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### Houston, Cy-Fair among latest school districts to sue state

By GARY SCHARRER, AUSTIN BUREAU

Updated 10:00 p.m., Thursday, December 22, 2011

## Houston and Texas

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AUSTIN — The state's largest school districts, including Houston and Cypress-Fairbanks, filed a lawsuit Thursday alleging that Texas' public education system is inadequate and inequitable, the fourth such suit filed since the Legislature ended its session in June.

The latest suit involves more than 60 school districts and nearly 1.6 million students. More than 500 [Texas school districts](#) representing about 3.3 million children now are involved in school funding litigation against the state.

"We wish litigation weren't necessary, but the nature of school finance just seems to be that you have this back-and-forth dialogue going on between the legislative branch and the judicial branch," said Houston-based attorney [David Thompson](#), lead lawyer in the large school-districts lawsuit. "It seems like a judicial decision seems to be a necessary spur to legislative action."

There have been six constitutional challenges to Texas' school finance system to reach the [Texas Supreme Court](#) since the landmark Edgewood v. Kirby decision in 1989, when the court ruled that "districts must have substantially equal access to similar revenue per pupil at similar levels of tax effort."

### Funding disparity

Per student funding in Texas now ranges from less than \$5,000 per child in some school districts to more than \$10,000 in others.

Attorney general [Greg Abbott](#), whose office will defend the state, declined to comment on the latest litigation.

Each of the four school finance lawsuits claims the state is not adequately funding education, particularly when the student enrollment grows by about 85,000 children per year. Most of the enrollment growth is made up of low income children, who cost more to educate.

"The big concern across the state is the massive cuts to public education at the very same time we're facing the highest standards in the history of the state of Texas," said Thompson, a former general counsel for the [Texas Education Agency](#).

Texas lawmakers did not pay for enrollment growth in the 2012-13 budget and cut \$5.4 billion from public education under the previous funding formula.



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"That's around four times the rate at which the student population has grown, and we have not seen substantial academic return on our investment," said [James Golsan](#), an education policy analyst for the [Texas Public Policy Foundation](#).

The debate should not focus on spending more money for education, he said.

"We do have an efficiency problem, but, by definition, efficiency should mean getting the most from every dollar that goes into Texas public education, not simply putting more money into it," Golsan said.

Cypress-Fairbanks ISD has reduced its budget annually in recent years as a result of inequitable state funding, district Superintendent [Mark Henry](#) said.

"After the recent reduction in state funding and the district's continued rapid student growth, a decision was made to join other school districts in requiring the [Texas Legislature](#) to establish a rational and understandable funding system tied to the high standards it set for all students, rather than perpetually reducing the budget and leveling down to correspond to the funds available," he said.

### Lawsuit consolidation

The state's school funding system "is out of whack," said [Dan Casey](#) of Moak and Casey, an Austin-based school consulting company that will be called as expert witnesses in the trial.

Budget cuts this year exacerbated the system, he said, adding that leaders appear to have created a state goal of college readiness for most, if not all students - without providing the resources to meet the goal.

"We then have a duty to both adequately and equitably fund the system up to the standards," Thompson said. "If we are not focusing on what it is we are trying to accomplish, we are going to miss the mark."

Thompson speculated the school finance case could go to trial next fall, with a ruling before the 2013 legislative session starts. The four suits are expected to be consolidated, with all parties working together, Thompson said.

"We will have a lot more in common than any differences," he said.

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**strengthof10** 4:38 PM on December 22, 2011

All Texas school tax funds should be paid to a single state wide fund, and each school should receive the same amount for each student. The politicians should not discriminate against the children of Texas.

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**ignorant\_republican** 3:18 PM on December 22, 2011

Thanks Texas Republicans.

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**hans5162** 9:34 AM on December 23, 2011

Why does the Chronicle quote the idiots at the Texas Public Policy Foundation. They are pathologically untruthful in their use of false statistics to support their ideological viewpoint. Additionally, their "analysts" are notable for their complete lack of qualifications and expertise in the area where they are supposedly experts. Golsan has no training or experience in education. He studied Radio, Television and Film and has a degree in English. I wouldn't let him shine my shoes.

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