

State District Judge John Dietz of Austin, rulings and remarks from the bench at the end of the West Orange-Cove case on Texas school finance. The judge's full written ruling will be issued later.

### **Rulings**

1. The Court declares that for plaintiff districts and others, the costs of meeting the constitutional mandate of adequacy and/or the statutory regime of accreditation, accountability, and assessment exceeds the maximum amount of revenues that are available under the State's current funding formulae. Therefore, the State's school finance system fails to provide an adequate suitable education as required by Article VII, section 1 of the Texas Constitution.
2. The Court declares that for some of plaintiff districts and others are forced to tax at the \$1.50 statutory cap on the M&O tax rates to provide a general diffusion of knowledge and/or a statutory accreditation, accountability, and assessment regime. These districts have lost all meaningful discretion in setting the tax rate for their districts, thereby violating Article VIII, section 1 (e) of the Texas Constitution.
3. The Court declares that the State's school finance system is neither financially efficient nor efficient in the sense of providing for the mandated adequate education nor the statutory regime of accreditation, accountability, and assessment.

I will enter an injunction that state funding of public schools cease unless the legislature conforms the school finance system to meet these

constitutional standards. The effective date of the injunction will be one year from the date I enter the order, which will be approximately October 1, 2004.

### **Remarks**

I have kept this yellow sticky on my computer monitor and it is a quote from *Edgewood IV*, it says: The people of Texas have themselves set the standards for their schools. The court's responsibility is to decide whether that standard has been satisfied, not to judge the wisdom of the policy choices of the Legislature, or to impose a different policy of our choosing. To the best of my ability, I have tried to follow the Supreme Court's admonition of judicial restraint.

Texas has experienced phenomenal growth of population over the past decade and a half. We are now the second most populous state in the country.

This growth has shown itself in our schools. Texas now has 4.4 million public school children and we are adding approximately 80,000 students a year to our system.

There is, in our current system, unquestionably, a significant gap of more than ten points in educational achievement between economically disadvantaged students and non-economically disadvantaged students. This is really remarkable when you consider that over half of our public education students in Texas are economically disadvantaged. In other words, half of our students in Texas are significantly behind in achievement compared to the other half.

The state demographer, Steve Murdock, whose 500-page report is in evidence, has projected what happens to our Texas population if this educational achievement gap continues on into the future. If the education gap persists on into the year 2040, Texas average household income falls from about \$54,000 presently to \$47,000. If the gap persists to 2040, the number of adult Texans without a high school diploma will rise from 18% presently to 30%. Additionally,

the population in prison, on welfare, and needing assistance will likewise rise significantly. In other words, Texas in 2040 will have a population that is larger, poorer, less educated, and more needy than today.

Who in Texas would choose this as our future? The answer is no one. Not a single Texan, from Brownsville to Dalhart or El Paso to Beaumont, would pick that as a future for Texas. Well, what can we do to keep this dismal future from becoming a reality?

The key to changing our future is to close the gap in academic achievement between the haves and the have-nots. The state demographer projects that if we could close the gap in educational achievement just half way by 2020, then Texans would be wealthier than today in real dollars spend more money for our economy pay more taxes for our government.

If the education gap were completely closed, then Texas would be wealthier and would spend less in real dollars on prisons and the needy than it does today. The solution seems obvious; Texas needs to close the education gap. But the rub is that it costs money to close the educational achievement gap. It doesn't come free. So, are Texans willing to pay the price, to make the sacrifice to close the education gap, to secure their future and their children's future?

Our willingness to make the sacrifice depends upon our vision and our leadership. Throughout our history as a state, our leaders have understood the importance of education.

Chief among the complaints of Texans, in 1836, declaring their independence from the government of Mexico, was that the government of Mexico with its boundless resources had failed to establish any public system of public education. It's there in the Texas Declaration of Independence. In our very first constitution, our founders gave the legislature a mandate to establish a system of public education, a provision that was repeated by our leaders in the 1876 Constitution.

Are we, at this present day, to turn our back on our 168 years of heritage of Texas public education and say that we aren't prepared for the sacrifice? Are we

to say that to close the gap is too hard, too much money, and that we simply give up?

Are we prepared for a future in Texas that is dismally poor, needy, and ignorant? I think not.

Again I repeat it is the people of Texas who must set the standards, make the sacrifice, and give direction to their leaders. And the time to speak is now. These problems only get more difficult the longer we wait.

The lesson is this, education costs money, but ignorance costs more money.

Money invested in education benefits first the children of Texas, or in other words, our future. It also benefits our entire economy because educated people make more money, spend more money, and pay more taxes.

I have abundant optimism that the people of Texas are willing to pay the price and make the sacrifices necessary for the education of our children. As Texans, we can and must do better for our future, our children. It's the right thing to do.