

Oyez, Oyez, Oh Yay!: Civics Resources for Texas Students & Teachers

Edgewood Independent School District, et. al. v. Kirby, et. al.*

777 S.W. 2nd 391 (Tex. 1989)

Case Summary

In 1968, Demetrio Rodriguez and other parents of Mexican American students in the Edgewood Independent School District of San Antonio, Texas, filed a class action suit in U.S. District Court challenging Texas' public school finance system. Under the Texas system, the state appropriated funds to provide each child with a minimum education. Each local school district then enriched that basic education with funds derived from locally levied ad valorem property taxes. Since the value of taxable property and the number of school-aged children varied greatly among the state's many school districts, significant interdistrict disparities existed in available enrichment revenues, per-pupil expenditures, and tax rates.

The plaintiffs argued that this led to better education for students in wealthier school districts and worse education for students in poorer districts and was thus a violation of the equal protection of the law of the Fourteenth Amendment to the U.S. Constitution. A three-judge panel of the U.S. District Court unanimously ruled that education was a fundamental constitutional right and that wealth-based classifications such as Texas had created were constitutionally suspect. On appeal, the U.S. Supreme Court in 1973 in *San Antonio Independent School District v. Rodriguez* (<http://www.tshaonline.org/handbook/online/articles/jrrht>) by a 5-4 vote reversed the lower court's decision and thus sustained Texas' public school finance system. The majority held that education is not a fundamental right since it is neither explicitly nor implicitly guaranteed by the U.S. Constitution.

In the decade after *Rodriguez*, Texas enacted a series of “equalization” reforms but failed to reduce significantly the interdistrict inequities in access to resources, per-pupil expenditures, and tax rates. With recourse to the U.S. Constitution and federal courts foreclosed by virtue of the U.S. Supreme Court’s decision in *Rodriguez*, the Mexican American Legal Defense and Education Fund (MALDEF (<http://www.tshaonline.org/handbook/online/articles/jom01>)) on behalf of the Edgewood Independent School District, other school districts, *Rodriguez*, and other parents of Mexican American students filed suit in a Texas District Court against Texas Commissioner of Education William Kirby and others. They argued that the state’s public school finance system violated the Texas Constitution. In 1987, the District Court ruled in favor of the plaintiffs by finding Texas’ public school finance system unconstitutional. The District Court ordered the Texas Legislature to formulate a more equitable system by 1989. The state appealed this decision to a three-judge panel of Texas’ Third Court of Appeals, which reversed the District Court’s judgment on grounds that education was not a basic right and furthermore ruled that Texas’ system of public school finance was constitutional. The Edgewood Independent School District and the other plaintiffs appealed to the Texas Supreme Court.

Legal Issue

The Court considered the following question:

Does Texas’ present public school finance system that has resulted in great disparities among the state’s public school districts violate Article VII, Section 1 of the Texas Constitution, which requires the state to support and maintain “an efficient system of public free schools”?

Decision

The Texas Supreme Court unanimously ruled that the state’s public school finance system was a violation of Article VII, Section 1 of the Texas Constitution. Justice Oscar Mauzy wrote the opinion (http://nces.ed.gov/edfin/pdf/lawsuits/Edgewood_v_Kirby_TX.pdf) for the Court:

“There are glaring disparities in the abilities of the various school districts to raise revenues from property taxes because taxable property wealth varies greatly from district to district. The wealthiest district has over \$14,000,000 of property wealth per student, while the poorest has approximately \$20,000; this disparity reflects a 700 to 1 ratio. The 300,000 students in the lowest-wealth schools have less than 3 percent of the state’s property wealth to support their education

while the 300,000 students in the highest-wealth schools have over 25 percent of the state's property wealth; thus the 300,000 students in the wealthiest districts have more than eight times the property value to support their education as the 300,000 students in the poorest districts. ... Because of the disparities in district property wealth, spending per student varies widely, ranging from \$2,112 to \$19,333. ... The lower expenditures in the property-poor districts are not the result of lack of tax effort. Generally, the property-rich districts can tax low and spend high while the property-poor districts must tax high merely to spend low. ... Property-poor districts are trapped in a cycle of poverty from which there is no opportunity to free themselves. ...

"The amount of money spent on a student's education has a real and meaningful impact on the educational opportunity offered to that student. High-wealth districts are able to provide for their students broader educational experiences including more extensive curricula, more up-to-date technological equipment, better libraries and library personnel, teacher aides, counseling services, lower student-teacher ratios, better facilities, parental involvement programs, and drop-out prevention programs. ... The differences in the quality of educational programs offered are dramatic. For example, San Elizario I.S.D. offers no foreign language, no pre-kindergarten program, no chemistry, no physics, no calculus, and no college preparatory or honors program. It also offers virtually no extracurricular activities such as band, debate, or football. ...

"Considering 'the general spirit of the times and the prevailing sentiments of the people,' it is apparent from the historical record that those who drafted and ratified Article VII, Section 1 never contemplated the possibility that such gross inequalities could exist within an 'efficient' system. ... The legislature's recent efforts have focused primarily on increasing the state's contributions. More money allocated under the present system would reduce some of the existing disparities between districts but would at best only postpone the reform that is necessary to make the system efficient. A band-aid will not suffice; the system itself must be changed. ... Children who live in poor districts and children who live in rich districts must be afforded a substantially equal opportunity to have access to educational funds. Certainly this much is required if the state is to educate its populace efficiently and provide for a general diffusion of knowledge statewide."

Resources

- Handbook of Texas Online: Edgewood ISD v. Kirby
(<http://www.tshaonline.org/handbook/online/articles/jre02>)

Multimedia

For Teachers

- Texas Senate Research Center: "School Days and Legal Maze: Constitutional Challenges to Public School Finance in Texas," Sharon Hope Weintraub, Sept. 2003 [PDF]
(http://www.senate.state.tx.us/src/pdf/School_Days2.pdf)
- St. Mary's Law Journal: "The Texas School Finance Litigation Saga: Great Progress, Then Near Death by a Thousand Cuts," Albert H. Kauffman, Jan. 2009 [PDF]
(http://www.stmaryslawjournal.org/pdfs/Kauffman_Step16.pdf)