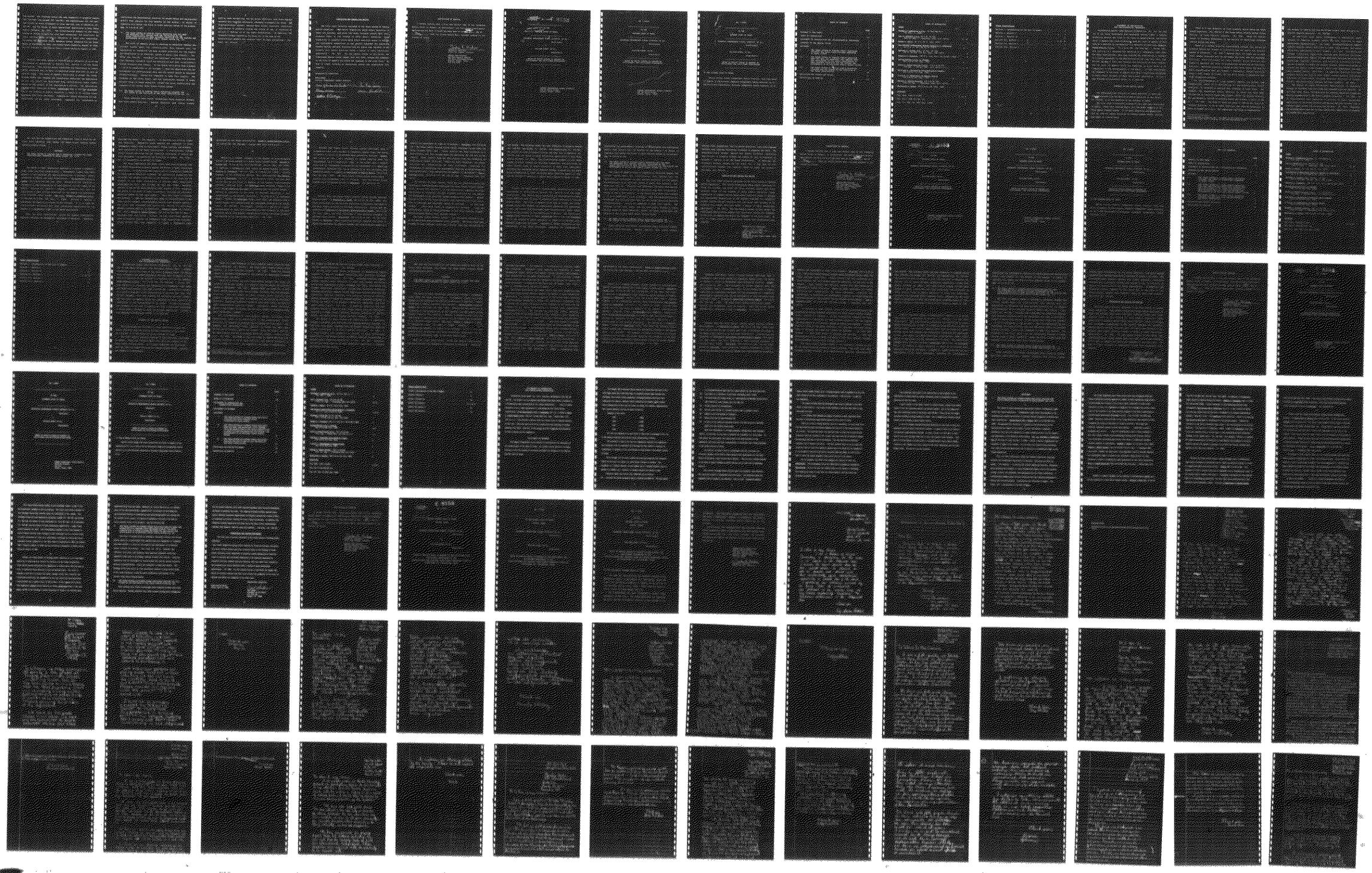

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E.

Finally, the Texas system of funding public education is in no way legitimated or authorized by Article VII, Section 3 of the Texas Constitution. That section merely authorizes the Legislature to create school districts and, in turn, to authorize those districts to levy ad valorem taxes. The court of appeals would have us accept the rather strange notion that whenever the Constitution authorizes the Legislature to act, the courts are foreclosed from constitutional equal rights review of the product of the Legislature's actions. The Legislature <u>created</u> school districts in Texas, <u>authorized</u> them to tax, and <u>allocated</u> 50% of the funding of public education in Texas to ad valorem taxes generated from local tax bases. Inasmuch as "school districts are but subdivisions of the state government, organized for convenience in

exercising the governmental function of establishing and maintaining public free schools for the benefit of the people," no amount of sophistry will permit the State to avoid judicial review of its product. Lee, 24 S.W.2d at 450.

II. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION DOES NOT MEET THE MANDATORY DUTY IMPOSED UPON THE LEGISLATURE BY THE TEXAS CONSTITUTION TO MAKE SUITABLE PROVISION FOR THE SUPPORT AND MAINTENANCE OF AN EFICIENT PUBLIC SCHOOL SYSTEM (Op. 13).

The court of appeals erred in refusing to determine whether the current system meets the constitutional duty imposed upon the Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Tex. Const. Art. VII, §1. "Suitable" and "efficient" are words with meaning; they represent standards which the Legislature must meet in providing a system of public free schools. If the system falls below that standard -- if it is inefficient or not suitable -- then the Legislature has not discharged its constitutional duty and the system should be declared unconstitutional. Courts are competent to make this inquiry. The findings of the trial court, and the conclusions reached in every serious study of Texas education, reveal the gross inefficiency and inequity of the current Texas school finance system.

III. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE DUE COURSE OF LAW PROVISION OF THE TEXAS CONSTITUTION (Op. 15).

State officials have thrust increasingly heavy financial burdens upon local school districts. Wealthy districts have little trouble

meeting these obligations; but for poorer districts, such state-imposed mandates have required substantial increases in property tax rates. The disproportionate burdens imposed upon poorer districts constitute deprivations of property without due course of law, in violation of Article I, Section 19 of the Texas Constitution. In addition, the disparate burdens imposed by the State fly in the face of the constitutional mandate that taxation "shall be equal and uniform." Tex. Const. art. VIII,§1.

CONCLUSION AND PRAYER FOR RELIEF

The trial court correctly concluded of the Texas system of funding public education: "The wealth disparities among school districts in Texas are extreme, and given the heavy reliance placed upon local property taxes in the funding of Texas public education, these disparities in property wealth among school districts result in extreme and intolerable disparities in the amounts expended for education between wealthy and poor districts with the result that children in the property poor school districts suffer a denial of equal educational opportunity." (Tr. 592). For the reasons stated in this Brief, the undersigned amicus curiae request that this Court reverse the judgement of the court of appeals and affirm the judgement of the trial court. We must no longer tolerate an educational system that perpetuates such inequity.

Respectfully submitted,

HUECO SCHOOL
Socorro Independent School District

Maria Yolanda Quintanilla P.T.O. Pres. Ana Maria Jimenez

Nancy Mora Mona Madrid

Esther F Ortega

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 22nd day of May, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas

Sandra R. Nicolas
State Bar Number 15016500

ARNOLD AND NICOLAS
800 One Capitol Square
300 West Fifteenth Street
Austin, Texas 78701
512-320-5200

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NO. C-8353

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IN THE
SUPREME COURT OF TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

v.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF
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The undersigned are officials of school districts in Texas and others concerned with the quality of public education in this State. Our interest is in the education of the children of Texas.

The trial court's extensive findings of fact have been undisturbed on appeal. These fact findings depict well the gross inequity of the Texas school finance system. It is these inequities and disparities that we, like all school districts of limited taxable wealth, confront and combat on a daily basis.

There is a vast disparity in local property wealth among the Texas school districts. (Tr. 548-50).[1] The Texas school finance system relies heavily on local district taxation. (Tr. 548). These two factors result in enormous differences in the quality of educational programs offered across the State.

There is a direct positive relationship between the amount of property wealth per student in a district and the amount the district spends on education. (Tr. 555). Because their tax bases are so much lower, poorer districts must tax at higher tax rates than the wealthier districts. Even with higher tax rates, however, poorer districts are unable to approach the level of expenditures maintained by wealthier districts. Wealthier districts, taxing at much lower rates, are able to spend significantly more per student. Conversely, poorer districts endure a much higher tax burden, yet are still unable to adequately fund their educational programs.

The interdependence of local property wealth, tax burden, and expenditures, which is so debilitating to the property-poor school districts, is revealed in numerous fact findings of trial court. For example, the wealthiest school district in Texas has more than $14,000,000 of property wealth per student, while the poorest district has approximately $20,000 of property wealth per student, a ratio of 700 to 1. (Tr. 548). The range of local tax rates in 1985-86 was from $.09 (wealthy district) to $1.55 (poor district) per $100.00 valuation, a ratio in excess of 17 to 1. By comparison, the range of expenditures

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[1]The Transcript is cited as "Tr." The pages of the Transcript cited in this Brief contain the trial court's Findings of Fact and Conclusions of Law.

per student in 1985-86 was from $2,112 per student (poor district) to $19,333 (wealthy district). (Tr. 550-52).

As the trial court found, differences in expenditure levels operate to "deprive students within the poor districts of equal educational opportunities." (Tr. 552). Increased financial support enables wealthy school districts to offer much broader and better educational experiences to their students. (Tr. 559). Such better and broader educational experiences include more extensive curricula, enhanced educational support through additional training materials and technology, improved libraries, more extensive counseling services, special programs to combat the dropout problem, parenting programs to involve the family in the student's educational experience, and lower pupil-teacher ratios. (Tr. 559). In addition, districts with more property wealth are able to offer higher teacher salaries than poorer districts in their areas, allowing wealthier districts to recruit, attract, and retain better teachers for their students. (Tr. 559).

The denial of equal educational opportunities is especially harmful to children from low-income and language-minority families. As the trial court found, "children with the greatest educational needs are heavily concentrated in the State's poorest districts." (Tr. 562). It is significantly more expensive to provide an equal educational opportunity to low-income children and Mexican American children than to educate higher income and non-minority children. (Tr. 563). Therefore, the children whose need for an equal educational opportunity is greatest are denied this opportunity.

Not only are the disparities and inequities found to exist by the trial court shocking, they render the Texas school finance system constitutionally infirm.

ARGUMENT

I. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE STATE CONSTITUTIONAL GUARANTEE OF EQUAL RIGHTS (Op. 3-13).

A.

The denial of equal educational opportunity violates a fundamental right under the Texas Constitution. "Fundamental rights have their genesis in the expressed and implied protections of personal liberty recognized in federal and state constitutions." Spring Branch I.S.D. v. Stamos, 695 S.W.2d 556, 560 (Tex. 1985). Recognizing that education is "essential to the preservation of the liberties and the rights of the people," Article VII, Section 1 imposes a mandatory duty upon the Legislature to make suitable provision for the support and maintenance of an efficient school system. See, e.g., Bowman v. Lumberton I.S.D., 32 Tex.Sup.Ct.J.104, 106 (Dec. 7, 1988). Article I, Section 3 guarantees the equality of rights of all citizens. It is in these two constitutional provisions that equal educational opportunity has its genesis as a fundamental right in the Texas Constitution.

Thus, our state constitution, unlike the federal Constitution, expressly declares the fundamental importance of education. Education

provides the means -- the capacity -- to exercise all critical rights and liberties. Education gives meaning and substance to other fundamental rights, such as free speech, voting, worship, and assembly, each guaranteed by the Texas Constitution. A constitutional linkage exists between education and the "essential principles of liberty and free government," protected by the Texas Bill of Rights. Tex. Const., Art. I, Introduction to the Bill of Rights.

The Texas Legislature and Texas courts have also recognized that the Texas Constitution protects against the denial of equal educational opportunity. In authorizing the creation of the Gilmer-Aikin Committee to study public education in Texas, the Legislature recognized "the foresight and evident intentions of the founders of our State and the framers of our State Constitution to provide equal educational advantages for all." Tex. H.C.Res. 48, 50th Leg. (1948). Moreover, Section 16.001 of the Texas Education Code, enacted in 1979, recognizes the policy of the State of Texas to provide a "thorough and efficient" education system "so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors." Two courts have concluded that Article VII, Section I's efficiency mandate connotes equality of opportunity. Mumme v. Marrs, 40 S.W.2d 31 (Tex. 1931); Watson v. Sabine Royalty, 120 S.W.2d 938 (Tex.Civ.App. -- Texarkana 1938, writ ref'd). Finally, the only other Texas appellate court to directly confront the fundamental right question has concluded, citing Article VII, that education is indeed a fundamental right

guaranteed by the Texas Constitution. Stout v. Grand Prairie I.S.D., 733 S.W.2d 290, 294 (Tex.App.-- Dallas 1987, writ ref'd n.r.e.).

B.

Wealth is a suspect category in the context of discrimination against low-income persons by a state school finance system. Serrano v. Priest (II), 18 Cal.3d 728, 557 P.2d 929, 957, 135 Cal. Rptr. 345 (1976). In addition, a fundamental right cannot be denied because of wealth. Shapiro v. Thompson, 394 U.S. 618, 22 L.Ed.2d 600 (1969). Justice Gammage, in his dissenting opinion, ably distinguishes San Antonio I.S.D. v. Rodriguez, 411 U.S. 1, 36 L.Ed.2d 16 (1973), the sole case relied upon by the Court of Appeals in its suspect classification analysis. (Diss.Op. 9-10). The Rodriguez Court observed: "there is no basis on the record in this case for assuming that the poorest people -- defined by reference to any level of absolute impecunity -- are concentrated in the poorest districts." 36 L.Ed.2d at 37 (emphasis added). Unlike the Rodriguez Court, this Court now benefits from a record replete with substantiated and undisputed findings on the wealth issue. (Tr. 562-565). For example, "[t]here is a pattern of a great concentration of both low-income families and students in the poor districts and an even greater concentration of both low-income students and families in the very poorest districts." (Tr. 563).

C.

Because the Texas school finance system infringes upon a fundamental right and/or burdens an inherently suspect class, the system is subject to strict or heightened equal protection scrutiny. Stamos, 695 S.W.2d at 560. This standard of review requires that the infringement upon a fundamental right, or the burden upon a suspect class must be "reasonably warranted for the achievement of a compelling governmental objective that can be achieved by no less intrusive, more reasonable means." T.S.E.U. v. Department of Mental Health, 746 S.W.2d 203, 205 (Tex.. 1987). The Texas school finance system surely cannot survive this heightened level of scrutiny. Even the United States Supreme Court recognized as much in Rodriguez. 36 L.Ed.2d at 33.

D.

Neither does the Texas school finance system satisfy rational basis analysis. In Whitworth v. Bynum, 699 S.W.2d 194 (Tex. 1985), this Court articulated its own rational basis test to determine the reach of the equal rights provision of the Texas Constitution. Drawing upon the reasoning of Sullivan v. University Interscholastic League, 599 S.W.2d 170 (Tex. 1981), the Court fashioned a "more exacting standard" of rational basis review. Whitworth, 699 S.W.2d at 196. As the Court stated in Sullivan, equal protection analysis requires the court to "reach and determine the question whether the classifications drawn in a

statute are reasonable in light of is purpose." Sullivan, 616 S.W.2d at 172. The Texas school finance system cannot withstand review under the Texas rational basis test. "Local control" has been proffered as a justification, but this concept marks the beginning, not the end, of the inquiry. Local control does not mean control over the formation or financing of school districts. These are State functions, for school districts are "subdivisions of state government, organized for convenience in exercising the governmental function of establishing and maintaining public free schools for the benefit of the people." Lee v. Leonard I.S.D., 24 S.W.2d 449, 450 (Tex.Civ.App. -- Texarkana 1930, writ ref'd).

In contrast to local control, there are two constitutionally and statutorily stated purposed underlying the Texas school finance system: First, Article VII, Section 1, of the Constitution commands the Texas Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Second, Section 16.001 of the Texas Education Code expresses the State policy that "a thorough and efficient system be provided ... so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors."

The Texas school finance system is not rationally related to any of the above-discussed alleged or actual purposes. The trial court made a number of fact findings which bear directly upon the rationality of

the system. The findings reveal the vast disparity in property wealth (Tr. 548-49), tax burden (Tr. 553-55), and expenditures (Tr. 551-60); the failure of state allotments to cover the real cost of education (Tr. 565-68); and the denial of equal educational opportunity to many Texas school children (Tr. 601). The irrationality endemic to the Texas system of school finance has also been recognized, and criticized, by every serious study of public education in Texas ever undertaken, including the Statewide School Adequacy Survey, prepared for the State Board of Education in 1935; the Gilmer-Aikin Committee Report of 1948; and the Governor's Committee on Public School Education Report of 1968.

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The court of appeals erred in refusing to determine whether the current system meets the constitutional duty imposed upon the Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Tex. Const. Art. VII, §1. "Suitable" and "efficient" are words with meaning; they represent standards which the Legislature must meet in providing a system of public free schools. If the system falls below that standard -- if it is inefficient or not suitable -- then the Legislature has not discharged its constitutional duty and the system should be declared unconstitutional. Courts are competent to make this inquiry. The findings of the trial court, and the conclusions reached in every serious study of Texas education, reveal the gross inefficiency and inequity of the current Texas school finance system.

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CONCLUSION AND PRAYER FOR RELIEF

The trial court correctly concluded of the Texas system of funding public education: "The wealth disparities among school districts in Texas are extreme, and given the heavy reliance placed upon local property taxes in the funding of Texas public education, these disparities in property wealth among school districts result in extreme and intolerable disparities in the amounts expended for education between wealthy and poor districts with the result that children in the property poor school districts suffer a denial of equal educational opportunity." (Tr. 592). For the reasons stated in this Brief, the undersigned amicus curiae request that this Court reverse the judgement of the court of appeals and affirm the judgement of the trial court. We must no longer tolerate an educational system that perpetuates such inequity.

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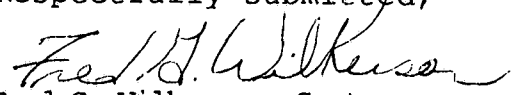

Fred G. Wilkerson, Supt.
Cooper ISD
440 SW 3rd Street, Cooper, Texas 75432
214/395-2111

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I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 22nd day of May, 1989, by United States Mail, postage prepaid to all counsel of record.

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There is a vast disparity in local property wealth among the Texas school districts. (Tr. 548-50).[1] The Texas school finance system relies heavily on local district taxation. (Tr. 548). These two factors result in enormous differences in the quality of educational programs offered across the State.

There is a direct positive relationship between the amount of property wealth per student in a district and the amount the district spends on education. (Tr. 555). Because their tax bases are so much lower, poorer districts must tax at higher tax rates than the wealthier districts. Even with higher tax rates, however, poorer districts are unable to approach the level of expenditures maintained by wealthier districts. Wealthier districts, taxing at much lower rates, are able to spend significantly more per student. Conversely, poorer districts endure a much higher tax burden, yet are still unable to adequately fund their educational programs.

The interdependence of local property wealth, tax burden, and expenditures, which is so debilitating to the property-poor school districts, is revealed in numerous fact findings of trial court. For example, the wealthiest school district in Texas has more than $14,000,000 of property wealth per student, while the poorest district has approximately $20,000 of property wealth per student, a ratio of 700 to 1. (Tr. 548). The range of local tax rates in 1985-86 was from $.09 (wealthy district) to $1.55 (poor district) per $100.00 valuation, a ratio in excess of 17 to 1. By comparison, the range of expenditures

[1]The Transcript is cited as "Tr." The pages of the Transcript cited in this Brief contain the trial court's Findings of Fact and Conclusions of Law.

per student in 1985-86 was from $2,112 per student (poor district) to $19,333 (wealthy district). (Tr. 550-52).

As the trial court found, differences in expenditure levels operate to "deprive students within the poor districts of equal educational opportunities." (Tr. 552). Increased financial support enables wealthy school districts to offer much broader and better educational experiences to their students. (Tr. 559). Such better and broader educational experiences include more extensive curricula, enhanced educational support through additional training materials and technology, improved libraries, more extensive counseling services, special programs to combat the dropout problem, parenting programs to involve the family in the student's educational experience, and lower pupil-teacher ratios. (Tr. 559). In addition, districts with more property wealth are able to offer higher teacher salaries than poorer districts in their areas, allowing wealthier districts to recruit, attract, and retain better teachers for their students. (Tr. 559).

The denial of equal educational opportunities is especially harmful to children from low-income and language-minority families. As the trial court found, "children with the greatest educational needs are heavily concentrated in the State's poorest districts." (Tr. 562). It is significantly more expensive to provide an equal educational opportunity to low-income children and Mexican American children than to educate higher income and non-minority children. (Tr. 563). Therefore, the children whose need for an equal educational opportunity is greatest are denied this opportunity.

Not only are the disparities and inequities found to exist by the trial court shocking, they render the Texas school finance system constitutionally infirm.

ARGUMENT

I. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE STATE CONSTITUTIONAL GUARANTEE OF EQUAL RIGHTS (Op. 3-13).

A.

The denial of equal educational opportunity violates a fundamental right under the Texas Constitution. "Fundamental rights have their genesis in the expressed and implied protections of personal liberty recognized in federal and state constitutions." Spring Branch I.S.D. v. Stamos, 695 S.W.2d 556, 560 (Tex. 1985). Recognizing that education is "essential to the preservation of the liberties and the rights of the people," Article VII, Section 1 imposes a mandatory duty upon the Legislature to make suitable provision for the support and maintenance of an efficient school system. See, e.g., Bowman v. Lumberton I.S.D., 32 Tex.Sup.Ct.J.104, 106 (Dec. 7, 1988). Article I, Section 3 guarantees the equality of rights of all citizens. It is in these two constitutional provisions that equal educational opportunity has its genesis as a fundamental right in the Texas Constitution.

Thus, our state constitution, unlike the federal Constitution, expressly declares the fundamental importance of education. Education

provides the means -- the capacity -- to exercise all critical rights and liberties. Education gives meaning and substance to other fundamental rights, such as free speech, voting, worship, and assembly, each guaranteed by the Texas Constitution. A constitutional linkage exists between education and the "essential principles of liberty and free government," protected by the Texas Bill of Rights. Tex. Const., Art. I, Introduction to the Bill of Rights.

The Texas Legislature and Texas courts have also recognized that the Texas Constitution protects against the denial of equal educational opportunity. In authorizing the creation of the Gilmer-Aikin Committee to study public education in Texas, the Legislature recognized "the foresight and evident intentions of the founders of our State and the framers of our State Constitution to provide equal educational advantages for all." Tex. H.C.Res. 48, 50th Leg. (1948). Moreover, Section 16.001 of the Texas Education Code, enacted in 1979, recognizes the policy of the State of Texas to provide a "thorough and efficient" education system "so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors." Two courts have concluded that Article VII, Section I's efficiency mandate connotes equality of opportunity. Mumme v. Marrs, 40 S.W.2d 31 (Tex. 1931); Watson v. Sabine Royalty, 120 S.W.2d 938 (Tex.Civ.App. -- Texarkana 1938, writ ref'd). Finally, the only other Texas appellate court to directly confront the fundamental right question has concluded, citing Article VII, that education is indeed a fundamental right

guaranteed by the Texas Constitution. Stout v. Grand Prairie I.S.D., 733 S.W.2d 290, 294 (Tex.App.-- Dallas 1987, writ ref'd n.r.e.).

B.

Wealth is a suspect category in the context of discrimination against low-income persons by a state school finance system. Serrano v. Priest (II), 18 Cal.3d 728, 557 P.2d 929,957, 135 Cal. Rptr. 345 (1976). In addition, a fundamental right cannot be denied because of wealth. Shapiro v. Thompson, 394 U.S. 618, 22 L.Ed.2d 600 (1969). Justice Gammage, in his dissenting opinion, ably distinguishes San Antonio I.S.D. v. Rodriguez, 411 U.S. 1, 36 L.Ed.2d 16 (1973), the sole case relied upon by the Court of Appeals in its suspect classification analysis. (Diss.Op. 9-10). The Rodriguez Court observed: "there is no basis on the record in this case for assuming that the poorest people -- defined by reference to any level of absolute impecunity -- are concentrated in the poorest districts." 36 L.Ed.2d at 37 (emphasis added). Unlike the Rodriguez Court, this Court now benefits from a record replete with substantiated and undisputed findings on the wealth issue. (Tr. 562-565). For example, "[t]here is a pattern of a great concentration of both low-income families and students in the poor districts and an even greater concentration of both low-income students and families in the very poorest districts." (Tr. 563).

C.

Because the Texas school finance system infringes upon a fundamental right and/or burdens an inherently suspect class, the system is subject to strict or heightened equal protection scrutiny. Stamos, 695 S.W.2d at 560. This standard of review requires that the infringement upon a fundamental right, or the burden upon a suspect class must be "reasonably warranted for the achievement of a compelling governmental objective that can be achieved by no less intrusive, more reasonable means." T.S.E.U. v. Department of Mental Health, 746 S.W.2d 203, 205 (Tex.. 1987). The Texas school finance system surely cannot survive this heightened level of scrutiny. Even the United States Supreme Court recognized as much in Rodriguez. 36 L.Ed.2d at 33.

D.

Neither does the Texas school finance system satisfy rational basis analysis. In Whitworth v. Bynum, 699 S.W.2d 194 (Tex. 1985), this Court articulated its own rational basis test to determine the reach of the equal rights provision of the Texas Constitution. Drawing upon the reasoning of Sullivan v. University Interscholastic League, 599 S.W.2d 170 (Tex. 1981), the Court fashioned a "more exacting standard" of rational basis review. Whitworth, 699 S.W.2d at 196. As the Court stated in Sullivan, equal protection analysis requires the court to "reach and determine the question whether the classifications drawn in a

statute are reasonable in light of is purpose." Sullivan, 616 S.W.2d at 172. The Texas school finance system cannot withstand review under the Texas rational basis test. "Local control" has been proffered as a justification, but this concept marks the beginning, not the end, of the inquiry. Local control does not mean control over the formation or financing of school districts. These are State functions, for school districts are "subdivisions of state government, organized for convenience in exercising the governmental function of establishing and maintaining public free schools for the benefit of the people." Lee v. Leonard I.S.D., 24 S.W.2d 449, 450 (Tex.Civ.App. -- Texarkana 1930, writ ref'd).

In contrast to local control, there are two constitutionally and statutorily stated purposed underlying the Texas school finance system: First, Article VII, Section 1, of the Constitution commands the Texas Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Second, Section 16.001 of the Texas Education Code expresses the State policy that "a thorough and efficient system be provided ... so that each student ... shall have access to programs and services ... that are substantially equal to those available to any other similar student, notwithstanding varying local economic factors."

The Texas school finance system is not rationally related to any of the above-discussed alleged or actual purposes. The trial court made a number of fact findings which bear directly upon the rationality of

the system. The findings reveal the vast disparity in property wealth (Tr. 548-49), tax burden (Tr. 553-55), and expenditures (Tr. 551-60); the failure of state allotments to cover the real cost of education (Tr. 565-68); and the denial of equal educational opportunity to many Texas school children (Tr. 601). The irrationality endemic to the Texas system of school finance has also been recognized, and criticized, by every serious study of public education in Texas ever undertaken, including the Statewide School Adequacy Survey, prepared for the State Board of Education in 1935; the Gilmer-Aikin Committee Report of 1948; and the Governor's Committee on Public School Education Report of 1968.

E.

Finally, the Texas system of funding public education is in no way legitimated or authorized by Article VII, Section 3 of the Texas Constitution. That section merely authorizes the Legislature to create school districts and, in turn, to authorize those districts to levy ad valorem taxes. The court of appeals would have us accept the rather strange notion that whenever the Constitution authorizes the Legislature to act, the courts are foreclosed from constitutional equal rights review of the product of the Legislature's actions. The Legislature <u>created</u> school districts in Texas, <u>authorized</u> them to tax, and <u>allocated</u> 50% of the funding of public education in Texas to ad valorem taxes generated from local tax bases. Inasmuch as "school districts are but subdivisions of the state government, organized for convenience in

exercising the governmental function of establishing and maintaining public free schools for the benefit of the people," no amount of sophistry will permit the State to avoid judicial review of its product. Lee, 24 S.W.2d at 450.

II. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION DOES NOT MEET THE MANDATORY DUTY IMPOSED UPON THE LEGISLATURE BY THE TEXAS CONSTITUTION TO MAKE SUITABLE PROVISION FOR THE SUPPORT AND MAINTENANCE OF AN EFICIENT PUBLIC SCHOOL SYSTEM (Op. 13).

The court of appeals erred in refusing to determine whether the current system meets the constitutional duty imposed upon the Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Tex. Const. Art. VII, §1. "Suitable" and "efficient" are words with meaning; they represent standards which the Legislature must meet in providing a system of public free schools. If the system falls below that standard -- if it is inefficient or not suitable -- then the Legislature has not discharged its constitutional duty and the system should be declared unconstitutional. Courts are competent to make this inquiry. The findings of the trial court, and the conclusions reached in every serious study of Texas education, reveal the gross inefficiency and inequity of the current Texas school finance system.

III. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE DUE COURSE OF LAW PROVISION OF THE TEXAS CONSTITUTION (Op. 15).

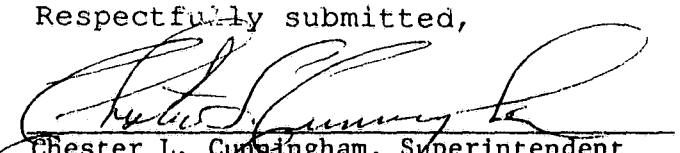
State officials have thrust increasingly heavy financial burdens upon local school districts. Wealthy districts have little trouble

meeting these obligations; but for poorer districts, such state-imposed mandates have required substantial increases in property tax rates. The disproportionate burdens imposed upon poorer districts constitute deprivations of property without due course of law, in violation of Article I, Section 19 of the Texas Constitution. In addition, the disparate burdens imposed by the State fly in the face of the constitutional mandate that taxation "shall be equal and uniform." Tex.Const. Art. VIII,§1.

CONCLUSION AND PRAYER FOR RELIEF

The trial court correctly concluded of the Texas system of funding public education: "The wealth disparities among school districts in Texas are extreme, and given the heavy reliance placed upon local property taxes in the funding of Texas public education, these disparities in property wealth among school districts result in extreme and intolerable disparities in the amounts expended for education between wealthy and poor districts with the result that children in the property poor school districts suffer a denial of equal educational opportunity." (Tr. 592). For the reasons stated in this Brief, the undersigned amicus curiae request that this Court reverse the judgement of the court of appeals and affirm the judgement of the trial court. We must no longer tolerate an educational system that perpetuates such inequity.

Respectfully submitted,



Chester L. Cunningham, Superintendent
Sanford Independent School District

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 18th day of May, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas

Sandra R. Nicolas
State Bar Number 15016500

ARNOLD AND NICOLAS
800 One Capitol Square
300 West Fifteenth Street
Austin, Texas 78701
512-320-5200

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NO. C-8353

IN THE

SUPREME COURT OF TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF PETITIONERS' AND PETITIONER-INTERVENORS'

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BOARD OF TRUSTEES
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TO THE SUPREME COURT OF TEXAS:

Amicus Curiae, Sanger ISD school board files this Brief in support of the Applications for writ of Error file by Petitioners, Edgewood Independent School District, et al, and Petitioner-Intervenor, Alvarado Independent School District, et al.

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STATEMENT OF JURISDICTION AND JURISDICTIONAL IMPORTANCE

Jurisdiction exists under Tex. Gov't. Code Sec. 22.001(a)(1), (2), (3), (4) and (6). The Dallas Court of Appeals specifically held that "public education is a fundamental right guaranteed by the Texas Constitution" . . . even if "public education is not a right guaranteed to individuals by the United States Constitution," citing San Antonio I.S.D. v. Rodriques, 411 U.S. 1 (1973) in Stout v. Grand Prairie I.S.D., 733 S.W. 2d 290, 294 (Tex. App. - Dallas 1987, writ ref'd n.r.e.). This directly conflicts with the Austin Court of Appeals decision in this case. This case also involves the construction and meaning of certain statutes, Tex. Educ. Code Sec. 16.001 et seq. and the budgeting and allocation of state revenues by the Legislature.

STATEMENT OF INTEREST

The Sanger Independent School District is interested in the education of the young people of the state of Texas. As a public school district, our major concern is with the quality of education provided the children of our district and the state of Texas.

The Sanger ISD is another school district in Texas that has had to live with high taxes and roofs that leak, ill-equipted science labs, second rate buildings, little audio-visual equipment, dressing facilities that have been inadequate for years, a stadium where bleachers are unsafe, lights unsafe, fences falling down from rust not wear, no track, low teacher, administrator, and coaches salaries, and the list goes on and on.

Example of tax rates:

1985	.9580
1986	1.2400
1987	1.1009
1988	1.1281

We took the legislature in good faith in 1984 with its passage of H.B. 72. It did address inequity and provide much needed school reform.

The problem is that in the last two legislative sessions, the legislature has continued with its mandates and through the PDI, failed to continue its commitment of inequity in the distribution of state funds to the public schools of Texas.

Even though our 3A school system has been growing and has remained stable for the last two years, our state funds continue to decline. The mandates, ie., teacher salaries, career ladder, 22 to 1 student/teacher ratio in grades K-4, PEIMS, etc., continue to escalate beyond our ability to pay.

Measures taken this school year (1988-89) are as follows:

(1) Lowered the local increment paid to teachers by $500.00. We had raised

it to $1,000.00 above base just two years earlier for the first time ever.

(2) Cut staff, ie., 2 teachers, 3 part-time custodians, and 2 cooks.

(3) Cut practically all budget areas, ie., maintenance by $50,000, extra-curricular (athletics, band, drama, etc.) by 14%, etc.

(4) Frozen salaries for 93 employees.

(5) Did not meet the 22 to 1 student/teacher ratio in grades 3 and 4.

(6) Leased a new bus instead of buying it.

(7) Raised local tax by approximatley 3%.

(8) In spite of the measures mentioned above, the SISD projects a $110,000 deficit for the current school year.

With the combination of cutting programs, raising taxes, and running a deficit, we feel that we can stay in business for hopefully two more years. At that point, the community will either have a roll back election or the legislature will have met their responsibility to distribute state funds equitably to the public schools in Texas.

As a school, we find it hard to understand why the Governor, Lt. Governor, Speaker of the House, many senators and representatives, the State Board of Education, other elected state officials — Why all have spoken publicly to the lack of equity funding in public schools, yet no one will do anything about it.

The current funding system does not give low property value districts the resources needed to adequately fund the basics. The mandates from the legislature flows equally to all districts - rich or poor - mandated teacher

raises, career ladder funds, 22 to 1 student/teacher ratio in grades K-4; yet, the state funds do not flow equitably to the districts - rich or poor - to pay for the mandates.

The same problem that the Rodriquez case tried to address in the early 1970's is still with us. The irony of the problem is that the least able to pay, must pay the most.

It is a shame that playing the game of politics is more important than the fate of educational opportunities given to the youth of Texas.

When we work to bring industry into our community, we must deal with the fact that we have the second highest tax rate out of the eleven schools in our county. We must also deal with the fact that we have the second lowest property value per student in the county, and deal with the frustration caused by knowing that this is not a coincidence. We rely upon the ad valorem property tax to finance our school. The fact remains that we do not have the property value to fund the mandates placed upon our school by the legislature. If our property values do not double between 1984 and 1994, we will not be able to meet the salary mandate alone, much less all of the others.

For an example, the SPTB value assigned our district in 1987 was $165,278,657. The preliminary value for 1988 before protests are decided is $161,872,445. As you can see, the taxable value in our district is declining. The chances are slim to none that our school district will ever have the necessary property value.

The conditions that exist in our district due to the inequity in the distribution of state funds for public education, exist in hundreds of school districts all over the state.

A good example is the Plano district in Collin County, where every added penny of tax rate generates almost one million dollars. But in the Edgewood ISD, each additional penny of tax raises only $47,000. There is not one single portable building housing students in Plano. But in Edgewood, students attend classes in 54 portables, mostly leased trailers.

It costs the Sanger ISD approximately $100,000 per year just to meet the mandated teacher raises of $1,140 per teacher. A penny of tax in our district will generate approximately $12,000. In other words, we will have to raise taxes 8c per year through 1994 just to meet the teacher raise mandate. This has to be done before we look at 22 to 1 student/teacher ratio, career ladder, student-at-risk, PEIMS, new buses, raises for 93 other employees, and all other budget items. We are in a no win situation.

ARGUMENT

I. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE STATE CONSTITUTIONAL GUARANTEE OF EQUAL RIGHTS (Op. 3-13).

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Finally, the Texas system of funding public education is in no way legitimated by or authorized by Article VII, Section 3 of the Texas Constitution. That section merely authorizes the Legislature to create school districts and, in turn, to authorize those districts to levy ad valorem taxes. The Court of Appeals would have us accept the rather strange notion that whenever the Constitution authorizes the Legislature to act, the courts are foreclosed from constitutional equal rights review of the product of the Legislature's actions. The Legislature <u>created</u> school districts in Texas, <u>authorized</u> them to tax, and <u>allocated</u> 50% of the funding to public education in Texas to ad valorem taxes

generated from local tax bases. Inasmuch as "school districts are out subdivisions of the state government, organized for convenience in exercising the governmental function of establishing and maintaining public free schools for the benefit of the people," no amount of sophistry will permit the State to avoid judicial review of its product. Lee, 24 S.W.2d at 450.

II. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION DOES NOT MEET THE MANDATORY DUTY IMPOSED UPON THE LEGISLATURE BY THE TEXAS CONSTITUTION TO MAKE SUITABLE PROVISION FOR THE SUPPORT AND MAINTENANCE OF AN EFFICIENT PUBLIC SCHOOL SYSTEM (Op. 13).

The Court of Appeals erred in refusing to determine whether the current system meets the constitutional duty imposed upon the Legislature to "establish and make suitable provision for the support and maintenance of an efficient system of public free schools." Tex. Const. Art. VII &1. "Suitable" and "efficient" are words with meaning; they represent standards which the Legislature must meet in providing a system of public free schools — then the Legislature has not discharged its constitutional duty and the system should be declared unconstitutional. Courts are competent to make this inquiry. The findings of the trial court, and the conclusions reached in every serious study of the Texas education, reveal the gross inefficiency and inequity of the current Texas school finance system.

III. THE TEXAS SYSTEM OF FUNDING PUBLIC EDUCATION VIOLATES THE DUE COURSE OF LAW PROVISION OF THE TEXAS CONSTITUTION (Op. 15).

State officials have thrust increasingly heavy financial burdens upon local school districts. Wealthy districts have little trouble meeting these obligations;

but for poorer districts, such state-imposed mandates have required substantial increases in property tax rates. The disproportionate burdens imposed upon poorer districts constitute deprivations or property without due course of law, in violations of Article I, Section 19 of the Texas Constitution. In addition, the disparate burdens imposed by the State fly in the face of the constitutional mandate that taxation "shall be equal and uniform." Tex.Const. Art. VIII, &1.

CONSLUSION AND PRAYER FOR RELIEF

The trial court correctly concluded of the Texas system of funding public education:

"The wealth disparities among school districts in Texas are extreme, and given the heavy reliance placed upon local property taxes in the funding of Texas public education, these disparities in property wealth among school districts result in extreme and intolerable disparities in the amounts expended for education between wealthy and poor districts with the result that children in the property poor school districts suffer a denial of equal educational opportunity." (Tr. 582). For the reasons shown in this Brief, the Sanger ISD Board of Trustees requests that this Court reverse the judgment of the Court of Appeals and affirm the judgment of the trial court.

Respectfully submitted,

Approved by Board
Action April 11, 1989.

Carl Sadau
President of the Board
P.O. Box 188
Sanger, TX 76266

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Brief in Support of Petitioners' and Petitioner-Intervenors' Applications for Writ of Error has been sent on this 18th day of May, 1989, by United States Mail, postage prepaid to all counsel of record.

Sandra R. Nicolas

Sandra R. Nicolas
State Bar Number 15016500

ARNOLD AND NICOLAS
800 One Capitol Square
300 West Fifteenth Street
Austin, Texas 78701
512-320-5200

C 8353

RECEIVED
IN SUPREME COURT
OF TEXAS

JUN 29 1989

JOHN T. ADAMS, Clerk
By _____ Deputy

NO. C-8353

IN THE SUPREME COURT OF TEXAS

AUSTIN, TEXAS

EDGEWOOD INDEPENDENT SCHOOL DISTRICT, ET AL.,

Petitioners

V.

WILLIAM KIRBY, ET AL.,

Respondents

BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND PETITIONER-INTERVENORS BY THE SCHOOLCHILDREN AND TEACHERS FROM HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD, SPRINGTOWN, TEXAS

NO. C-8353

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AUSTIN, TEXAS

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BRIEF OF AMICUS CURIAE IN SUPPORT OF THE PETITIONERS AND PETITIONER-INTERVENORS BY THE SCHOOLCHILDREN AND TEACHERS FROM HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD, SPRINGTOWN, TEXAS

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BRIEF OF AMICUS CURIAE IN SUPPORT OF PETITIONERS AND PETITIONER-INTERVENORS BY THE SCHOOLCHILDREN AND TEACHERS FROM THE HINKLE ELEMENTARY SCHOOL OF SPRINGTOWN ISD, SPRINGTOWN, TEXAS

TO THE HONORABLE SUPREME COURT OF TEXAS:

Now come the schoolchildren and teachers from the Hinkle Elementary School of Springtown ISD, Springtown, Texas and submit the following statements in support of the ruling of the Honorable Harley Clark, Judge - 250th Judicial District, Travis County, in Cause Number 362,516.

The undersigned has been requested to submit these statements to the Court. The undersigned does not represent any party and has no monetary interest in the outcome of the

litigation. The statements presented are from individuals who have a substantial interest in preserving the State's ability to provide equitable public education to its citizens.

Accordingly, the schoolchildren and teachers from the Hinkle Elementary School of Springtown ISD, Springtown, Texas respectfully pray that this Court consider the attached statements and uphold the decision of the trial court in the case at bar.

Respectfully submitted,
ARNOLD AND NICOLAS
800 One Capitol Square
300 West Fifteenth Street
Austin, Texas 78701
512-320-5200

by Sandra R. Nicolas
Sandra R. Nicolas
State Bar No. 15016500

MAR 30 1989

410 Dogwood
Springtown, Tx.
76082

Equity Center
300 W. Fifteenth
Suite 214
Austin, Tx. 78701

To Whom It May Concern -

I am a teacher at Hinkle Elementary in Springtown, Tx. This letter is in regards to the Edgewood case. I believe the court should hear the case, should render its decision as soon as possible and should rule that substantially equal educational opportunity is indeed law of the land.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioners Intervenors in the Edgewood Case.

Thank you,

Sincerely Sheila Pettitt

STATEMENT OF AMICUS CURIAE [JOHN DOE]

Dear Sirs;

It is my hope to ensure a bright fiscal future to all of Texas' students, that the Supreme Court will hear the case of Edgewood, and render a descision soon that will declare unconstitutional our current system of school finance.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petition Intervenors in the Edgewood case

Sincerely,

Tony Bradshaw

212 OVERHILL
Springtown, Tx 76082
817 523-7411

401 Cedar Ave
Springtown, Tx.

To. Whom it may concern

Equity Center
300 West Fifteen. Suite 214
Austin, Tx 78701
March 13, 1989

Iram a Fifth grader at Hinkle Elemuntry School in Springtown, Texas. It has been called to my attention that the Texas Suprene Court will be making a ruling on fair appropiations of school funds. I would like to express my reasons showing favoritism of this be gislation.

We have six fifth gade classes in our shool. We have only one computer to share between the six. Our class has been unable to use it all year. Secondly we can not do education research in the libary because we do not have current information sources. Thirdly we have no playground equiptment because our school can not afford to purechase it.

We know parnats are paying enough taxes but without industry we can not have the nesecsay tools to build our education backgrounds. Please consider our conquest with the sincerity it is issued with.

I authouze anattorny selected by the Equity Center to incorporate this statement in an amicus biefs on my behalf supporting Petitiones and Petitioner intervenors in the Edgewood case

Thank you

Sandy Edwards

PLEASE NOTE:

The following statements are essentially identical to the first statement bound in this volume.

Rt. Box 108
Boyd, Tx, 76023

Equity Center
300 West Fifteenth
Suite 214
Austin Tx. 78701
March 13, 1989

TO whom this may concern

I am a fifth graden at Hinkel Elm. School in Springtown Texas, It has been called to my attention that the Texas Supreme Court will be making a ruling on fain Appropiations of school funds, I would like to express my reasons showing favoutism of this legistition

We have six fifth grade classes in our school. We have only one computen to share between the six classrooms, Our classroom has not been able to use it all this year. Secondly we can't do educational research in the libary because we do not have current information sources. Thirdly we have no playground equimptment because our school can't afford it.

We know our parents are paying enough taxes but with out industrys we can't have the necessary tools to build our educational background please concider our request with the sincerty it is issued with.

Thank you
Jeremy Wright

ASR Box 760-23
Azle, Texas
76020

Equity Center
300 West Fifteenth
Suite 214
Austin, TX 78701

March 13, 1989

To whom this may concern,

I am a fifth grader at Hinkle Elementary School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropiations of our schools finds, I would like to express my reasons showing favoritism of this legistation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has been unable to use it all year. Secondly, we cannot do educational research in the library because we do not have current information sources. Thirdly, we have no playground equiptment because our school can not afford to purchase it.

We know our parents are paying enough taxes but without industry we cannot have the necessary tools to build our educational backgrounds. Please consider our request with the sincerity it is issued with.

I authorized an attorney selected by Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petetioners and Petitioner Intervenors in the Edgewood case

Thank you,
Kortnie Hudson

Kortnie

7 D.B.R.
Reno Texas
76082

Equity center
300 West
Fifteeth
Suite 214
Austin Tx.
78701
March 13,
1989

To Whom it may concern;
I am a a fith grader at
Hinkle Elementary School
in Spring Town, Texas. It
has been called to my attention
that the Texas Supreme Court
will be making a ruling on fair
appropiations of school funds.
I would like to express my
reasons showing favoritism
of this legislation

We have six fith grade
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only one computer to share
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We know our parents our
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oure educational backgrounds
Please consider our request
with the sincerity it is
issued with.

I autorize an attonery
selected by the equity
Center to incorporate
this statement in amicus
brief on my behave supporting
Petitioners and petitioner
interuenors in the Edgewood

case.

Thank you,
Mandy
Pruitt

Rt 1 Box
407 Springtown
Texas 76082

To. whom it my
concern,

Equity center
300 West
Fifteenth
suite 214
Austin,
TX. 78701
March 13, 1989

I am a fifth
grader at Hinkle
Elemntary school
in Springtown
Texas. It has
been called to my
attention that the Texas
supreme. Court will be
making a ruling on fair
appropiation of school
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We know our parents
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industry we can
not have the necessary
tools to build our
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please consides
our request

with the sincerity
it is issued with.

I authorize
an attorney selected
by the equity
centers to incorporate
this statement
in an amicus
brief on my behalf
supporting petitioners
and petitioner intervenors
in the edgewood case

Think you

Sandy Cheray

P.O. Box 1138
Azle, Texas
76020

Equity Center
300 West
Fifteenth
Suite 214
Austin, Tx.
78701

March 13, 1989

To: Whom it may concern;

I am a fifth grader at Hinkle Elementary School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropiation of school funds, I would like to express my reasons showing favoritisim of this legislation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has been

unable to use it all
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information sources.
Thirdly, we have no
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afford to purchase it.
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I authorize an
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Equity Center to incorporate
this statement in an
anicus buief on my
behalf supporting
Potitioners and Petitioner
Interwenors in the Edgewood

case.

Thank You,
CoryGlass

Rt 1 Box 870-12
Springtown, Tx. 76082
Equity center
900 West Fifteenth
Suite 214
Austion, Tx. 78701
March 13, 1989

To Whom It May Concern;

I am a fith grader at Hinkle Elemantary School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making ruling on fair appropiations of school funds. I would I would like to express my reasons showing favoritism of this legislation.

We have six fith grade classes in our school. We have only one computer to share between the six. Our class has been unable to use it all year. Secondly, we cannot do educational research in the library because we do not have current information sources. Thirdly, we have no playground equipment because our school cannot afford to purchase it.

We know our parent's are paying enough taxes but without industry we can not have the necessary tools to build our educational backgrounds. Please consider our request with the sincerity it is issued with.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf Supporting Petitioners and Petitioner Inventors in the Edgewood case.

Thank You,
Cory Mills

Rt. 5 Box 27
Springtown, Texas
76082

Equity Center
300 West Fifteenth
Suite 214
Austin Texas 78701
March, 13, 1989

To whom it may concern;

I am a fifth grader at Pinkle Elementary School in Springtown. Tx. It has been called to my attention that the Supreme Court will be making a ruling on fair appropriations of school funds. I would like to express my reasons for showing favoration of this legislation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has not been able

to use it all year. Secondly, we cannot do educational research in the library because we do not have current information sources. Thirdly, we have no playground equipment because our school cannot afford to purchase it.

We know our parents ~~[illegible]~~ pay enough taxes, but without industry, we cannot have the nessesary tools to build our educational background. Please consider our request with the sincerity it is written with. I authorize an attorney selected by the Equity Center to incorporate this statement in an Amicus brief on my behalf supporting Petitioners and petitioner Intervenors in the Edgewood Case.

Thank you,
Sara Druinsky

R+3 Box 445-F

Equity Center
300 West Fifteenth
Suite 214
Austin, TX, 78701
March 13, 1989

TO whom it may concern,

I am a fifth grader at Hinkle elemintary School in Springtown, Texas. I thas been called to my attentin that the Texas Supreme Count will be making a ruling on fair appropintion or school funds, I would like to express my reasons showing favoritism of this legislation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has been unable to use it all year. Secondly, we can not do educational research in the libary because we do not have current information sources. Thirdly, we have no playgroud equiptment because our school cannot afford to purchase it.

We know our parents are paying enough taxes but without industry. We cannot have the necessary tools to build our educational back grounds. Please consider our request with the sincerity it is issued with.

I authouze an attoney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting

Petitioners and Petitioner Intervenors in the Edgewood Case.

Thank you,
Brandon Hilliard.

RT. 3 Box 509-G2
Azle, TX 76020

Equity Center
300 West Fifthteenth
Suite 214
Austin, TX 78701

March 13, 1989

To whom it may concern;

I am a fifth grader at Hinkle Elementry School is Springtown, TX. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropiations of school funds. I would like to express my reasons showing favoritisim of this legislation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has been unable to use it all year. Secondly, we cannot not do educational research in the libary because we do not have current information sources. Thirdly, we have no playground equipment because our school cannot afford to purchase it.

We know our parents are paying enough taxes but without industry we can not have the necessary tools to build our educational backgrounds. Please consider our request with the sincirety it is issued with.

I autherize an atourney selected by the Equity Center to incorpirate this statement in an amicus breif on my behalf supporting Petitioners.

Interviews in the ~~[illegible]~~ edgewood case

Thank you.
Brett Hafer

Equity center
300 west fifteenth
Suite 214
austin, TX. 78701
March 13, 1984

To whom it may concern,

I am a fifth grader at Hinkle Elementary School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropia of school funds. I would like to express my reasons showing fallacition of this legislation.

We have six fifth grade classes in our school. We have only an computer to share between the six. our class has been unable to use it all year. Secondly, we cannot do educational research in the library. Thirdly, we have no playground.

We know our parents are paying enough taxes but without industry. We can not have the necessary tools to build our educational backgrounds. Please consider our request with the sincerity it is issued with.

I authorize an attorney selected by the Equity. I hope it will support the edgewood case.

Thank you,

Eric B.

PO Box 553
Springtown, Texas 76082

Equity Center
300 West Fifteenth
Suite 214
Austin, Tx. 78701
March 13, 1989

To Whom it may concern,

I am a fifth grader at Hindle Elementary School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropriations of school funds. I would like to express my reasons showing favoritism of this legislation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has been unable to use it all year. Secondly, we cannot do educational research in the library because we do not have current information sources. Thirdly, we have no playground equipment because our school cannot afford to purchase it.

We know our parents are paying enough taxes but without an education. We can not have the necessary tools to build our educational back ground. Please consider our request with the sincerity it is issued.

I authorize an attorney selected by the Equity Lawyers to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioners' in Intervenors in the Edgewood case.

Thank you
Joey McClain

2625 Albany
Azle, TX 76020

Equity Center
300 West 15th St
Suite 2111
Austin, TX 78701
March 13, 1991

To whom it may Concern,

I am a fifth graderat Hinkle Elementary School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropriations of school funds. I would like to express my views showing favoritism of this legislation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has been unable to use it all year. Secondly, we can not do educational research in the libary because we do not have current information sources. Thirdly we have no playground/equipment because our school can not

afford to purchase it.

We know our parents are paying enough taxes but without Equity we can not have the necessary tools to build our educational backgrounds. Please consider our request with the sincerity it is issued with.

A multa signed an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner intervenors in the Edgewood case

Thank you
Jeff Passmore

To whom it may concern;

I am a fifth grader at Pinkie Elementary School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropiations of school funds, I would like to express my reasons showing favoritism of this legistation.

We have six fifth grade classes in our school. We have only one computer to between the six. Our classes has been unable to use it all year. Secondly, we cannot do educational research in the library because we do not have current information sources. Thirdly, we have no playground equipment because our school cannot afford to purchase it.

We know our parents are paying enough taxes but without industry. We cannot have the necessary tools to build our educational back grounds. Please consider our request with the sincerity it is issued with.

I authorize an attorney selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners and Petitioner Intervenors in the Edewood Case.

Thank you,

Lonnie
Glasco

Rt. 2 Box 446
Springtown, TX 76082

Equity Center
300 west fifteenth
Suite 214
Austin, Texas 78701
March 13, 1989

To whom it may concern;

I am a fifth grader at Hinkle Elementary school in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropiations of school funds, I would like to express my reasons showing favoritism of this legislation

We have six fifth grade in our school. We have only one computer to share between the six classes. Our class has been unable to use it all year. Secondly we can not do educational reserah in the library because we do not have current information sourses. Thirdly we have no playground equipment because our school can not afford to purchase it.

We know our parent's are paying enough taxes but without industry we can not have the nessesary tools to build our educational backgrounds. Please consider our regaust with the sincirity it's issude with.

I authorize an attorney selected by the Equddy Center to incorporate this statement in an amicas brief on my behalf supporting petitioners an Petitoner Interviners in the Edgewood Case.

Thanck you,
Scott Row

S.R.W. Box 762,6
Azle, TX 76020

Equity Center
300 West Fifteenth
Suite 214
Austin Tx 78701

March 13, 1989

To Whom it may concern;

I am a Fifth grader at Hinkle Elementry School in Springtown, Texas. It has been called to my attention that the Texas Supreme Court will be making a ruling on fair appropiation of school funds. I would like to express my reasons showing favoritism of this legistation.

We have six fifth grade classes in our school. We have only one computer to share between the six. Our class has been unable to use all year. Secordly, We cannot do educational research in the library because we do not have current information sources. Thirdly, we have no playground equiptment because our school cannot afford to purchase it.

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I authourze an attoneny selected by the Equity Center to incorporate this statement in an amicus brief on my behalf supporting Petitioners And Petitioners