

**"The Time to Speak is Now" Part II**  
**Remarks by Judge John K. Dietz**  
**February 4, 2013**

I know that everyone is anxious for my ruling, because there are places to go, deadlines to meet, and people to call, but I want to tell a story. The point of this story is the context for my rulings today. The story starts in Brownsville, Cameron County, Texas, twenty four years ago.

Now, what do we know of Brownsville Texas? Well, it was named after Major Brown, it's at the very bottom of Texas, it's just across the border from Matamoros, and we know that it is poor, with a third of its population below the poverty line. All in all, a pretty challenging place to raise and to educate children. So in 1989, a school teacher at Russell Elementary, in Brownsville, by the name of JJ Guajardo, was trying to develop a way to keep his second and third grade students from getting into trouble, to cut down on the behavioral issues. Mr. Guajardo took the rather novel step of teaching them chess. I don't know how much you know about chess, but it is an exceedingly difficult game to learn, much less to master. It involves a lot of planning and analysis. I shudder at the prospect of trying to teach active eight and nine year old children to sit, plan, and

be quiet. Luckily, Mr. Guajardo, undeterred, kept at his mission of teaching and challenging his students with chess. Four years later, in 1993, his team at Russell Elementary in Brownsville Texas, won its' first state championship in chess. Then, the kids at Russell won seven years in a row. And if this were the end, this would be a nice human interest story, but it's not the end. Today, twenty-four years later in poor dusty Brownsville, they have 4000 children playing chess. The Brownsville Independent School District's budget is \$400,000 for chess. Right off hand, I cannot think of another activity that attracts more kids. Today, The United States Chess Federation recognizes Brownsville as the most active center for chess in the United States. Inspired in part by the public schools, the University of Texas at Brownsville became one of the few universities to offer scholarships for chess. The University's team is one of the top teams in the nation. This legacy of chess continues today through-out the Rio Grande Valley, all because of one teacher, and classes of bright, knowledge-hungry kids. The legacy leads to the young man pictured here, a student at Sam Houston Elementary in Harlingen Texas. Before this trial I knew nothing about the legacy of chess in Brownsville or the Rio Grande Valley. A bilingual teacher from Sam Houston Elementary in Harlingen Texas testified in this case to the lack of

resources at her school. I remember how she testified about the lack of pencils at her school and how she had to buy pencils for her students. As she testified, I looked up Harlingen Consolidated Independent School District on my computer, I went to the page for Houston Elementary. There, I found a story about how Houston Elementary had won the state championship and had gone to the National championships, in Nashville, last year. The story told of a volunteer who had taught these kids to play chess, a "Winter" Texan from Portland, Oregon, a former teacher, Mr. Rohrer. The story told of how these third graders in Harlingen were competing this year in the high school division. This led me to discover this whole amazing story about the legacy of chess in Brownsville, Harlingen and throughout the Rio Grande Valley.

This story is a perfect illustration of what I call the miracle of education. At first blush, we let our pre-judgments guide our thinking. We see these students that are economically disadvantaged and think, "Oh my, they haven't had the background I've had, English is not their primary language, and how are they ever going to succeed?" We tend to concentrate on the deficits. On the other hand, the superintendents, the principals and teachers like JJ Guajardo, who work with these

children on a daily basis, focus not on the deficits but rather the tremendous potential of each of these children. They give these children an avenue to succeed, they unlock the great potential in these children. The miracle and promise of education is unlocking the potential in every child, as you find them, allowing them to grow and to achieve. These are the lessons from this story of chess in Brownsville. First, focus on the potential and not the deficits. Second, realize there are miracles like this occurring in all of our schools across this state. Finally, foster the initiative, dedication, and creativity of teachers like Mr. Guajardo, and encourage our principals and superintendents to innovate and to challenge all of our students to succeed.

So if that's the promise of education, what is the problem in education? Well, it's more complicated than what I'm about to say, but I think I provide a good starting point for discussion. First, I would point out that we are not now producing college and career ready students in the opinion of many of our political and business leaders. I would further point out that the US was ranked 17th in the latest authoritative global survey of education, ranking behind Finland, South Korea, Japan, United Kingdom, Switzerland, Canada. I would point out that in the US

with our 17th position rank, Texas is in the bottom half of the 50 states. Finally, I would point out the simple truth, we are in competition with 195 other nations and their economies. If I ask the 20 million Texans who are not in school right now whether or not they agree that we should have more rigorous and challenging standards for our education system, what would their answer be? I believe a vast majority of Texans would say "Yes" and that for our students to successfully compete in the future, we must have tougher higher standards now...

So with this vast majority of Texans in support of higher standards, I now say, "Great, we're going to have to develop a new curriculum, we have to substantially upgrade our technology in schools, we have to increase training for teachers, we have to hire some new teachers in complex content areas that we will be teaching, and we have to provide more tutoring and remediation to our challenging population. We need to have evaluation and accountability to make sure we are meeting our goals concerning these increased standards. Finally, we need some public outreach to make sure the parents buy into this new program. I think we can do all of that for an additional \$2000 per student or in other words, an additional \$10-11 Billion Dollars. You support this tax increase, don't you?"

Suddenly, my vast majority becomes a minority. Now what I begin to hear from my vast majority is, "you can't solve the problems of education by throwing money at it". As the economists put it, there is no free lunch. We either want the increased standards and are willing to pay the price or we don't. However, as the economists point out, there is a cost to acting, namely the tax increase and there is a cost to not acting, namely loss of competitive position. So, we as a state and as a nation are wrestling with this question of priorities and our leaders are looking for direction from you, the public.

It might be useful to review why we support free public education, in the first place. I think there are three primary reasons why we support education- civic, altruistic, and economic.

The civic reasons are stated quite clearly in our 1876 Constitution. "A general diffusion of knowledge being essential to the preservation of the liberties and rights of people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of free public schools." Article VII of

Texas Constitution. The Texas Constitution states a shared truth that education of all is necessary to preserve our rights and liberties.

Our altruistic reasons, the reasons that four-fifths of Texans shoulder the responsibility of educating the other fifth of our population, are, I believe, because we collectively realize the role of education in our own lives. We realize that others provided for us when we were children. We realize that children are without means to secure their education. Just as others provided for us when we were in school, now is the time we provide for others.

Finally, are the economic reasons for free public education. It is a fact that the more educated we are, the greater our income will be. The greater our income as a state, the fewer citizens need public assistance. With greater income, the lower the crime rate. Likewise, the more educated we are, the more we spend on goods and services of others; the more that we spend, the more vibrant is our economy. The more vibrant our economy is, the more we are able to attract desirable business to our state.

Eight years ago, at the conclusion of a previous school finance case, I said that education costs money but that ignorance costs more money. I also said that it is the people of Texas who must set the standards, make the sacrifice, and give direction to their leaders as to what kind of education system they want. I said that the problems only get worse the longer we wait. I said then and I repeat today, the time to speak is now.