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MALDEF sues Texas over school finance

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AMERICAN-STATESMAN STAFF

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Disparities in education funding in Texas have reached levels not seen in two decades and low-income students who are learning English are particularly affected, according to a school finance lawsuit filed Tuesday.

The lawsuit, brought by the Mexican American Legal Defense and Educational Fund, is the third in recent months to challenge the constitutionality of Texas' school finance system.

No Central Texas school districts have signed on to the lawsuit, but local parents are slated to join, lawyer David Hinojosa said.

All the pending school finance litigation turns, in part, on whether the state is providing an adequate public education without violating a constitutional prohibition of a statewide property tax.

The lawsuit filed on Tuesday also takes aim at how funding inequities hamstring school districts that are considered property-poor and serve large contingents of English-language learners.

Those inequities have been exacerbated by state budget cuts enacted this spring, many of which hit programs specifically aimed at helping students at risk of failure, according to the lawsuit.

"The state has left many Texas children behind by blatantly defying its constitutional duty to fully support their education. Every Texas child should have the opportunity to go to college, and this lawsuit will ensure that opportunity," Hinojosa said.

For example, the Edgewood school district in San Antonio taxes its property owners at the maximum rate, \$1.17 per \$100 of assessed property value, which yields \$5,472 per student. But the nearby Alamo Heights district levies a tax rate of \$1.04 and gets \$6,242 per student.

Past court rulings have found a \$600 funding gap to be "minimally acceptable," according to the lawsuit, but the funding disparities have increased by two and three times that amount since that time.

Meanwhile, Edgewood has a more challenging student population to educate because 93 percent are low-income, compared with 22 percent in Alamo Heights, Texas Education Agency figures show.

The percentage of English-language learners in Edgewood is almost four times greater than in Alamo Heights'.

Students who face these challenges can achieve on par with their peers if the school districts have the resources to help them, said Julian Vasquez Heilig, a University of Texas education professor. More money — spent the right way — does help English-language learners catch up, he said.

"We do have clear evidence that certain things do increase test scores," said Vasquez Heilig, whose research has found that bilingual teachers and smaller classes to be particularly important for

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improving test scores for English-language learners.

But others argue that additional spending does not produce better results.

"I don't think that more funding is really the answer," said James Golsan, an education policy analyst for the Texas Public Policy Foundation, a limited-government think tank. "Given our previous track record, I'm really not convinced of that fact."

The fourth and final school finance lawsuit, which is expected this week, will involve the broadest array of school districts.

More than 1.5 million students are served by the school districts that are party to the suit, among them Austin, Dallas and Houston. On Monday, the Hays school board voted to join the case as well.

All four of the challenges will be consolidated for trial next fall in Travis County.

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