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## Editorial

# Texas School Lesson

The Texas Supreme Court did the expected last week and struck down the statewide property tax for funding public schools. But what was surprising and welcome was the Court's unanimous ruling that the Texas school system, which spends nearly \$10,000 per student, satisfies the funding "adequacy" requirements of the state constitution. Most remarkable of all was the court's declaration that "more money does not guarantee better schools or more educated students."

Think about that one for a second. To our knowledge, this is the first time anywhere in the country that the judiciary has flatly rejected the core doctrine of the education establishment that more dollars equal better classroom performance. And it is potentially very good news for students, especially those from the poorest neighborhoods, because it shifts the policy emphasis from money to achievement. Better send the paramedics to check for heart failure at National Education Association headquarters.

Even more encouraging, the court endorsed more choices for parents and the state's 4.3 million school kids. It said flatly: "Public education could benefit from more competition." The Texas Public Policy Foundation, which provided much of the academic research for the court, looked at the Edgewood school district in San Antonio, where donors started a privately financed voucher program. The results indicate that not only have the kids with the vouchers benefited, but so have kids in the public schools that are now forced to compete for students.

We hope that courts and school boards across the country study the Texas decision—including its comments on school financing:

"The Constitution does not require a particular solution," Judge Nathan Hecht wrote for the majority. "We leave such matters to the discretion of the Legislature." In other words, it's not the proper role of the judiciary to intervene in the operation or financing of the public schools.

That kind of judicial thinking tends to be the exception these days. Over the past two decades, courts in more than 30 states have intervened in education policy and ordered billions of dollars spent on schools in the name of boosting student performance and ensuring equitable financing. The result has been an avalanche of new spending on inner-city and rural schools, but, alas, not much measurable achievement by the kids who were supposed to be helped.

In one of the most notorious cases, in Kansas City, Missouri in the 1980s, a judge issued an edict requiring a \$1 billion tax hike to help the failing inner-city schools. This raised expenditures to about \$14,000 per student, or double the national average, but test scores continued to decline. Even the judge later admitted that he had blundered.

The hope now is that, as Republican Governor Rick Perry and the state legislature search for a new school financing mechanism next year, they will accept the court's invitation to open up the school system to a wide range of options including charters, vouchers, scholarships and rewards for quality, such as teacher pay for performance. If so, the Lone Star State, once the home of some of the worst public schools in the country, could become the national model for educational excellence.