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## Education: Another Lawsuit

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Our respected legislators have a clear directive found in our Texas Constitution. Article 7, Section 1 includes the following words; "... 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 public free schools."

A lawsuit was recently filed by the Texas Taxpayer & Student Fairness Coalition challenging the legislature's current system of funding public schools. Forcing legislators through the courts to fulfill their constitutional responsibility is not something new. This lawsuit is more like a sequel to the court's involvement.

Pressured by litigation in 2006, our legislature created a school funding system that was temporary at best. The new system needed work and intentions existed to improve its inefficiencies during future legislative sessions. Three sessions have come and gone without properly addressing the failed system.

Although there are multiple factors, at the core of the lawsuit is the word equity. The argument is that the legislature has failed to fund public schools in a manner that is fair to all Texas children and taxpayers. This is due in part to inequities found in the current public school funding system.

Among other things, the lawsuit addresses equity on a "revenue per student" spending basis. Under the current system, state and local dollars per student with similar location, educational factors, and property tax rate, range from \$4,000 per student to over \$12,000 per student.

The lawsuit shares an example when comparing revenue per student between the Fort Worth ISD and the Austin ISD. Although both schools have a similar tax rate, the current system provided Austin ISD with an extra \$1,000 per student over the same student in the Fort Worth ISD. The disparity in revenue per student is at issue. When comparing similar students from different districts, why is one student provided more money to educate over the other? Although revenue per student dollars may vary from district to district, all students are held at the same accountability and graduation standards.

Taxpayer Inequity will also be argued. Currently, the Maintenance & Operation local tax rates across Texas vary from \$0.70 to \$1.17 per \$100 of property valuation. This M&O tax creates dollars to pay for the daily operations involved in educating students.

Situations exist where taxpayers in low wealth districts find themselves taxed at the highest rate (\$1.17) only to realize that they cannot match the educational dollars for their local students as produced by high wealth districts that are taxed at a lower tax rate.

One of the examples shared is between taxpayers in the Nacogdoches ISD taxed at a maximum M&O rate of \$1.17 and taxpayers in the Eanes ISD taxed at a lower rate of \$1.04. Although taxed at the maximum of \$1.17, Nacogdoches taxpayers receive \$5,487 per student to educate. Meanwhile, Eanes ISD taxpayers taxed at a lower rate of \$1.04 receive \$6,881. The inequity is found when Nacogdoches ISD taxpayers pay 13 cents more in higher taxes and receive \$1,394 less per similar student to educate.

The constitutional inefficiency was magnified when the 82<sup>nd</sup> Legislature chose a “cuts only” approach to education instead of fixing the broken system of school finance. Although public schools are faced with funding cuts in excess of \$5.3 billion dollars, educators accept the challenge of addressing the higher educational standards as directed by our legislators. Unfortunately, the courts must be relied upon to force our legislators to accept their obligation to education as directed by our Texas Constitution. Let’s Make Education a Priority.



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