

Litigation Talking Points

Why is a lawsuit necessary?

A lawsuit is necessary because:

- Texas school children and taxpayers are being treated unfairly by the current public school finance system.
- The Texas Legislature has had many recent opportunities, but has failed to address our broken school finance system and fund public schools in an efficient, equitable and adequate manner, as required by the Texas Constitution.

How will districts be represented by the Equity Center litigation effort?

All districts, taxpayers, parents and businesses that join this effort will be a part of the **Texas Taxpayer & Student Fairness Coalition**. This coalition will lead all efforts relating to legal strategy, education, media and outreach.

Does the coalition represent just one type of district?

No, districts that have joined and continue to join the coalition range from urban, rural, large, small and everything in between. The common characteristic that all these districts share is that they are chronically underfunded by the Texas school finance system, and their taxpayers and students are not being treated fairly.

Will the legal claim focus only on equity?

No, the legal grounds for the suit are comprehensive and this coalition represents the only known group of plaintiffs that will focus on *all* legal issues: adequacy, suitability, equal protection, meaningful discretion, statewide property tax, efficiency, student equity and taxpayer equity.

Why must equity be a key component of school finance litigation?

- **Student Inequity:** Per weighted student¹ revenues for the basic education program, including both state and local, across Texas will range from less than \$5,000 per student to more than \$12,000 per student for the 2011-12 school year.
 - Even within the same city, revenues range greatly—even at the same property tax rate. For example, at \$1.04 M&O Tax Rate, San Antonio ISD is funded at \$5,313 per student for 2011-12, while Alamo Heights is funded at \$6,682.
 - It's important to note that the children in these districts are held to the same accountability and graduation standards—and will be expected to compete with one another in colleges, universities, and in the workforce.

(continued)

¹ The state uses a weighted student count for school funding purposes that takes into account extra student costs, such as in special education. "Student" will have this meaning throughout this document.

- **Taxpayer Inequity:** M&O tax rates range across the state from \$.70 to \$1.17 per \$100 of property valuation. Taxpayers in the districts currently at the maximum M&O rate of \$1.17 are able to generate only \$49.80 per student per penny of adopted tax rate. The same number of districts with the lowest tax rates are able to generate \$68.89. This is unfair to taxpayers and businesses.

Has the lawsuit been filed yet?

Yes, the lawsuit was officially filed on October 10, 2011 in Travis County district court. A copy of the official petition may be found [here](#).

Why was it important for the Coalition to file its claim before any other group?

The Texas Taxpayers & Student Fairness Coalition is the only known plaintiff group that will challenge the current school finance system on *all* grounds. For that reason, it is important that the group with the most comprehensive claim lead the way. What's more, districts don't have any time to lose. The Texas Legislature has had years to fix our broken system, but they haven't. They must be held accountable as soon as possible, because the school children and taxpayers of Texas simply can't wait any longer to be treated fairly.

Who is representing the Coalition in court?

Our lead counsel is Rick Gray of Gray & Becker, PC. He was the successful litigator in the Edgewood I & II school finance lawsuits. Also from Gray & Becker is Toni Hunter. She actually argued the West Orange Cove cases on behalf of the Attorney General's office and offers a unique perspective. Also part of the legal team are Buck Wood and Doug Ray of Ray & Wood, PC. They have many years of experience and have been involved in every school finance case.

What outcome will the lawsuit seek?

The goal of this lawsuit is to achieve a funding system that treats all Texas children and taxpayers fairly, and provides each child the opportunities for a world-class education.

How can a district, taxpayer, parent or business owner join the coalition? Is there a deadline to join?

They may contact the Equity Center office at 512/478-7313. There is no deadline to join. A school district's board must pass a resolution to officially join the group. The Equity Center has template language that districts may use for their agenda. Districts are asked to contribute \$1/WADA to join the coalition.