was happening.

**Q** But why did they ask Somos to be there? Did they want you all to do or participate in anything?

**A** Well, they were -- they were willing to discuss this with us. I -- I believe that we -- we -- I believe they wanted us to help them be spokespersons for the district and explain to the parents their rationale for closing the schools. We wanted to be very clear that that was not our role; that was not the role we wanted to take.

We wanted to make sure that the community was heard and -- and we were -- we were there to represent the community.

**Q** Did they want you to go with them to a particular school to present the school closures?

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1 4:02:38 1 A Well, one of the board members, at one point, said, Would  
2 you be willing to -- would you be willing to go with us?  
3 Because if you were to go with us, they may -- I'm  
4 paraphrasing -- but they may receive this information much  
5 better from someone that doesn't look like I do, she said --  
6 that doesn't look like I do. Someone who has more -- looks more  
7 like they do.

1 4:03:09 8 Q Do you remember what board member said that?

1 4:03:11 9 A I -- Shannon McMann [sic].

1 4:03:14 10 Q Okay. What was Somos's response to the request to  
11 participate in the parent meeting?

1 4:03:20 12 A Well, we were very clear that we did not want to be  
13 spokespersons for the district, but it -- it was, you know, at  
14 that -- at that time, when the comment was made, it was -- it  
15 was striking to me because this is exactly the point we were  
16 making, that in other meetings -- not at that particular  
17 meeting, but in other -- on other occasions that we wanted  
18 representation on the board from people who looked like us, and  
19 it was curious to me that a board member should be making that  
20 point to us.

1 4:03:58 21 So it was -- it was a very cordial meeting. It was -- it  
22 was -- you know, we -- we were trying to reach some agreement,  
23 but I think we -- we left with that understanding about what  
24 Somos wanted their role to be and -- and what the district's  
25 rationale was for what they were --

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1 4 : 0 4 : 1 8 1 Q Do you -- sorry.

1 4 : 0 4 : 1 9 2 Do you know who John Lezama is?

1 4 : 0 4 : 2 3 3 A John...?

1 4 : 0 4 : 2 5 4 Q I'm sorry. No, strike that.

1 4 : 0 4 : 2 7 5 John Perez?

1 4 : 0 4 : 2 8 6 A Yes, I do.

1 4 : 0 4 : 2 9 7 Q Okay. Are you aware that he was a member of the board at  
8 the time that you had this meeting in November of 2023?

1 4 : 0 4 : 3 5 9 A Yes, I believe so.

1 4 : 0 4 : 3 7 10 Q Okay. At any point in this conversation, did anyone on the  
11 Spring Branch Board side or the superintendent explain why they  
12 couldn't bring Mr. Perez to one of these meetings?

1 4 : 0 4 : 4 8 13 A It was not brought up at all, no.

1 4 : 0 4 : 5 1 14 Q Did that surprise you?

1 4 : 0 4 : 5 3 15 A I -- I can't say that it surprised me because I don't -- I  
16 mean, we were very -- pretty clear that he did not represent our  
17 side of the district.

1 4 : 0 5 : 0 4 18 MR. LLAGOSTERA: Richard, will you bring up PX24,  
19 please?

1 4 : 0 5 : 0 7 20 MR. RIENSTRA: I'm sorry, 24?

1 4 : 0 5 : 0 9 21 MR. LLAGOSTERA: Twenty-four.

1 4 : 0 5 : 1 1 22 BY MR. LLAGOSTERA:

1 4 : 0 5 : 1 2 23 Q Ms. Cabrera, you're aware of what a single-member district  
24 plan is?

1 4 : 0 5 : 1 6 25 A Yes, I am.



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1 4 : 0 5 : 1 8 1 Q Based on your experience, you said, of 40-plus years of  
2 experience in the Spring Branch community, do you believe that  
3 the Latino community north of I-10 could benefit from the  
4 adoption of a single-member district plan?

1 4 : 0 5 : 3 2 5 A Absolutely, I do.

1 4 : 0 5 : 3 4 6 Q Why?

1 4 : 0 5 : 3 5 7 A Because I -- I think you have to live the experience of  
8 families on the north side to understand what the challenges are  
9 that families on the north side live every -- every day, and  
10 I -- I think I'm -- we're divided by a freeway. There is --  
11 unless it's a very intentional trip you would want to make to  
12 the north side of the district, I -- the HEB, maybe, on  
13 Bunker Hill, other than that, I don't think that -- that  
14 there -- people on the south side are really aware of what life  
15 is on the north side of the district.

1 4 : 0 6 : 1 9 16 So for instance, the school closures, part of the rationale  
17 was that the school enrollment was dropping, and what I heard at  
18 one meeting was that they had seen the population drop for,  
19 like, ten years. I think that a board member on the north side  
20 might have questioned that and might have said, "Why are  
21 families leaving?"

1 4 : 0 6 : 4 3 22 And they may have seen that some Latino families are being  
23 displaced, that the demographics were changing. And, granted, I  
24 know that's not the role of the school district, but if you're  
25 interested in all the factors that affect families, that affect

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1 the education of their children, I think that would have been a  
2 concern. But if you're not living on that side, you would have  
3 no reason to know and much less care about what's impacting the  
4 families.

14:07:12 5 Q Ms. Cabrera, one final question.

14:07:14 6 Based, again, on your experience in the Latino community --  
7 and you also testified earlier that you at least went to  
8 elementary school in District 1 in this illustrative map.

14:07:25 9 In your view, if there was a single-member district plan,  
10 would a Hispanic preferred candidate carry District 1 in an  
11 election on the school board?

14:07:34 12 A I believe so.

14:07:37 13 MR. LLAGOSTERA: No further questions, Your Honor.

14:07:39 14 THE COURT: All right. Thank you.

**CROSS-EXAMINATION**

14:07:44 16 BY MR. HENRY:

14:07:47 17 Q Good afternoon, Ms. Cabrera. How are you?

14:07:50 18 A Fine, thank you.

14:07:51 19 Q Good.

14:07:51 20 You testified earlier that you were on the bond oversight  
21 committee for SBISD; is that correct?

14:07:58 22 A Yes.

14:07:58 23 Q Can you tell me how it came to be that you got involved to  
24 be on the bond oversight committee?

14:08:05 25 A When I was -- I think that was -- when I was presenting the

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1 MALDEF program in the schools in the early 2000s, the district  
2 was very open and encouraging. It was a different climate.  
3 I -- I think they -- I know that they really wanted some change  
4 there.

1 4 : 0 8 : 2 9 5 And so I was asked to be on -- on these committees, and I  
6 was -- I was given really some special opportunities to be on  
7 the budget committee, and I was given a budget buddy to  
8 understand the finance of the district, and then I was asked to  
9 be on the -- on the oversight committee. I know that they  
10 needed Latino representation, and I was an accessible person.

1 4 : 0 8 : 5 4 11 Q And who asked you to be on that committee? Do you recall?

1 4 : 0 9 : 0 0 12 A It may have -- I've known Linda Buchman for a long time. So  
13 I want to say that it may have been through her, yes.

1 4 : 0 9 : 0 8 14 Q And Linda Buchman worked for the school district, right?

1 4 : 0 9 : 1 2 15 A Works for the school district, yes.

1 4 : 0 9 : 1 4 16 Q So you testified that you're a frequent voter in both SBISD  
17 elections and other elections in this area.

1 4 : 0 9 : 2 2 18 When you vote in SBISD elections, have you noticed that  
19 Spanish-language ballots are available for people to vote in  
20 Spanish, if they choose?

1 4 : 0 9 : 3 1 21 A Yes.

1 4 : 0 9 : 3 6 22 Q Earlier, your counsel -- or plaintiff's counsel kind of went  
23 through some of your involvement in different groups and  
24 organizations.

1 4 : 0 9 : 4 5 25 Have you ever been a member of the Spring Branch Democrats

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1 Club?

14:09:49 2 **A** Yes, I have.

14:09:50 3 **Q** Are you currently a member?

14:09:52 4 **A** I am. I am.

14:09:53 5 **Q** How long have you been a member?

14:09:58 6 **A** Maybe three, four -- three years.

14:10:01 7 **Q** Have you ever served in any leadership positions in this  
8 group?

14:10:05 9 **A** Yes. I'm currently the president.

14:10:10 10 **Q** And as part of -- as president of the Spring Branch  
11 Democrats Club, is it your role, as an organization, to promote  
12 the candidacies of Democrats running for office in this area?

14:10:25 13 **A** We do -- we do offer a platform for candidates, yes.

14:10:31 14 **Q** In the 2021 Elizondo versus Chris Earnest election for SBISD  
15 trustee, did you vote in that election?

14:10:41 16 **A** Yes, I did.

14:10:42 17 **Q** And did you vote for Dr. Elizondo or for Chris Earnest?

14:10:46 18 **A** For Dr. Elizondo.

14:10:48 19 **Q** Can you explain why you voted for Dr. Elizondo instead of  
20 for Chris Earnest?

14:10:56 21 **A** I'd love to. I was excited, first, that we had a Latino  
22 candidate, and then when I looked at her literature and I met  
23 her, I can't -- I can't remember a more qualified candidate.  
24 She had checked off every box. Any board would have been proud  
25 to have a candidate who was so well-versed in the business of

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1 the school district.

14:11:23 2 Q And you live in the Landrum Middle School zone, correct?

14:11:27 3 A Yes.

14:11:27 4 Q Okay. We're going to put up on the screen Defendants'

5 Exhibit 21, please.

14:11:37 6 And according to Defendants' Exhibit 21, which shows the  
7 outcome of the Earnest/Elizondo election, which candidate earned  
8 the most votes in the Landrum Middle School zone?

14:11:56 9 A Chris -- Chris Earnest.

14:12:00 10 Q And it wasn't by much, but when you look, is it the case  
11 that Landrum is one of the lower voter turnout areas in the  
12 school district?

14:12:14 13 A Could you ask the question again, please?

14:12:16 14 Q Sure.

14:12:17 15 It looks like not as many people cast ballots total. So  
16 there's only 333 cast votes total in Landrum, and the only other  
17 precinct with less than that would be the Northbrook district;  
18 is that correct?

14:12:33 19 A Yes.

14:12:38 20 Q Did you vote in the election between Mr. Lopez -- David  
21 Lopez and Courtney Anderson?

14:12:51 22 A Yes.

14:12:52 23 Q And for whom did you vote in that election?

14:12:55 24 A For David Lopez.

14:12:57 25 Q If we would please turn to Defendants' Exhibit 12, which

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1 shows the outcome of that election.

14:13:08 2 And if you would look at the Landrum precinct, 41, who won  
3 that precinct, David Lopez or Courtney Anderson?

14:13:19 4 **A** Courtney Anderson.

14:13:20 5 **Q** And then down for Northbrook, Precinct 47, who won that  
6 precinct, Lopez or Anderson?

14:13:27 7 **A** Anderson.

14:13:30 8 **Q** And then in the election Ms. Alpe -- Lisa Alpe versus  
9 Carter Breed, did you vote in that election?

14:13:40 10 **A** Yes, I did.

14:13:41 11 **Q** And for whom did you vote in that election?

14:13:44 12 **A** I believe I voted for Carter Breed.

14:13:46 13 **Q** And if we could take a look at Defendants' Exhibit 11.

14:13:53 14 And if you would look at the Landrum district in which you  
15 live, can you tell me if Lisa Alpe or Carter Breed got the most  
16 votes in the Landrum district in which you live?

14:14:05 17 **A** Lisa Alpe.

14:14:07 18 **Q** And how about in Northbrook, Alpe or Breed?

14:14:12 19 **A** Alpe.

14:14:15 20 **Q** So would you agree, then, that your Landrum neighbors, at  
21 least in the three elections that we looked at just now, did not  
22 support the same candidate, as a majority, that you did?

14:14:29 23 **A** Of those who knew to vote, I would say.

14:14:34 24 **Q** Of the votes cast?

14:14:35 25 **A** Of the votes -- of -- yes.

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**MR. HENRY:** I'll pass the witness.

**THE COURT:** Any redirect?

**MR. LLAGOSTERA:** No, Your Honor.

**THE COURT:** Thank you very much, ma'am. You're excused.

You may call your next witness.

**MR. ABRAMS:** Your Honor, at this time the plaintiff was planning to call Dr. Stein. I think we're now at the point to switch over. We only have Dr. Stein as a remaining live witness. We also plan, tomorrow, to bring the land use ordinances --

**THE COURT:** To bring what?

**MR. ABRAMS:** We plan to bring, tomorrow morning, the land use ordinances from the Memorial Villages, and will file them and request that the Court take judicial notice, under the relevant authorities, of those ordinances. But the only remaining live witness will be Dr. Stein.

**THE COURT:** Okay.

Are you prepared to call a witness?

**MR. CRAWFORD:** Yes, Your Honor. We prepared to call out of order Christine Porter.

**THE COURT:** Okay. Please come around, ma'am, and be sworn.

Please come around here. It's sort of a labyrinth to come around here.

**Mr. Crawford Direct of Christine Porter**  
(Witness sworn.)

**THE COURT:** Please be seated.

You may proceed, Mr. Crawford.

**MR. CRAWFORD:** Thank you, Your Honor.

**CHRISTINE PORTER, DULY SWORN, TESTIFIED:**

**DIRECT EXAMINATION**

**BY MR. CRAWFORD:**

**Q** Good afternoon, Ms. Porter.

**A** Good afternoon.

**Q** Please state your name for the record.

**A** Christine Porter.

**Q** Ms. Porter, would you tell the Court what your job is what  
your job responsibilities are?

**A** Yes, sir. I'm the chief financial officer for Spring Branch  
Independent School District. In general terms, I'm responsible  
for the financial dealings of the district; the protecting of  
the assets of the district; ensure that everything is accounted  
for financially wise, data wise, appropriately; as well as,  
under that, is handling the procurement, the tax office, payroll  
and general accounting; as well as handling the election duties  
of the district.

**Q** Are you Spring Branch's election official?

**A** Yes, I am.

**Q** How long have you served as Spring Branch's chief financial  
officer and election official?



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1 A For about four-and-a-half years.

2 Q I'd like to turn our attention to district spending. I'd  
3 like you to take a look at Defendants' Exhibit No. 71.

4 Do you see that?

5 A Yes.

6 Q Is this the 10-year per-student cost general fund ledger  
7 from Spring Branch?

8 A Yes, sir.

9 Q Does this list the various schools within Spring Branch ISD  
10 and -- and list, for the ten years, the amount of expenditures  
11 per student at each campus?

12 A Yes.

13 Q There are a whole bunch of schools on this exhibit that are  
14 highlighted. Do you know what the highlighting represents?

15 A The highlighting represents that they're designated as  
16 Title I schools.

17 Q What does -- what is a Title I school?

18 A A Title I school is a federal designation. It's specific  
19 funds that are set -- pass through the state from the  
20 department -- the federal Department of Education for additional  
21 funding for schools that have higher than 40 percent free and  
22 reduced lunch eligibility, which denotes being low  
23 socio-economic.

24 Q Does -- does -- do the Title I funds flow directly from the  
25 federal government and given directly to the schools, or are

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1 they filtered through the school district?

14:18:28 2 **A** They are actually flowed through the State of Texas to the  
3 school district based on, actually, eligibility of the  
4 neighborhoods of the school district, and then we funnel it to  
5 campuses based on their students.

14:18:44 6 **Q** Do the expenditures per student reflected on this exhibit,  
7 Defendant's Exhibit 71, include the Title I funds received for  
8 those highlighted schools?

14:18:54 9 **A** It does not. It is only the general fund.

14:18:59 10 **Q** According to the general fund ledger, is southwest --  
11 Spring Branch's cost per student higher in the north and  
12 economically disadvantaged schools or in the southern schools on  
13 student spending?

14:19:14 14 **A** I'd say, in most cases, schools on the north side receive  
15 more general fund dollars than those on the south side.

14:19:21 16 **Q** So let's look at a couple of examples on this exhibit.

14:19:25 17 Let's look at Landrum Middle School. Do you see Landrum on  
18 this?

14:19:31 19 **A** Yes.

14:19:31 20 **Q** And is that school north or south of I-10?

14:19:34 21 **A** It is north.

14:19:36 22 **Q** And let's just look at the unaudited 2020-2021 figure. What  
23 is the expenditure per student at Landrum?

14:19:47 24 **A** It's going to be all the way to the right. Okay.

14:19:54 25 Sorry.

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**THE WITNESS:** Can you take it on the right side?

**MR. CRAWFORD:** Can you move it over to the right side?

**THE WITNESS:** Thank you.

**A** \$8,388.48.

**BY MR. CRAWFORD:**

**Q** And then look at the school right below Landrum, which is Memorial Middle School. Is that located on the north or south side?

**A** South side.

**Q** And what is the spending per student at Memorial?

**A** \$5,462.39.

**Q** And let's look at two more examples.

Let's look at Spring Branch Middle School, which is right below Memorial on the list. Is that on the north or south side?

**A** It's on the south side.

**Q** What is the -- the 2020-2021 spending per student at that school?

**A** \$5,709.38.

**Q** And then let's look at Northbrook Middle School. Is that on the north or the south side?

**A** North side.

**Q** And what is the spending per student for 2020 to 2021 at that school?

**A** \$8,868.37.

**Q** So on average, of the four middle schools we looked at --

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two on the north, two on the south -- the expenditure per student is roughly \$3,000 more per student on the north side than the south side. Would that be correct?

**A** That's correct.

**Q** Can you explain to the Court the different reasons for these student spending numbers, the differences between the north -- the economically disadvantaged schools and the non-economically disadvantaged schools?

**A** One of the first things -- the way that we allocate funds is based on the enrollment of the students. Based on count, that's the first amount. There's a per student allocation, and then we look at the types of services that students need at that campus.

If it's a low socio-economic, that means they have more students that are on the free and reduced lunch program, that's the denotion [sic] that we use, we give more money per student at those campuses. If they have -- whatever number of special ed students they have, we give special money to support those. So a campus can have more special ed students than another campus. So a specialized program could put more dollars at that campus, as well as bilingual.

For their bilingual -- we just label it as bilingual, but, basically, the English-learner programs, based on the counts at those campuses, we provide an additional allocation for those students. We also have campuses with special needs. If they were -- maybe need special help in, let's say, reading or that

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1 type of service, we may add some additional supports at those  
2 campuses.

1 4 : 2 2 : 3 9 3 Q Does the district allot additional money to campuses that  
4 exceed the free or reduced lunch spending?

1 4 : 2 2 : 4 7 5 A Yes. Actually, every campus, but especially -- every campus  
6 based on their number of students that qualify for free and  
7 reduced lunch get an allotment, but if you have more kids that  
8 qualify, then you get either more dollars in the budget or more  
9 staffing on the student side at the secondary campuses.

1 4 : 2 3 : 0 5 10 Q And does Spring Branch get additional money from the state  
11 for those schools that are struggling to pass?

1 4 : 2 3 : 1 7 12 A Can you ask that -- if we get -- if kids are struggling to  
13 pass?

1 4 : 2 3 : 2 1 14 Q Are there any --

1 4 : 2 3 : 2 2 15 A I'm sorry.

1 4 : 2 3 : 2 2 16 Q Are there any other components to the increased student  
17 spending for the economically disadvantaged schools than what  
18 you just told the Court?

1 4 : 2 3 : 2 9 19 A There could be some cases that -- in the past, we could have  
20 had specific campuses that had struggling students. It might  
21 not have been tied only to socio-economic, but they could have  
22 gotten some additional resources funded from the state.

1 4 : 2 3 : 4 6 23 Q I'd like to ask you to turn to Defendants' Exhibit 1.

1 4 : 2 3 : 5 2 24 Do you recognize this exhibit?

1 4 : 2 4 : 0 0 25 A Yes. This is about the 2017 bond.

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Q Okay. Now, does this exhibit show all the improvements made north of I-10 in both the 2007 and 2017 bond elections?

A Yes.

Q On the north side of I-10, are the schools that were rebuilt by the bond money in 2007 depicted in the blue circles on this exhibit?

A Yes.

Q And are the school rebuilds from the 2017 bond election in the green circles?

A Yes.

Q And are the building upgrades, as opposed to rebuilds, from the 2017 bond election identified in the maroon dots?

A Yes.

Q And then the same question as -- below the -- below I-10 on the south side. The same color coding for schools where money went from the 2007 and 2017 bonds?

A That's correct.

Q Okay. On -- Defendants' Exhibit 10, this is talking specifically about the 2017 bond election, correct?

A Yes.

Q Now, are you aware that that bond passed?

A That's correct.

Q Do you know how much in bond money was -- was passed?

A Just under \$900 million.

Q Do you know the percentage by which that bond package

**Mr. Crawford Direct of Christine Porter**

1 passed? By that I mean the number of voters.

1 4 : 2 5 : 3 3 2 **A** I believe it was over 80 percent.

1 4 : 2 5 : 3 5 3 **Q** There are three boxes on this Defendants' Exhibit 1. The  
4 first one -- and they're on the right-hand side where it says,  
5 "10 Schools to be Rebuilt." Do you see that box?

1 4 : 2 5 : 4 8 6 **A** Yes.

1 4 : 2 5 : 4 9 7 **Q** Would you list for the Court the schools on the north side  
8 that were part of the rebuild?

1 4 : 2 6 : 0 1 9 **A** Spring Shadows -- Spring Shadows Elementary, Terrace  
10 Elementary, Thornwood Elementary, Woodview Elementary, Landrum  
11 Middle, and Sherwood -- Sherwood Elementary.

1 4 : 2 6 : 1 6 12 **Q** So is that six out of the ten?

1 4 : 2 6 : 1 7 13 **A** Yes.

1 4 : 2 6 : 1 9 14 **Q** Have these -- have these been -- buildings been built or  
15 renovated?

1 4 : 2 6 : 2 5 16 **A** Either they have been built, or they're in the process of  
17 being built or designed.

1 4 : 2 6 : 3 2 18 **Q** The next box talks about five school renovations or  
19 additions.

1 4 : 2 6 : 3 6 20 Would you list for the Court the -- of the five schools  
21 that are being renovated, which ones are on the north side?

1 4 : 2 6 : 4 2 22 **A** Cedar Brook Elementary, Northbrook High, and Spring Woods  
23 High.

1 4 : 2 6 : 4 7 24 **Q** So three out of the five being renovated are on the north  
25 side?

**Mr. Crawford Direct of Christine Porter**

1 A Correct.

2 Q It also mentions 47 additional facility upgrades. Were  
3 those both on the north and the south side?

4 A Yes, that's correct.

5 Q Do you recall the amount of the 2007 bond package that  
6 passed?

7 A I believe it was just over 500 million.

8 Q And are you aware that that included the rebuilding of  
9 13 elementary schools?

10 A Yes.

11 Q And do you know how many of those schools were on the north  
12 side versus the south side, or should I just refer the Court to  
13 the color coding on the chart?

14 A That would probably be better, but I can add real quick.

15 Looks like ten on the north side -- 11 on the north side  
16 were rebuilt.

17 Q Would it be fair to say that the north side schools were  
18 equal to or a greater beneficiary of the bond elections than the  
19 south side schools?

20 A Based on number of sites, yes.

21 Q We've talked very briefly in the trial about registration of  
22 students to vote. Were you here with -- for some of that --

23 A Yes, sir.

24 Q -- testimony?

25 I'd like to ask you to look at Plaintiff's Exhibit 17.



**Mr. Crawford Direct of Christine Porter**

And do you know what this document is?

A This is information that -- about voter registration processes that the high schools provided.

Q And who provided this information?

A It looks like campus principals.

Q And the question that the principals were prompted to answer was: (As read) How does your campus handle student voting for local, state, and national elections? Do you communicate anything to your students?

And I'd like to go through, briefly, the list of responsive principals.

First of all, the first one is AOC. Can you tell us what AOC stands for?

A That stands for Academy of Choice.

Q Is that north or south of I-10?

A It is north.

Q Is it within the Memorial High School district?

A Yes.

Q MHS, what school does that stand for?

A Memorial High School.

Q Is that campus both north and south of I-10?

A Yes.

Q The next school is NHS. What does that stand for?

A That is Northbrook High School.

Q Is that north or south of I-10?

**Mr. Crawford Direct of Christine Porter**

1 A North.

2 Q And it states from the principal, "In compliance with state  
3 law, we have voter registration cards available in the  
4 classrooms and some were given to the senior office. We discuss  
5 registration."

6 Did I read that correctly?

7 A Yes.

8 Q And then the next paragraph under Northbrook High, the  
9 second sentence begins, "In addition YP."

10 What does YP stand for?

11 A YP is the YES Prep program.

12 Q Okay. So it says: (As read) YES Prep program reports that  
13 during the spring semester, one of the economics government  
14 teachers brings a speaker from Mi Familia Vota to give a  
15 presentation about voting rights and registers eligible students  
16 to vote.

17 Is that what was reported to --

18 A Yes.

19 Q -- to you?

20 The next school on this list is SHS. What does that stand  
21 for?

22 A That's Stratford High School.

23 Q Is that both north and south of I-10?

24 A Yes.

25 Q What's the next school on the list, SWHS?

**Mr. Crawford Direct of Christine Porter**

1 A Spring Woods High School.

2 Q Where is that located, north or south?

3 A North.

4 Q And according to the principal of that high school: (As  
5 read) During the elections that are held at SWHS, we walk  
6 students down to the polls when they are open in the gym. We  
7 get the election judges to speak with them, and if they are  
8 registered to vote, we give them an opportunity to vote while in  
9 school.

10 Going on in the next page, I believe this is still from  
11 Spring Woods High. (As read) All students are also given blank  
12 voter registration forms when they turn 18.

13 It also states that: (As read) We had eight students go  
14 through training and become student poll workers, and we invite  
15 Harris County Deputy Registrars to the Spring Woods High School.  
16 They register students on campus who are eligible.

17 Do you see that?

18 A Yes.

19 Q Is that what was reported from the principal at Spring Woods  
20 High about the efforts to register students?

21 A Yes.

22 Q And the final school on this list is WAIS. What does that  
23 stand for?

24 A Westchester Academy for International Studies.

25 Q And where is that school located?

**Mr. Crawford Direct of Christine Porter**

1 A South.

2 Q What do these reports from the principals tell you about  
3 student voter registration in -- in Spring Branch?

4 A It appears, mainly on the -- that on the north side that  
5 there is a very focused intent to ensure that students are aware  
6 of the registration possibilities in order to vote.

7 Q Now I'd like to turn to a different topic, and that's about  
8 the school district's election system.

9 When was Spring Branch ISD established?

10 A In 1946.

11 Q When did the school district first elect its board of  
12 trustee?

13 A In 1946.

14 Q Has Spring Branch continuously elected its board members in  
15 elections since 1946?

16 A Yes.

17 Q What system has been continuously used?

18 A The at-large system.

19 Q Does Spring Branch maintain its election results by  
20 candidate and precincts since 1955?

21 A Yes.

22 Q I'd like you to take a look at Defendants' Exhibit 10,  
23 please and, also, Defendants' Exhibit 70.

24 Let's look at Defendants' Exhibit 10 first. This is -- is  
25 this Spring Branch policy BBB (Local)?

**Mr. Crawford Direct of Christine Porter**

1 A Yes, it is.

2 Q Is this a school board policy?

3 A Yes.

4 Q Does this policy dictate how Spring Branch elects its board  
5 members?

6 A Yes, it does.

7 Q Turning to Defendants' 70, which is BBBA (Local), does this  
8 policy provide that the election precincts for board elections  
9 shall correspond with each attendance zone boundaries of each  
10 middle school with the district? Each election precinct shall  
11 be served by one polling place located within the boundary of  
12 the election precinct?

13 A Yes, it does.

14 Q Is this how Spring Branch holds its elections?

15 A Yes, since 2012.

16 Q Has Spring Branch always had seven election precincts?

17 A Since 2012.

18 Q It changed in 2012?

19 A Yes, sir.

20 Q What was it before it changed in 2012?

21 A It was the elementary sites -- schools.

22 Q How many were there?

23 A Twenty-six.

24 Q And those were based on the elementary school zones as  
25 opposed to the middle school zones?

**Mr. Crawford Direct of Christine Porter**

1 A That's correct.

2 Q I take it that means that -- that Spring Branch has 26  
3 elementary school zones?

4 A At that time, yes.

5 Q Okay. Why did it change from the 26 elementary school zones  
6 to the seven middle school zones in 2012?

7 A There was a law that changed -- that came in the 2011  
8 legislative session that required the district to partner with  
9 cities or counties to run elections, and in the past, the county  
10 offered support to the school district and allowed it to have it  
11 at all of those different sites in May. But when the law  
12 changed, the county could no longer commit to offering that type  
13 of support.

14 So the district had to look at what their options were, and  
15 in order to financially be able to handle running its own  
16 election, they made the decision at that time, in '11-'12, to  
17 have Election Day at middle schools and only have the seven  
18 sites on Election Day.

19 Q Were there benefits to the change from 26 to seven voting  
20 precincts?

21 A The main benefit would have been financial -- financially  
22 inefficient for the school district, but it also ensured that  
23 community members knew they were voting at one of their zoned  
24 schools still. If it had been with the county, it isn't  
25 necessarily at an obvious location. It would only be where

**Mr. Crawford Direct of Christine Porter**

1 their precinct is assigned.

1 4 : 3 6 : 1 7 2 Q As of January 2020, are you aware of approximately how many  
3 at-large school districts there were in Texas?

1 4 : 3 6 : 2 4 4 A I believe it was about 850 school districts.

1 4 : 3 6 : 2 8 5 Q And are you aware, at that time, about how many  
6 single-member school districts there were?

1 4 : 3 6 : 3 2 7 A About 140, I think, -45 -- 145.

1 4 : 3 6 : 3 6 8 Q And what does this tell you?

1 4 : 3 6 : 3 8 9 A It tells me that a majority of the school districts in Texas  
10 maintain an at-large system for voting for their board.

1 4 : 3 6 : 4 5 11 Q Does Spring Branch itself keep track of the race or  
12 ethnicity of the voters in its school board elections?

1 4 : 3 6 : 5 3 13 A No, we do not.

1 4 : 3 6 : 5 6 14 Q Please took -- take a look at Defendants' Exhibit 9.

1 4 : 3 7 : 0 6 15 This is policy BBB (Legal). I want to turn your attention  
16 to the category that says, "Uniform Election Dates." It says  
17 that: (As read) Each general or special election of board  
18 members shall be on one of the following dates: The first  
19 Saturday in May; and the first Tuesday after the first Monday in  
20 November. And it cites Election Code 41.001(a).

1 4 : 3 7 : 3 4 21 Which of those dates did Spring Branch choose to hold its  
22 elections?

1 4 : 3 7 : 3 7 23 A They chose the first Saturday in May.

1 4 : 3 7 : 3 9 24 Q Can you tell the Court why the district chose the May  
25 election date versus the November election?

**Mr. Crawford Direct of Christine Porter**

1 **A** First, it would be consistent. That is actually when all  
2 the board elections had been held, always in May.

3 Also, by choosing a Saturday in May, it would allow for an  
4 easier opportunity to vote if people were choosing on Election  
5 Day instead of a workday, which would have been a Tuesday in  
6 November.

7 **Q** I'd like to turn to page 3 of Exhibit 9, policy BBB (Legal),  
8 and under "Methods of Election - Options," there is a category  
9 called "Voter Petition." Do you see that?

10 **A** Yes.

11 **Q** And I'll -- does this provide that if at least 15 percent of  
12 the registered voters of the school district desire to place how  
13 we elect our trustees on the ballot, if they present that to the  
14 board, that the board must put it on the ballot to be elected?

15 **A** That's correct.

16 **Q** To be voted on?

17 **A** Yes.

18 **Q** And it cites Education Code 11.052(e). Do you see that?

19 **A** Yes, I do.

20 **MR. CRAWFORD:** Your Honor, we'd ask the Court to take  
21 judicial notice of that Education Code section.

22 **THE COURT:** All right.

23 **BY MR. CRAWFORD:**

24 **Q** As far as you know, Ms. Craft [sic], this board policy  
25 merely tracks the state law about this -- this process?



**Mr. Crawford Direct of Christine Porter**

1 A That's correct.

2 Q Has Spring Branch ever received such a voter petition?

3 A No, we haven't.

4 Q If it had, what would it have done?

5 A We would have ensured it would be on the next election.

6 Q Has Spring Branch ever had to call an election pursuant to  
7 either policy BBB (Legal) or Education Code 11.052(e)?

8 A No, it has not.

9 Q I'd like to now turn to early voting election -- locations.

10 Prior to the 2012 election, how many early vote- -- voting  
11 locations did Spring Branch have?

12 A There was only one early voting site.

13 Q Where was this located?

14 A It was located at the administration building at  
15 955 Campbell Road. It was considered the main branch for early  
16 voting and was, as such, the only election site for early  
17 voting.

18 Q Why is that?

19 A We had very low turnout in the past for early voting, and so  
20 it was a site that could handle the turnout.

21 Q Now, how close to I-10 is the administration building?

22 A Less than a quarter mile. It's literally a few hundred  
23 feet.

24 Q If we could turn to Plaintiff's Exhibit 110.

25 This is a -- depicting the early vote- -- voting locations

**Mr. Crawford Direct of Christine Porter**

pre-May 22 -- 2022 election. Could you show the Court on this map where the administration building is?

A It's the star almost in the middle of the school district in the Spring Branch Middle zone just south of the blue line indicating I-10.

Q And it's the address that says 955 Campbell Road?

A Yes.

Q And it's your understanding that -- that that location is literally just feet away from the highway?

A That is correct.

Q I believe you may have answered this already, but I'm going to go ahead and ask it again.

Why was there only one early voting location prior to 2012?

A Prior to 2012, when they had all the locations at the elementary -- Election Day was at all the elementary sites. When they switched to the middle school sites starting in the '11-'12 school year, they then decided they needed more than that one site. But at the time that one site could handle the type of activity that was happening prior.

Q How many new early voting locations were created in 2012?

A They created three additional sites for a total of four early voting sites.

Q Are those all depicted on Plaintiff's Exhibit 110 that we have up on the screen, those four?

A Yes, they are.

**Mr. Crawford Direct of Christine Porter**

Q And the --again, those locations are shown on the map?

A The three additional sites, plus the administration building, yes.

Q And so from 2012 to 2022, how many early voting locations did Spring Branch have?

A We had four.

Q How big is Spring Branch geographically?

A It's about 44 square miles.

Q How hard is it to access an early voting location?

A I don't consider it that hard. It's about a 10-minute drive from the north side of the district to the administration building.

Q So, for example, on Exhibit 110, if -- if you are at St. Jerome in Northbrook Middle School way up north, how long of a drive is it down to the administration building at 955 Campbell Road?

A About 10- to 11-minute drive.

Q What about public transportation access to these early voting locations?

Does Spring Branch have public transportation access?

A There is public transportation access.

Q As elections officer from 20- -- from 2012 to 2022, that 10-year period, did the lack of additional early voting locations adversely affect minority voter turnout in those Spring Branch elections?

**Mr. Crawford Direct of Christine Porter**

1 A Not that I was made aware of.

2 Q Why not?

3 A At the time, we were offering more opportunities -- or more  
4 places to vote for early voting that hadn't happened before.  
5 Early voting is open for eight days from 7:00 a.m. to 7:00 p.m.,  
6 as well as Saturday for a half day. So it's just -- we offered  
7 opportunities for people to, hopefully, work around work  
8 schedules to come and vote.

9 Q Other than approximately five complaints during the  
10 May 2020 -- 2021 election, as elections officer, have you  
11 received any other complaints about the number or locations of  
12 the early voting locations?

13 A Other than those approximately five, no, I have not.

14 Q After receiving the May 2021 complaints, did Spring Branch  
15 add a fifth early voting location in January of 2022?

16 A Yes, we did.

17 Q Where?

18 A It was in the Spring Oaks Middle location on the north side.

19 Q And on Plaintiff's Exhibit 110, is that in the -- in the  
20 purple kind of shaded area?

21 A Yes. That light purple, yes.

22 Q And where within that middle school district is that  
23 location? Is it toward -- is it on the northern end, southern  
24 end, middle? Can you give us an idea of where that location was  
25 within that district?

**Mr. Crawford Direct of Christine Porter**

1 A Probably more around the middle, but on the right side of  
2 that district.

3 Q Then did Spring Branch add a sixth early voting location in  
4 2023?

5 A Yes. In 2023, we added one that is just on the border  
6 between Northbrook Middle and Spring Woods Middle.

7 Q And is that on the north side?

8 A Yes, sir.

9 Q And that's in the area around Northbrook Middle School,  
10 Spring Woods Middle School and Landrum Middle School districts?

11 A Yes. Almost right there at that corner between the blue,  
12 green, and light blue.

13 Q Now, did Spring Branch close the fifth early voting location  
14 that opened in January of 2022, the one we talked about before  
15 the one --

16 A Yes. The fifth site was at a place called John Knox  
17 Presbyterian Church. We opened that in '22, and then in '23 we  
18 closed that site and then reopened -- and then opened another  
19 site at the West Support Center at a district facility.

20 Q Why was the location at John Knox closed as an early voting  
21 location?

22 A That year, the -- one of the candidates running was a  
23 minister that worked at that church, and so there was a desire  
24 to move the location by the board.

25 Q And you said it was moved to West Support Center?

***Mr. Crawford Direct of Christine Porter***

1 4 : 4 6 : 3 2 1 **A** Yes.

1 4 : 4 6 : 3 3 2 **Q** And is that north or south of I-10?

1 4 : 4 6 : 3 5 3 **A** North.

1 4 : 4 6 : 3 5 4 **Q** Can you show the Court where that location is on Plaintiff's  
5 Exhibit 110?

1 4 : 4 6 : 4 0 6 **A** It's also in the Spring Oaks Middle location.

1 4 : 4 6 : 4 9 7 **Q** And that's the purple color on our map?

1 4 : 4 6 : 5 1 8 **A** Yes, sir.

1 4 : 4 6 : 5 1 9 **Q** So as of today, how many early voting locations does  
10 Spring Branch have?

1 4 : 4 6 : 5 8 11 **A** We have six.

1 4 : 4 7 : 0 0 12 **Q** And how many are on the north side, and how many are on the  
13 south side?

1 4 : 4 7 : 0 4 14 **A** Three are on the north side, and three are on the south  
15 side.

1 4 : 4 7 : 0 7 16 **Q** Can you tell the Court why you have an early voting location  
17 at 7676 Woodway Drive, which I understand is the city of  
18 Piney Point?

1 4 : 4 7 : 1 6 19 **A** Yes. We --

1 4 : 4 7 : 1 7 20 **THE COURT:** What was the end? I couldn't hear you.

1 4 : 4 7 : 1 9 21 **MR. CRAWFORD:** Oh, I'm sorry. Can you explain to the  
22 Court why you have an early voting location located at 7676  
23 Woodway Drive, which I understand is the city of Pilot [sic]  
24 Point.

1 4 : 4 7 : 3 2 25 **THE COURT:** I can't hear the last part. What you

**Mr. Crawford Direct of Christine Porter**

understand is what?

**MR. CRAWFORD:** I understand is the city of Pilot Point, the location.

**THE COURT:** Thank you.

**A** It's actually the city of Piney Point.

**BY MR. CRAWFORD:**

**Q** Oh, Piney Point. I apologize.

**A** No problem.

We have -- school districts, in order to run an election in May, we have to partner with either a city or a county. And so we've had a long-time partnership with the city of Piney Point to handle their elections -- or they are able to use our sites for their elections.

So when the law came into play that said we had to partner with them, we continued that partnership with Piney Point, and because they'd -- at that time had always hosted an election site at the -- at city hall, they were allowed to maintain that for early election.

**THE COURT:** We're going to take a short recess. We'll stand in recess until 3:00 p.m.

*(Recess taken from 2:48 p.m. to 3:00 p.m.)*

**THE COURT:** Please be seated.

All right. Mr. Crawford, you may conclude.

**MR. CRAWFORD:** Thank you, Your Honor.

**BY MR. CRAWFORD:**

**Mr. Crawford Direct of Christine Porter**

15:00:26 1 Q Ms. Porter, to summarize the testimony that we just got  
2 through discussing, based on the locations and the days and  
3 hours of operation of Spring Branch's early voting locations, in  
4 your opinion as elections official, do Hispanics have an equal  
5 opportunity as whites do to participate in early voting in  
6 Spring Branch ISD elections?

15:00:54 7 A Yes, I do believe that.

15:00:56 8 Q Has Spring Branch received any complaints about the Election  
9 Day middle school voting locations?

15:01:02 10 A Not as long as I've been election officer.

15:01:05 11 Q What language are used on the ballots that Spring Branch  
12 uses?

15:01:10 13 A We're actually required, because we're in Harris County, to  
14 have four languages. Spanish would be the primary one that gets  
15 used, but we also have Chinese and Vietnamese.

15:01:23 16 Q In addition to English?

15:01:24 17 A Yes.

15:01:25 18 Q I'd like you to turn to Plaintiff's Exhibit 115.

15:01:34 19 This is an exhibit that was used that states that the race  
20 and ethnicity of the Spring Branch Police Department of 20- --  
21 in 2021 was 60.47 percent non-Hispanic and 39.53 percent  
22 Hispanic. Do you see those references?

15:01:53 23 A Yes, I do.

15:01:54 24 Q I'd like you to turn to Plaintiff's Exhibit 16, please.

15:02:03 25 This lists the ethnicity of Spring Branch's police force by



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position from 2011 to 2021. I just want to look at the 2021 numbers to compare them to Plaintiff's Exhibit 115.

First of all, in 2021, what was the ethnicity of the police captain?

**A** He was Hispanic.

**Q** The police captain is the number two position in the police force, correct?

**A** That's correct.

**Q** Okay. Turning -- going down to --

**THE COURT:** Wait a minute. This is --

**MR. CRAWFORD:** Oh, I'm sorry.

**THE COURT:** Can you summarize this? I don't want to go through each number.

**MR. CRAWFORD:** Oh, sure.

**THE COURT:** Tell me what they're all -- the last question's going to be.

**BY MR. CRAWFORD:**

**Q** My last question's going to be: In 2021, were there 16 Hispanic police officers, 10 black police officers, and 12 white police officers?

**A** Yes.

**Q** So were there more Hispanic police officers than white police officers in 2021?

**A** Yes.

**Q** And does the 60.47 percent non-Hispanic number on this chart

***Mr. Abrams Cross of Christine Porter***

1 relate to both white and black officers?

15:03:12 2 **A** Yes, it does.

15:03:14 3 **MR. CRAWFORD:** That's it, Your Honor. No further  
4 questions.

15:03:16 5 **THE COURT:** I'm going to try that again. It got  
6 moving.

15:03:20 7 **MR. CRAWFORD:** I can take a hint.

15:03:21 8 **THE COURT:** If I ask you a question, I scare you off,  
9 you stop. That's pretty good. I'll try using it.

15:03:27 10 **MR. CRAWFORD:** I can take a hint.

15:03:28 11 **THE COURT:** Any cross?

15:03:30 12 **MR. ABRAMS:** Regretfully, yes, Your Honor.

15:03:31 13 **THE COURT:** Okay.

**CROSS-EXAMINATION**

15:03:33 15 **BY MR. ABRAMS:**

15:03:34 16 **Q** Good afternoon, Ms. Porter.

15:03:36 17 **A** Good afternoon.

15:03:36 18 **Q** You've been deposed before in the case as a designated  
19 corporate representative for the district, right?

15:03:41 20 **A** Yes, sir.

15:03:42 21 **Q** And you prepared for your testimony then by reviewing the  
22 topics that the superintendent and the lawyers designated that  
23 you would cover as the representative of the district, right?

15:03:53 24 **A** Yes, sir.

15:03:53 25 **Q** And I think you told me you spent around 20 hours to

***Mr. Abrams Cross of Christine Porter***

1 prepare.

15:03:58 2 **A** For the deposition? Yes.

15:03:59 3 **Q** For the deposition, yes, ma'am.

15:04:00 4 **A** Yes.

15:04:01 5 **Q** And among the documents you reviewed was the 2020 Thompson &  
6 Horton presentation to the Spring Branch School Board about  
7 different types of electoral systems that could be implemented  
8 in the state of Texas. Do you recall that?

15:04:15 9 **A** Yes, I did.

15:04:17 10 **MR. ABRAMS:** Richard, may we look at Plaintiff's  
11 Exhibit 66, please?

15:04:25 12 **BY MR. ABRAMS:**

15:04:25 13 **Q** Do you recognize Plaintiff's Exhibit 66 as the first page of  
14 a PowerPoint presentation that Lisa McBride, a partner at  
15 Thompson & Horton, presented to the Spring Branch School Board  
16 in January of 2020 about electoral systems?

15:04:40 17 **A** Yes.

15:04:41 18 **Q** You earlier responded to Mr. Crawford about the number of  
19 districts that have different types of governance systems.

15:04:50 20 If we could, let's look at page 5 of Exhibit 66 where  
21 there's a summary.

15:05:00 22 **MR. ABRAMS:** Actually, can you go to the previous  
23 page? There we go. Thank you.

15:05:04 24 **BY MR. ABRAMS:**

15:05:05 25 **Q** Ms. McBride's presentation to the school board in

**Mr. Abrams Cross of Christine Porter**

1 January 2020 indicated that overall in Texas, as of that time,  
2 based on her law firm's calculation, 147 districts in the state  
3 of Texas had some form of single-member district, and 848 used  
4 the at-large system, right? Is that right?

15:05:27 5 **A** Yes, that's what it says.

15:05:28 6 **Q** And then let's look at page 15 of what Ms. McBride said to  
7 the school board back in January of 2020.

15:05:35 8 By the way, were you present at the workshop where this  
9 presentation was made?

15:05:40 10 **A** No, I was not.

15:05:40 11 **Q** All right. Well, we'll just look and see --

15:05:43 12 **THE COURT:** Let me ask a question. What relevance is  
13 it that -- what other districts do? I mean, we talked about the  
14 Wink School District -- I think that's the one out in West Texas  
15 which had ten people -- and we talked about Dallas. It's 39th  
16 in rating; is that right?

15:06:02 17 **MR. ABRAMS:** I'm sorry?

15:06:03 18 **THE COURT:** Spring Branch is No. 30 --

15:06:05 19 **MR. ABRAMS:** I think your memory is very good.

15:06:07 20 **THE COURT:** So if -- we're comparing apples and  
21 oranges and kumquats. I know y'all have talked about this, but  
22 this doesn't -- maybe I'm missing something. What is the  
23 relevance of this?

15:06:16 24 **MR. ABRAMS:** Well, the district is making the  
25 argument, Your Honor, that there's so many districts that have

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at-large systems, that one shouldn't make this district adopt this abhorrent system. That only a small percentage --

**THE COURT:** That assumes they all comply with Section 2.

**MR. ABRAMS:** That's true.

**THE COURT:** You can go over there, but I can tell you I'm not going to pay much attention to it in the opinion.

**MR. ABRAMS:** I'll make the transition quickly.

**BY MR. ABRAMS:**

**Q** The Thompson law firm that made this presentation to the board in January of 2020 had laid out the next steps of evaluating whether to change the district's system as shown on SBISD 001414.

That was Thompson & Horton, right?

**A** Yes.

**Q** Thompson & Horton is the law firm that initially appeared for the district in this lawsuit, right?

**A** Correct.

**Q** Thompson & Horton is the law firm that withdrew from representing the district in this case, at which time Mr. Crawford and Mr. Henry and their law firm stepped in, right?

**A** Correct.

**Q** Do you recall that Thompson & Horton withdrew from representing the district when the district was no longer willing to consider changing its at-large system to a

**Mr. Abrams Cross of Christine Porter**

single-member district plan?

**MR. CRAWFORD:** Your Honor, I'm going to object. That delves into attorney-client privilege as --

**THE COURT:** It does, and it seems to go into settlement discussions, too. I sustain the objection.

**BY MR. ABRAMS:**

**Q** I want to talk to you now, Ms. Porter, about several topics that you addressed as corporate representative to just get the district's position on the record for the judge.

The district agrees that when it was formed, and for a large number of years, its population was virtually all white, correct?

**A** Correct.

**Q** The district agrees that in the past 20 years, the racial and ethnic composition of the district has changed significantly, and what was once a district with a majority of voters and students that were white, is now a district where the Hispanic population is greater than the white population, and the percentage of Hispanic students is more than twice the percentage of white students, correct?

**A** Correct.

**Q** The district agrees that during the past 20 years, the socio-economic background of its residents and students has changed, and now at least 58 percent of its students are economically disadvantaged, correct?

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15:08:30 1 **A** Correct.

15:08:30 2 **Q** The district agrees it's now a majority-minority district in  
3 terms of its student population, and believes it is also a  
4 majority-minority district in terms of total population,  
5 correct?

15:08:42 6 **A** Correct.

15:08:43 7 **Q** The district agrees that the racial and ethnic -- ethnic  
8 demographics of the Memorial Villages is substantially different  
9 than the racial and ethnic composition of the areas located  
10 north of Interstate 10 outside the villages, correct?

15:08:57 11 **A** Correct.

15:08:58 12 **Q** The district agrees the population of the Memorial Villages  
13 is largely white and non-minority, correct?

15:09:04 14 **A** Correct.

15:09:04 15 **Q** And, similarly, the district agrees that the populations of  
16 the schools on the south side are largely white and not  
17 minority, correct?

15:09:12 18 **A** Correct.

15:09:21 19 **Q** I want to talk to you about the investigation that the  
20 district did or did not take in this case before denying all of  
21 the allegations that the plaintiff has made. Do you remember we  
22 discussed that topic in your deposition?

15:09:31 23 **A** Yes.

15:09:31 24 **Q** Before the district denied in this lawsuit that its conduct  
25 doesn't violate the Voting Rights Act and doesn't deny minority

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1 voters rights under the Act, do you agree that the district did  
2 not conduct any investigation or analysis of that subject?

15:09:47 3 **A** The district did not.

15:09:50 4 **THE COURT:** I'm not following this. What -- what are  
5 these questions focusing on?

15:09:54 6 **MR. ABRAMS:** The focus, Your Honor, on the questions  
7 is that, as the Court knows, the district has challenged and  
8 required the plaintiff to prove every element of its case.  
9 Before it made the denials in this case under the federal rules,  
10 it conducted no investigation of the subjects that it denied,  
11 putting the plaintiff to a burden when it had not exercised its  
12 obligations under the federal rules.

15:10:18 13 **THE COURT:** Is this -- are you going to file a Rule 11  
14 motion, or is this --

15:10:22 15 **MR. ABRAMS:** It's going to be --

15:10:22 16 **THE COURT:** Go ahead.

15:10:23 17 **MR. ABRAMS:** I'm sorry. It's going to be pertinent to  
18 the costs in this case, should we get to that point; that the  
19 plaintiffs have been required to prove things that the district  
20 denied without ever investigating them, and in some instances,  
21 we will establish, has admitted under oath through its corporate  
22 rep.

15:10:39 23 **THE COURT:** So it's relevant to attorney's fees and  
24 maybe the *Johnson* factors?

15:10:42 25 **MR. ABRAMS:** Correct, Your Honor.



***Mr. Abrams Cross of Christine Porter***

**THE COURT:** Okay. Go ahead.

**BY MR. ABRAMS:**

**Q** Ms. Porter, before the district denied in this lawsuit that its system for electing trustees dilutes the voting strength of racial and language minorities, do you agree the district had not conducted any investigation or analysis to determine whether or not that was even true?

**A** The district did not.

**Q** Before the district denied that its trustee elections are not deeply racially polarized, do you agree the district had not conducted any investigation or analysis to determine whether or not that was true?

**A** The district did not.

**Q** Before the district denied in this lawsuit that racially polarized voting has occurred, do you agree it had not done any investigation to support that position?

**A** The district did not.

**Q** Similarly, when the district denied in this lawsuit that white voters had voted sufficiently as a bloc to enable them to defeat minority voters' preferred candidates, do you agree it had not done any investigation to determine whether or not that was true?

**A** The district did not.

**Q** Before the district denied in this lawsuit that it had enacted barriers to voting, do you agree it did not conduct any

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1 investigation or analysis to determine whether or not that  
2 allegation was true?

15:12:01 3 **A** The district did not.

15:12:02 4 **Q** Before the district denied in this lawsuit that the existing  
5 at-large electoral system was the reason that Dr. Elizondo lost  
6 the 2020 -- 2021 election, do you agree the district did not  
7 conduct any investigation or analysis of that subject?

15:12:18 8 **A** The district did not.

15:12:19 9 **Q** And now let's turn to what the district does agree.

15:12:23 10 The district does agree that with respect to the geographic  
11 concentration of Hispanics in the district, that is large enough  
12 to constitute a majority of the voting age population in one or  
13 more single-member districts if a seven-member election plan is  
14 adopted or ordered by the Court, correct?

15:12:43 15 **A** I understand that the -- I've seen the map that shows that  
16 there's at least one, yes.

15:12:51 17 **Q** Well, my question is: Does the district agree specifically  
18 to this item, which is important factually, that the geographic  
19 concentration of Hispanics in the district is large enough to  
20 constitute a majority of the voting age population in one or  
21 more single-member districts if the Court orders or the district  
22 adopts a seven-member election plan? That's correct, isn't it?

15:13:15 23 **A** Yes.

15:13:18 24 **Q** In fact, the district's position is that up to three  
25 single-member districts could be formed in which the geographic

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concentration of Hispanics would constitute a majority of the voting age population, correct?

**A** Do you mind pointing that out in the deposition where I said that?

**Q** I'd be happy to.

**MR. ABRAMS:** Your Honor, may I approach?

**THE COURT:** Sure.

**BY MR. ABRAMS:**

**Q** Here you go, Ms. Porter.

Ms. Porter, I've handed you a copy of your deposition that was taken on December 28th, '21 -- 2021, and I want to direct your attention to page 34, line 17.

Are you with me?

**A** Yes, sir.

**Q** Do you recall that, under oath as the district's corporate rep -- corporate representative, I asked you the following question: (As read) What is the district's position about the number of single-member districts that could be formed in which the geographic concentration of Hispanics would constitute a majority of the voting age population?

What was your answer at that time?

**A** My answer was: (As read) I've heard that three -- up to three could be established.

**Q** And that was the position you took on behalf of the district in your deposition, correct?

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**THE COURT:** I think there's an objection.

**MR. CRAWFORD:** Your Honor, I'm going to object at this point for optional completeness, because there was an additional Q and A following that, that I think explains the basis for that answer.

**THE COURT:** Okay. Well, you can -- read the question and answer after it.

**MR. ABRAMS:** I'll be happy to, and that's where I was going next.

**THE COURT:** Okay.

**BY MR. ABRAMS:**

**Q** (As read) And the factual information on which that position was based that the district had, that as many as three single-member districts could be drawn in which a majority of the voting age population would be Hispanic was based on what?

**A** (As read) These are based on some meetings we had with legal counsel at that time.

**Q** That's right.

So in your deposition, represented by counsel, without objection, the district, with counsel present, has acknowledged that at least in its judgment, three minority-majority districts could be formed, correct?

**A** Actually, I stated that I've heard that three could be formed. I did not say it could be.

**Q** Right.

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1 And you were appearing as a corporate representative after  
2 having consulted with others and documents so that you could  
3 testify about a lot of things that you didn't have personal  
4 knowledge of, correct?

5 **A** Correct.

6 **Q** And that's --

7 **THE COURT:** Was there an objection, Mr. Crawford?

8 **MR. CRAWFORD:** Yes, Your Honor. I'm going to object  
9 due to optional completeness. I would ask Mr. Abrams to read  
10 lines 14 through 21 on page 35.

11 **MR. ABRAMS:** I'll be happy to, Your Honor.

12 **BY MR. ABRAMS:**

13 **Q** (As read) Setting aside the communications with legal  
14 counsel, which I presume and understand the district will assert  
15 privilege over, are you aware of any other sources of  
16 information confirming that as many as three single-member  
17 districts could be drawn in Spring Branch in which the  
18 concentration of voting age Hispanics would be a majority?

19 And what was your answer?

20 **A** My answer was, "No."

21 **Q** Right.

22 Turning to page 46, while we're still on this subject,  
23 Ms. Porter, please, directing your attention to lines 6 through  
24 11, do you recall I asked you later in the deposition, after we  
25 had covered the subject of ethnic composition of the district --

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1 I said, quote, and based upon the investigation that's been  
2 conducted by the district to date, at least three single-member  
3 districts could be drawn in the district in which the Hispanic  
4 voting age population would constitute a majority, correct?

15:17:35 5 And your answer at that time was?

15:17:36 6 **A** "Yes."

15:17:37 7 **Q** Thank you.

15:17:43 8 The district understands that it is legal to have  
9 single-member districts, and that they would provide an  
10 opportunity for participation in areas of the district that have  
11 had lower participation, correct?

15:17:56 12 **A** Correct.

15:17:57 13 **Q** The district's aware that the Voting Rights Act assures that  
14 the voting strength of its minority voters is not to be diluted  
15 by the majority, correct?

15:18:06 16 **A** Correct.

15:18:07 17 **Q** The district acknowledges that there are sound policy  
18 reasons for adopting a single-member district plan because such  
19 a plan would ensure that specific minority groups have an  
20 opportunity to be represented as required by law and Texas  
21 voters' rights, correct?

15:18:25 22 **A** Correct.

15:18:25 23 **Q** The district acknowledges that one of the policy reasons  
24 supporting the adoption of single-member plans is that those  
25 plans may allow minority voters' preferences to be better

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1 reflected in the election results, correct?

15:18:39 2 A It may allow that, correct.

15:18:40 3 Q And the district agrees that single-member district  
4 representation can increase the likelihood that minority  
5 candidates will run for office on the board, correct?

15:18:50 6 A It can increase that likelihood, yes.

15:19:02 7 Q Now I want to talk to you for just a moment about  
8 spending.

15:19:06 9 You and counsel for the district went through and looked at  
10 a few items on Defendants' Exhibit 71 with regard to  
11 expenditures from the general fund. Do you recall that?

15:19:17 12 A Yes, I did.

15:19:18 13 Q And you told us what the factors are that affect how much  
14 general fund spending occurs for different campuses, correct?

15:19:28 15 A Correct.

15:19:28 16 Q And you -- you told us in -- earlier, in your deposition,  
17 that as a general proposition, your position is the district  
18 provides additional staffing and dollars for the campuses that  
19 are economically disadvantaged?

15:19:44 20 A Correct.

15:19:44 21 Q So you would agree with me that all things being equal, a  
22 campus with a low economically disadvantaged population should  
23 be receiving less district funding from the general fund than a  
24 campus with a high economically disadvantaged population?

15:20:01 25 A All things being equal, correct.

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Q All right. Well, let's look at a real-world example different from the one that was covered with you.

Let's start by looking at Memorial Drive Elementary. We can either look at Plaintiff's Exhibit 1, or can you just confirm that Memorial Drive Elementary is in the heart of Piney Point Village on the south side of town?

A It is in -- that's exactly where it's located.

Q All right. Let's look at Exhibit 107 just to confirm what the Memorial Drive Elementary is economically disadvantaged percentage is.

Can you find Memorial Drive Elementary on the chart? I believe it's in the lower right-hand corner, and just in the interest of speed, do you see that the economically disadvantaged percentage for MDE is 10.77 percent?

A That's correct.

Q By the way, the district's just announced it's completed the complete construction of a brand new elementary school at MDE, right?

A Correct.

Q Do you know the approximate amount the district has spent to build a brand new school at Memorial Drive?

A I'm sorry, I don't know that off the top of my head.

Q I've seen bond literature that projected or allocated as a projection around \$30 million. Does that figure sound about right?



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1 A Yes, that sounds reasonable.

2 Q Now, let's compare Memorial Drive Elementary demographically  
3 with Hollibrook.

4 Hollibrook is located, we've already heard, on the north  
5 side, and according to Plaintiff's Exhibit 107 -- let me see if  
6 I can find it. There it is.

7 In the center of the page, what's the economic disadvantage  
8 percentage at Hollibrook Elementary?

9 A 99.72 percent.

10 Q So we're in agreement that as far as economic disadvantage  
11 goes, Hollibrook is substantially more distressed than MDE,  
12 right?

13 A Yes.

14 Q And Hollibrook's in the far northern portion of the  
15 district, we've established?

16 A Yes.

17 Q And we've already established that the population of  
18 Hollibrook is almost entirely Hispanic, right?

19 A I don't know about that. I'm sorry.

20 Q Let's look at Plaintiff's Exhibit 105, please.

21 Plaintiff's Exhibit 105 is the middle school zone. So I'll  
22 represent to you, you're right. We don't have the Hollibrook  
23 figure. But the Northbrook Middle zone, where Hollibrook is  
24 located, is 96 percent Hispanic. Does that suggest to you that  
25 Hollibrook is almost -- is very heavily Hispanic?

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15:23:05 1 **A** Yes, it does.

15:23:06 2 **Q** All right. Now let's see what the per student expenditures  
3 were at MDE. We're going to do it for two years so we can be  
4 fair, in 2019 and 2020.

15:23:17 5 So will you look at the Defendants' Exhibit 71 that you and  
6 Mr. Crawford were reviewing? And we'll put it up on the screen.  
7 It's going to be hard to see, but let's look at MDE, Memorial  
8 Drive Elementary.

15:23:36 9 **MR. ABRAMS:** Can you blow that up and find it?

15:23:38 10 **A** It's about halfway down.

15:23:40 11 **BY MR. ABRAMS:**

15:23:40 12 **Q** Thank you.

15:23:47 13 **MR. ABRAMS:** Okay. And you're going to have to go to  
14 the far right. We're going to look at the last two columns.

15:23:51 15 **BY MR. ABRAMS:**

15:23:51 16 **Q** And if it's easier, I'll just have you look at the book.

15:23:59 17 **A** No, I think this is good, if we keep that block.

15:24:06 18 Okay.

15:24:08 19 **Q** What was the MDE expenditure by the school district per  
20 student in 2019-'20? That's the next-to-the-last row?

15:24:17 21 **A** I'm sorry, for what campus?

15:24:19 22 **Q** MDE.

15:24:21 23 **A** MDE? \$6,428.81.

15:24:25 24 **Q** I'm sorry, would you -- one more time for me.

15:24:28 25 **A** \$6,428.81.

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1 Q Now let's look and see what the expenditure was at  
2 Hollibrook for 2019-2020.

3 A \$5,560.95.

4 Q Five five six oh?

5 A Yes. Ninety-five cents.

6 Q So I'd earlier done the math, but I'm not sure it's right.

7 But just for purposes of argument, do you agree with me  
8 that, in 2020, the district's general fund expenditures at  
9 Memorial Drive Elementary were roughly \$750 more per student  
10 than at Hollibrook?

11 A Yes.

12 Q And according to the TEA material we have, which we can go  
13 find -- I'll just represent to you that the TEA documents show  
14 that the enrollment at Hollibrook was 707 students. I'm just  
15 going to make that representation, if we go to the TEA document.

16 707 times 750 is more than a half a million dollars, isn't  
17 it?

18 A Correct.

19 Q So in 2020, MDE got more than \$500,000 -- more than \$500,000  
20 more from the general fund than Hollibrook, right, according to  
21 the district's records?

22 A I don't know if you can times it by the number of kids at  
23 Hollibrook to make that deduction.

24 Q All right.

25 A I mean, MDE...

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Q We'll just stick with the per student allocation.

A Okay.

Q Now let's look at the same analysis for 2021.

Let's start at Memorial Drive Elementary. What does the district show it spent at Memorial Drive Elementary on a per student basis based on the unaudited 2021 figures that you used with Mr. Crawford?

Can you see it?

A He's moving to it right now.

Q Okay. He's not there yet.

A Yep.

Q It's the top cell.

A Yeah. \$6,662.64.

Q Now let's look and see what happens -- what the district spent out of its general fund at Hollibrook in '20-2021.

What's that figure?

A \$6,427.81.

Q Difference is smaller, but it's still around \$235 difference, right?

A Correct.

Q Per student?

A Correct.

Q Averaged over the student body, and I realize you've got these other variables, but -- so the principle that you advanced in your earlier examination, that it necessarily follows that

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1 the district's spending more money on the economically  
2 disadvantaged students out of its general fund is not  
3 universally true, correct?

15:28:17 4 **A** We do provide more money to students that have certain --  
5 more services. So Hollibrook got more per student on the basic  
6 allotment per student, but with Hollibrook being a larger  
7 campus -- as you stated, it has over 700 students. Memorial  
8 Drive is significant-- -- significantly smaller.

15:28:41 9 So costs that both campuses share, for instance, a  
10 principal -- so the principal cost, the salary cost at  
11 Hollibrook is already diluted with only -- with over 700 kids at  
12 Hollibrook whereas a per student basis at a smaller school, such  
13 as Memorial Drive, will automatically give them a higher cost  
14 per student. So that has some effect in this analysis.

15:29:06 15 **Q** So I'm just going to confirm one point.

15:29:08 16 One point is if we just look at the dollars, before we get  
17 behind the dollars, the district spent more at Memorial Drive  
18 Elementary per student than it did at Hollibrook despite their  
19 very different economic circumstances, correct?

15:29:21 20 **A** Correct.

15:29:22 21 **Q** One explanation for that is, well, there's a difference in  
22 size of enrollment, right?

15:29:27 23 **A** Yes.

15:29:28 24 **Q** And in the last year, the district made decisions about  
25 closing various elementary schools. You recall that?

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1 A Yes, sir.

2 Q And when it decided to close elementary schools, even though  
3 you've just told me, well, gee whiz, Memorial Drive's per  
4 student cost is higher because it's got a little enrollment, it  
5 didn't close Memorial Drive Elementary, did it?

6 A I didn't say "gee whiz," but, no, they did not close  
7 Memorial Drive.

8 Q I apologize for using that expression. I didn't even -- it  
9 was unconscious, I apologize.

10 When the district was making campus closure decisions, it  
11 kept open Memorial Drive Elementary, which has an enrollment,  
12 per the TEA, of around 391, right?

13 A Yes.

14 Q Instead, it closed Treasure Forest as one of the schools it  
15 closed, right?

16 A That's correct.

17 Q All right. Let's look at Plaintiff's Exhibit 28 for the  
18 enrollment figures at Treasure Forest.

19 This is a -- a document that the TEA generates, and this is  
20 the 20--- are we on the 2022 one? Yes, we're on the '22 one.

21 And you see there's a column "Total Students" that the TEA  
22 takes from the reports it gets?

23 A Yes.

24 Q And what was the enrollment at Treasure Forest?

25 A 429.

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1 Q So at least on enrollment, Treasure Forest had more kiddos  
2 per the TEA than Memorial drive, and yet it was closed, right?

1 A That's correct.

1 Q And another elementary school on the north side that was  
5 closed was Spring Shadows Elementary, correct?

1 A Correct.

1 Q If you would, let's look at Plaintiff's Exhibit 28 and see  
8 what the reported enrollment is for Spring Shadows.

Can you tell me what the enrollment was?

1 A 617.

1 Q I noticed, when we were looking at the bond material you  
12 earlier showed us, Spring Shadows was shown as one of the  
13 schools that the district rebuilt -- or built a brand new  
14 school. Was that one of the schools on the north side that was  
15 rebuilt from scratch?

1 A It was planned to be rebuilt out of the 2017 bond.

1 Q Has it been rebuilt?

1 A No, it has not.

1 Q So rather than rebuilding Spring Shadows, which was on the  
20 list of schools that the district committed to the voters to  
21 rebuild, and a school that had an enrollment that's not quite  
22 twice what -- Memorial Drive Elementary, MDE was built for  
23 \$30 million, and Spring Shadows was not only not rebuilt, it was  
24 closed, correct?

1 A Yes. Would you like me to go through the thought process

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during the budget?

Q I actually wouldn't, but if Mr. Crawford --

**THE COURT:** I'd like to hear it now because this is going to be the last question, so I'll forget.

What was the thought process?

**THE WITNESS:** We went through this recent budget year going into the '24-'25 school year with a need to cut \$35 million out of our budget, almost 15 percent. We had to consider all kinds of things. I'm a CFO. I'm a numbers person.

So I had to look at programs. I had to look at schools. One of the things we had to look at was what inefficiencies were out there, and we looked at all of our schools, specifically focused on elementary schools, and we had several schools that are under capacity, some more than half. Schools that were built to have 8- or 900 students had less than 400 students in them.

Number wise, it is not efficient to have schools like that when you're focused on what the dollar cost is and can -- can we provide services efficiently across those campuses, and so we had to look at those campuses and what campuses were near there. Can we move kids to other campuses that -- but we would -- we wouldn't discuss do we move a campus from -- completely from one side of the district to the other side. That wouldn't be logical.

And we actually did discuss Memorial Drive Elementary.



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1 It was, however, in the process of being built and was more than  
2 halfway built when this need to make these cuts happened, but we  
3 talked about do we consider taking kids from the north side of  
4 I-10 -- of I-10 and busing them south to put more kids there  
5 since kids -- since schools on the north side were being  
6 underutilized, but part of that analysis had to talk about  
7 transportation. Do we want kids on a bus for that long? How do  
8 we do transportation throughout the district?

15:34:35 9 Currently, almost every one of our bus drivers, unless  
10 they're on a specialized route, they actually drive three  
11 different routes: Elementary, middle school, and high school.  
12 So if, instead, they had to drive a very far route for an  
13 elementary school, it would take them out of the cycle, and we  
14 would then have difficulty meeting the needs of ensuring all our  
15 kids are able to be transported.

15:34:56 16 So Memorial Drive was considered. It was considered  
17 for consolidation and discussed and realized that that would not  
18 be an efficient use of resources, and so we looked to other  
19 schools. And, unfortunately, where we are seeing the -- the  
20 drop in student population happens to be on the north side of  
21 the school district.

15:35:15 22 **THE COURT:** You can follow up tomorrow morning.

15:35:19 23 When you took this job, did you realize you would have  
24 to be a corporate representative in lawsuits?

15:35:26 25 **THE WITNESS:** I understood that could be part of the

1 job, yes, sir.

15:35:28 2 **THE COURT:** Well, I want to talk to the lawyers, but  
3 you're excused until tomorrow morning.

15:35:31 4 I want to talk about scheduling. So, what, do you  
5 have about ten minutes left with her?

15:35:37 6 **MR. ABRAMS:** Yes. Probably -- probably less, but  
7 let's say ten.

15:35:40 8 **THE COURT:** Okay. And you don't need any reply?

15:35:43 9 **MR. CRAWFORD:** Not that I know of.

15:35:44 10 **THE COURT:** Say again?

15:35:45 11 **MR. CRAWFORD:** Not that I know of.

15:35:46 12 **THE COURT:** Okay. How long is Dr. Stein going to  
13 take?

15:35:51 14 **MR. ABRAMS:** I'm going to guesstimate an hour and a  
15 half.

15:35:55 16 **THE COURT:** Are you going to call your expert after  
17 Dr. Stein?

15:35:59 18 **MR. CRAWFORD:** We will be calling three board members,  
19 and then our expert.

15:36:02 20 **THE COURT:** Okay.

15:36:03 21 **MR. CRAWFORD:** And that will be our last witness.

15:36:05 22 **THE COURT:** Okay. We can go till 12:30 tomorrow.

23 Friday, right now, I have other matters starting at 11:30. I've  
24 pushed everything to the afternoon on both days. Is it  
25 realistic that we can finish under those time constraints?

15:36:26 1 **MR. ABRAMS:** Personally, I believe it is.

15:36:28 2 **MR. CRAWFORD:** I believe it's possible. I'm not sure  
3 it's realistic, but I believe it is possible.

15:36:33 4 **THE COURT:** All right. Let me tell you what -- I  
5 don't really anticipate a need for final arguments because this  
6 is fact intensive. I'm going to give you a lengthy detailed  
7 homework assignment. I'm going to explain it tomorrow and let  
8 you think about it, but I need to understand the facts.

15:36:50 9 I understand, I think, the law. It's applying the law to  
10 the facts which is going to be my job, and arguments like your  
11 opening statements and the answers to my questions are helpful,  
12 but they're probably not going to result in any change in my  
13 opinion until I've read all the evidence that you submit later.

15:37:08 14 So with that in mind, is it likely we could finish by  
15 11:30?

15:37:16 16 **MR. HENRY:** I think it will be a struggle to do that  
17 given that the experts have lots of detailed information to go  
18 through. Their expert hasn't testified yet, and Your Honor may  
19 have questions for those experts, I think.

15:37:29 20 **THE COURT:** Okay. Here's what -- Sheila, we'll move  
21 the 11:30 to 1:30. That means we can probably go to noon on  
22 Friday, but...

15:37:41 23 **MR. CRAWFORD:** It was my understanding, I think it was  
24 Barry's also, when we had our last scheduling conversation that  
25 we would not do closing statements; we would just do all written

1 submissions to the Court.

15:37:51 2 **THE COURT:** Right. That's what I'm just --

15:37:52 3 **MR. ABRAMS:** We do have an agreement on that.

15:37:53 4 **THE COURT:** I'm just confirming that.

15:37:55 5 **MR. ABRAMS:** You're absolutely right.

15:37:55 6 **THE COURT:** Okay. All right. Well, we'll do the best  
7 we can. I hate to make you come back on Monday, but it's life  
8 in the big city.

15:38:02 9 **MR. CRAWFORD:** Do what we have to do for our clients,  
10 Your Honor.

15:38:04 11 **THE COURT:** Okay. Thank you. See you in the morning.

15:38:06 12 **MR. ABRAMS:** Thank you.

15:38:06 13 *(Evening recess taken at 3:38 p.m.)*

14 -o0o-

15 I certify that the foregoing is a correct transcript  
16 from the record of proceedings in the above matter.

17  
18 Date: September 20, 2024

19 /s/Heather Alcaraz  
20 Signature of Court Reporter  
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<p><b>W</b> Case 4:21-cv-01997 Document 114 Filed 09/20/24 In TXS Page 306 of 308</p> <p><b>well...</b> [24] 160/21 164/18 166/24 169/6 172/3 172/23 174/2 174/16 175/1 175/12 180/25 184/18 184/20 188/20 204/6 212/11 212/24 218/17 220/6 224/1 229/21 230/3 234/2 236/6</p> <p><b>well-being</b> [1] 164/18</p> <p><b>well-equipped</b> [1] 160/21</p> <p><b>well-known</b> [1] 135/23</p> <p><b>well-versed</b> [1] 180/25</p> <p><b>went</b> [40] 26/3 27/2 27/20 28/6 41/15 41/25 64/13 65/10 65/12 66/19 66/22 70/21 70/25 76/6 76/7 76/18 95/24 98/7 98/10 112/11 134/12 134/16 134/17 134/18 134/25 134/25 135/1 135/1 135/2 138/5 142/4 147/7 150/6 163/5 163/10 178/7 179/22 190/16 223/9 232/6</p> <p><b>were</b> [249]</p> <p><b>weren't</b> [2] 90/25 96/25</p> <p><b>West</b> [3] 205/19 205/25 212/14</p> <p><b>Westchester</b> [5] 25/16 107/14 135/2 135/6 195/24</p> <p><b>Westwood</b> [1] 29/18</p> <p><b>what's</b> [11] 32/6 44/13 45/1 83/7 99/21 152/22 170/24 178/3 194/25 225/7 228/16</p> <p><b>whatever</b> [12] 46/23 49/17 64/10 67/8 69/4 85/23 93/14 93/15 135/11 141/18 153/11 188/16</p> <p><b>whereas</b> [2] 87/18 229/12</p> <p><b>whether</b> [37] 5/6 7/13 43/19 50/3 50/21 52/5 52/7 52/8 57/25 75/2 77/10 81/18 92/22 93/1 96/18 118/9 123/12 138/13 140/17 140/18 140/18 142/25 146/4</p>	<p>151/14 152/2 161/10 161/11 161/12 161/12 161/14 161/15 165/13 213/12 217/6 217/11 217/21 218/1</p> <p><b>which</b> [103] 5/14 7/10 17/2 26/9 35/3 35/3 35/20 38/17 40/24 41/25 44/11 45/5 49/13 49/23 50/25 51/18 52/18 55/4 57/9 62/6 64/1 64/19 70/22 71/2 71/21 72/17 73/12 77/18 77/22 78/11 80/9 83/19 84/12 85/7 86/4 86/18 87/21 89/13 90/13 91/3 91/5 94/20 100/7 105/6 107/15 107/16 108/10 108/24 110/7 110/13 123/21 123/24 124/2 124/5 124/8 125/3 127/14 127/20 134/17 134/22 138/17 141/11 147/3 147/8 147/21 149/4 150/21 151/23 155/7 156/1 163/9 164/9 171/8 171/12 181/6 181/7 181/25 182/14 182/16 185/22 187/6 187/13 190/25 191/21 197/7 199/21 200/5 206/17 206/23 212/15 213/20 218/18 218/25 219/18 220/12 220/14 221/14 221/17 222/3 227/12 230/11 231/19 235/10</p> <p><b>while</b> [8] 46/13 91/12 106/1 108/25 113/8 140/25 195/8 221/22</p> <p><b>white</b> [33] 35/25 48/16 57/6 57/12 57/22 58/12 58/20 71/19 80/1 92/24 103/16 108/25 109/1 109/6 109/18 110/14 121/22 121/24 123/9 137/16 137/24 151/21 159/9 209/19 209/22 210/1 214/11 214/17 214/18 214/20 215/13 215/16 217/19</p> <p><b>whites</b> [1] 208/5</p> <p><b>whiz</b> [2] 230/3 230/6</p>	<p><b>who</b> [71] 10/6 10/9 10/9 11/2 18/11 19/8 21/15 21/21 31/21 32/10 42/23 64/13 66/24 67/12 67/24 67/25 69/1 69/16 74/11 74/16 74/19 74/22 75/23 80/20 81/14 84/14 87/4 89/17 90/7 90/22 91/20 92/1 93/1 93/12 93/17 96/11 115/12 118/12 120/9 120/14 120/18 127/22 130/8 132/3 135/17 138/11 145/16 145/20 153/25 154/5 154/16 155/12 158/10 167/10 167/14 169/20 171/18 171/23 173/1 173/11 173/15 175/6 175/18 176/2 179/11 180/25 182/2 182/5 182/23 193/4 195/16</p> <p><b>who's</b> [4] 5/7 51/13 51/13 151/6</p> <p><b>whole</b> [6] 71/11 76/5 111/16 134/20 168/11 185/13</p> <p><b>whom</b> [4] 69/2 69/21 181/23 182/11</p> <p><b>why</b> [42] 14/19 22/5 22/8 22/11 23/24 24/17 40/11 50/1 58/5 58/19 61/13 66/12 69/2 71/8 72/13 80/14 83/7 93/16 94/5 102/14 104/14 108/1 113/2 113/16 138/1 138/12 146/13 152/15 158/16 174/14 176/11 177/6 177/20 180/19 198/5 199/24 201/18 202/13 204/2 205/20 206/16 206/22</p> <p><b>wife</b> [10] 66/19 67/2 76/15 93/16 94/3 95/24 134/24 141/7 145/10 148/22</p> <p><b>Wildcat</b> [1] 25/3</p> <p><b>will</b> [53] 5/8 5/19 5/24 5/25 10/11 10/11 11/2 19/18 26/16 35/13 37/17 46/25 48/1 53/4 61/17 62/22 62/25 63/1 77/4 78/5 86/15 88/17</p>
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<p><b>W</b> Case 4:21-cv-01997 Document 144-2 Filed 09/20/24 in TXSD Page 308 of 308</p> <p>would... [25] 200/5 201/4 201/5 201/5 208/14 210/23 219/1 219/19 220/15 221/9 221/18 222/4 222/9 222/19 223/21 226/24 231/7 231/25 232/21 233/13 233/14 233/17 233/23 235/25 235/25</p> <p>would -- well [1] 126/16</p> <p>wouldn't [8] 10/22 92/6 95/14 113/12 169/21 232/2 232/22 232/23</p> <p>write [2] 70/3 70/16</p> <p>writing [2] 70/15 139/14</p> <p>written [2] 123/4 235/25</p> <p>wrong [3] 121/14 123/4 155/1</p> <p>wrote [2] 69/2 70/5</p>	<p>229/24 232/6 232/7</p> <p>year's [1] 20/24</p> <p>years [46] 12/4 13/13 17/13 26/17 27/20 31/10 41/7 44/16 46/20 48/2 49/15 53/25 60/6 61/10 61/20 62/3 81/6 83/10 83/13 84/15 91/25 99/12 99/15 99/18 101/18 102/15 102/24 109/12 120/14 164/11 164/14 164/14 164/20 164/21 164/23 165/5 168/8 177/1 177/19 180/6 185/1 185/10 214/11 214/14 214/22 226/3</p> <p>yellow [1] 4/11</p> <p>Yep [1] 228/11</p> <p>yes [343]</p> <p>yesterday [6] 4/10 6/9 8/10 9/4 9/20 46/16</p> <p>yet [5] 130/5 142/15 228/10 231/2 235/18</p> <p>you [970]</p> <p>you'll [6] 44/18 52/3 56/14 72/21 94/7 151/25</p> <p>you're [38] 12/19 17/24 19/21 24/10 35/20 42/23 43/6 47/8 49/8 60/3 60/20 61/16 61/18 62/10 63/9 63/9 64/2 71/6 76/25 86/7 87/14 91/14 97/9 151/8 151/10 159/15 170/25 172/20 176/23 177/24 178/2 179/16 183/4 225/22 226/13 232/18 234/3 236/5</p> <p>you've [17] 40/24 42/18 44/17 54/18 65/9 82/16 117/17 128/25 129/1 136/19 136/19 139/2 141/9 164/19 210/18 228/23 230/3</p> <p>young [1] 143/14</p> <p>youngest [1] 62/15</p> <p>your [282]</p> <p>Your Honor [65] 4/5 4/21</p>	<p>12/9 12/24 33/9 33/10 34/21 37/12 45/4 45/10 46/25 48/6 50/6 50/17 58/24 59/21 60/10 60/11 60/24 62/21 71/10 76/22 77/12 77/20 82/5 92/12 94/9 94/23 97/4 97/12 97/18 108/8 109/24 109/25 110/20 110/20 116/10 132/24 133/10 139/22 144/19 161/7 161/22 161/25 162/5 162/14 178/13 183/3 183/7 183/20 184/4 200/20 207/24 210/3 210/12 212/25 214/2 216/6 216/25 219/6 220/2 221/8 221/11 235/18 236/10</p> <p>yourself [7] 61/4 65/18 97/23 98/2 128/17 133/14 162/18</p> <p>youth [1] 94/17</p> <p>YP [3] 194/9 194/10 194/11</p> <p><b>Z</b></p> <p>zone [11] 35/5 38/18 133/25 150/3 153/6 181/2 181/8 197/9 202/4 225/21 225/23</p> <p>Zone 1 [1] 133/25</p> <p>zoned [3] 82/24 147/14 198/23</p> <p>zones [11] 34/13 34/14 35/7 35/9 35/15 38/16 197/24 197/25 198/3 198/5 198/6</p> <p>zoning [1] 115/22</p> <p>zoom [2] 124/14 131/4</p>
<p><b>Y</b></p> <p>y'all [1] 212/21</p> <p>yards [1] 171/6</p> <p>yeah [43] 8/6 8/23 37/16 67/14 68/24 73/3 75/18 78/22 78/25 79/23 85/8 92/7 92/18 98/12 100/17 103/13 105/8 110/23 111/12 117/3 120/5 122/20 122/20 128/14 130/15 132/18 134/14 134/24 135/10 135/21 136/15 139/6 141/14 145/3 146/21 147/1 149/3 149/19 152/6 153/4 154/24 159/11 228/13</p> <p>year [38] 7/9 15/15 15/23 15/24 18/10 20/23 20/23 21/15 21/17 21/20 24/4 32/23 32/25 44/5 76/13 84/5 99/13 99/20 101/7 110/9 116/19 117/4 121/14 123/22 128/1 129/25 136/21 141/7 155/1 155/1 163/11 185/6 202/17 203/23 205/22</p>		