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Court Rules: Texas School Funding Must Serve All Students Equitably

Statement by Dr. María “Cuca” Robledo Montecel, IDRA President and CEO, on Texas District Court Ruling on Texas School Finance System – February 5, 2013



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The ruling yesterday by the Texas District Court, Judge John Dietz presiding, that the Texas school finance system as currently constructed violates the Texas Constitution affirms what communities and educators have known for years. Our state clearly is not providing the resources necessary to educate all children to the high levels that are needed in the 21st century.

Dr. Albert Cortez, IDRA’s Director of Policy, was among those presenting testimony in the *Texas Taxpayer and Student Fairness Coalition vs. Michael Williams, et al.*, school funding trial in Austin. Based on our analyses, IDRA concluded that the Texas school finance system is inequitable, provides inadequate levels of funding for educating English language learners and low-income students, and has disparate impacts on low property wealth and major urban school districts. IDRA studies also show that cuts to special program disproportionately impact students in low wealth school districts.

Judge Dietz ruled that the current funding system is “inefficient, inequitable and unsuitable...” Among the court’s conclusions were the following.

- The Texas public school funding system promotes **unacceptable levels of inequity** in funding between the state’s lowest and highest property wealth school districts by failing to provide similar return for similar tax effort among all Texas public school districts.
- The Texas public school funding system **fails to provide sufficient funding** to enable schools to provide for a general diffusion of knowledge as required by the Texas Constitution, especially considering increased standards, a more rigorous state assessment system and recent public school funding cuts adopted by the state legislature.
- The Texas public school funding system fails to provide sufficient funding for schools to effectively address the needs of the state’s growing number of **English language learners and low-income students**.
- Because school districts must tax at maximum levels to just meet state requirements, districts are provided no meaningful discretion, thus making local school taxes the **equivalent of a state property tax**, a tax that is forbidden under the Texas Constitution.

The court rejected the intervenors’ call for the court to mandate the lifting of caps on the number of charter schools or to mandate that the state provide funding for charter school facilities, noting it is within the legislature’s authorized discretion to treat charter schools differently. The court also

rejected the claims of the other intervenors who were seeking court support for providing state funding for options other than public schools.

In his closing remarks from the bench, Judge Dietz emphasized the importance of moving away from a deficit mentality and the need for change in the way some view certain children. “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...” He then called on Texans to “focus on the potential” of every child.

In yesterday’s closing argument, the Mexican American Legal Defense and Educational Fund (MALDEF) referenced IDRA’s Quality Schools Action Framework and noted that resources are an essential component needed to support local governance and efforts to provide high quality teaching and instructional materials in all schools.

This case undoubtedly will move to the Texas Supreme Court. However, the legislature has the authority today to take the necessary steps to make things right by providing fair funding for the common good. Specifically, consonant with the ruling of the district court, IDRA calls for the following.

- **The time for increased and equitable funding is now – What is needed are critical resources, not more time.** Given the breadth of the court ruling and the facts of the case, it is clear that the adoption of an equitable school funding plan that provides all school districts the resources needed to educate children to the high levels is needed – and needed now. And while some state leaders are publically speaking about delaying action during this legislative session until after a Texas Supreme Court ruling, Texans are calling for action now. The San Antonio Express-News editors, for example stated, “The irresponsible approach [of waiting] is harmful to the future of Texas.” With the likelihood that the ruling will be upheld by the Texas Supreme Court, it is not unreasonable to start framing a suitable plan now. Our children deserve serious and focused attention.
- **Special population funding increases are required.** After weeks of testimony, the court concluded that all schools serving the state’s special population students, particularly those in the process of learning English and those from low-income backgrounds, require higher levels of funding than provided in current state formulas. After decades of neglect, Texas needs to increase funding for compensatory education and English language learner weights to 40 percent, as indicated by the research literature.
- **Target revenue and hold-harmless funding should be ended with no more phasing out.** The trial testimony made reference to the significant inequities continued as result of target revenue funding. Elimination of this alternative dis-equalizing funding scheme is absolutely essential. However any plan to phase out target revenue over several years would be hazardous. Similar schemes to phase out hold-harmless funding (money that school districts receive despite not qualifying for it under the regular funding formulae) over a multi-year span only served to perpetuate inequities that were created as far back as 1993. The argument that high wealth school districts need time to adjust ignores the fact they have already had decades to do so.
- **Public funding must be reserved for public schools.** The court ruled that funding for public schools must be made more adequate and more equitable. To achieve this goal, the state must not divert state funding to private education, including providing tax breaks for businesses to divert tax monies to contributions designed to support private school vouchers. Such proposals would result in diminishing the resources available to fairly fund public schools – as mandated by the court. Diverting public money away from public schools would do nothing to address the current crisis and would create dual school systems: one separate for the few and one under-funded for the many.
- **Facilities funding priority should be given to public schools.** The state of Texas has long been negligent in addressing the facilities funding needs of the majority of its public schools. Though the court did not comment on this issue, priority in addressing long-neglected facilities needs should be given to those public schools that have waited patiently for their opportunity to get state support to remodel, upgrade or replace old, outdated classrooms, laboratories and similar instructional areas.

The state of Texas has struggled with education funding for a very long time. In fact, as IDRA celebrates its 40th anniversary in 2013, we remember the same debates from the early 1970s that would have schools value some students over others. 40 years is far too long. It is time for Texas to provide equal educational opportunity for all children.

For more information, see...

[Statement on December 14, 2011: Fair Funding is Essential to Having Excellent Schools for All Texas Students](#)

[Recent article \(with link to IDRA's expert report and slideshow\): Highlights of IDRA's Expert Reports and Testimony Presented in the Texas 2012 School Finance Court Case](#)

[MALDEF statement \(with link to a presentation of MALDEF's arguments\): MALDEF Secures Court Victory on Behalf of Children in Texas School Finance Case](#)

[Video of Judge Dietz's decision in the Texas school finance trial \(08:01 min; YouTube\)](#)

[Graphic showing how some children are considered more valuable than others in Texas: Infographic: Texas School Funding Equity Gap. \(Also: shareable web graphic..png\)](#)

[Graphic showing IDRA's Quality Schools Action Framework](#)

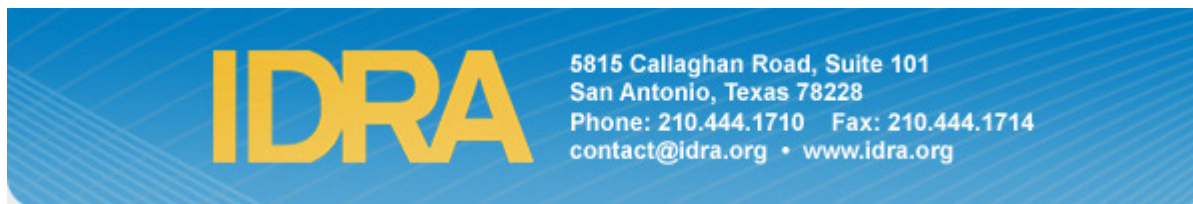
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