

District Court Demands More State Investment



All Our Children Deserve an Excellent, Equitable Education

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Editor’s Note: At press time, Travis County Judge John K. Dietz released his final judgement in the West Orange Cove vs. Neeley school finance court case reinforcing the critical need for fair funding of Texas public schools. Details are available at www.texans4fairfunding.org, where you can also sign up for free email updates on this critical issue.

With Judge John Dietz’ school finance ruling in *West Orange Cove vs. Neeley* litigation in late September, the state opens a new chapter in Texas school funding debates that will reverberate for public education and our children. In analyzing this decision, we must look beyond the rush and hype, beyond the bold-face type about “Robin Hood’s” fate.

We must look more deeply at how this suit came about, what Judge Dietz’ ruling actually said, and, most critically, what this might mean for equity and for the future of Texas children.

Texas educators and communities have long fought for educational equity. From the earliest major school finance cases, the pressing need for equity has been at the heart of school finance litigation. And the courts have affirmed through numerous cases that equity must be addressed.

Recapture provisions in Texas’ current school finance system are the hard-won results of this work. Recapture directly benefits at least 90 percent of Texas public school districts, and all of Texas benefits from investment in our children.

But the school finance system and fairness depend on state, as well as local, support. State funding, however, has dropped, not risen. Since 1984, the state has reduced its contribution from 52 percent to 38 percent. When the responsibility for public school funding is transferred from the state to local property taxes, school districts must either assume a greater share of funding or cut back their programs.

As the state defaults in its responsibility to fund education, most school districts in Texas, and especially property-poor districts, are unable to deliver the quality education that all students deserve. Local school districts have been forced to tax at the \$1.50 at maximum rate allowed by law precisely because of the lack of state investment.

Given the lack of sufficient state support, Judge Dietz rightly ruled that the current funding system “fails to provide an adequate, suitable education.” Judge Dietz also found that the system is “inefficient,” a concept often equated with inequity. Judge Dietz noted that the current underfunded system perpetuates the education gap between the rich and the poor.

This finding suggests that in addition to expanding the overall level of support for all students, the state must expand its investment in programs that serve poor and minority students. Judge Dietz also noted that if the education gap continues into the future, the average household income will fall from \$54,000 to \$47,000. The percentage of adult Texans without a high school diploma will rise from 18 percent to 30 percent, increasing the need for job training and costly support services.

The judge stated that unless the state school funding issue is addressed “Texas in 2040 will have a population that is larger, poorer, less educated, and more needy than today.”

As the legislature deals with the need to provide fair funding for the common good, system components must be preserved, including recapture, school district-based adjustments (like small and sparse adjustment and cost of education index adjustments), weighted pupil funding for special population students (including compensatory education, bilingual education, special education, and gifted and talented), transportation and especially facilities.

Any changes made must preserve or expand the level of equity in the system. We must assure that Texas does not create an excellent system for some and a minimally adequate system for the rest. Recapture currently generates approximately \$1.2 billion per year that benefit over 900 districts in Texas and 87 percent of our students. Any change must generate as much if not more money for equalization.

What is most important, as the courts and legislature deliberate on school finance, is to ensure that any system holds firm to principles of excellence, fairness and equity. IDRA will use the principles outlined below to evaluate funding plans proposed in the upcoming deliberations.

Principle 1: Funding Equity - Texas must maintain or increase the level of equity found in the existing funding system.

Principle 2: Equal Return for Equal Tax Effort - Texas must specifically provide for equal return for equal tax rates, for all school districts, all levels of the state permitted tax effort.

Principle 3: Excellent Education - Texas must provide equitable access to excellent education (defined as equitable access to high quality curricula, teaching, support services and facilities) for all students in all school districts, precluding the need for and thereby prohibiting any local un-equalized enrichment.

Principle 4: Access to Equalized Enrichment - Texas must ensure that, if local supplementation of a state-funded adequate system is allowed, the entire additional local tax effort provides equal yield for equal tax effort, regardless of the local property wealth of individual districts.

Principle 5: Recognizing Special Student Costs - Texas must equitably provide add-on funding based on actual costs of providing appropriate supplemental services to students identified as limited English proficient, low-income, or requiring special education services.

Principle 6: Access to Equalized Facilities Funding - Texas must provide equitable access to funding for school facilities so that all districts have equal access to facilities revenue for equal tax effort. Facilities funding should provide support for updating and maintaining existing facilities, as well as funding for new facilities. Special facilities-related needs for fast growth districts should be recognized in any proposed funding formulae.

Principle 7: Maintaining Levels of State Support - Texas must ensure that the state will fund a minimum of 60 percent of the overall cost of education in the state.

Principle 8: Tax Burden - Texas must base any potential requirement for additional state revenue on adoption of measures of taxation that do not result in a shift of tax burdens from

high wealth to all other districts or from more affluent to lower income taxpayers.

High quality education is for all. We urge public officials and the citizens of Texas to affirm the right of every child in Texas to receive an education that is excellent and equitable.

Many Texans have signed on to a Texas Latino Education Coalition declaration featuring these same principles. Visit www.texans4fairfunding.org for more information.

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