

Program Summary (20 March 2014)

At 7:50 pm, President Byrnes called the meeting to order. Don reminded members of the opportunity to become a “sustaining member” which will allow us to save funds for our centennial event in not too many years. At our next meeting, we will have elections (officers, section heads, and six new members). Don introduced Jack Agee, who helped with the introduction of guests visiting this evening.

Don introduced Kelly Frels., who introduced our speaker, Philip Fraissinet. **Philip Fraissinet** was raised in New Mexico. His father was a school superintendent. Philip is currently the managing partner of Thompson & Horton, a group of 23 lawyers that represents several public school districts. Philip argued his first school case in 1995. There have been a series of lawsuits about this issue, and another round are about to reach the Texas Supreme Court. Since 93% of Texas students attend public school, the future of Texas is directly affected by this topic.

The title of this evening’s talk was **School Funding Litigation in Texas: Where We Have Been, Where We Are Going, and Why It Matters**. The membership warmly welcomed the speaker. This is the 664th meeting of the Houston Philosophical Society.

Philip began by explaining that he looks forward to a dialogue as he discusses school finances in Texas. He just concluded a three-week “mini trial.” The data collected for this event will be the bulk of this evenings’ presentation. Every year sees 90,000 new students added to the state’s school enrollment, which is five million strong. There is a strong shift in the distribution of ethnic makeup all throughout Texas. The fraction of students classified as disadvantaged has crossed 60%. Philip characterized this group as underprepared.

Philip noted that while school budgets have consistently increased over the past decade, on a per pupil basis, expenditures have not kept up with inflation, with an approximate 10% decrease during the recent recession. At the same time, expectations of students have increased. The match of expectations and funding in the legislature has become rather decoupled, and the necessary studies no longer are performed. Nevertheless, the recent legislature restored a significant portion of the large cuts of two years ago, as the economic recovery was more robust than originally projected.

In 1975, the US Supreme Court ruled that public education was not a fundamental right; thus, all cases since have been at the state level (San Antonio ISD v. Rodriguez). A 1989 case referred to as Edgewood set the standard for a number of years (Robin Hood). In 2005, another round of rulings were issued (West Orange-Cove).

The Texas Constitution (Article VII, Section 1) provides for an efficient system of public free schools. The Texas Supreme Court has judged this provision to mean something. However, the lack of a state-level property taxing authority makes it a challenge to achieve a balance between funds available by local school taxing authorities and general funds. (Otherwise, a mandated local school tax would behave as a state property tax.)



Philip produced charts showing the strong negative correlation between school districts with a large percentage of disadvantaged students and any measure of achievement. How funding interacts with this observation was the subject an exhibit, where per pupil spending ranged from \$5,500 to \$6,500, and Philip argued that the \$1,000 extra was not just a correlation but a causation.

The current lawsuit is expected to be announced in writing in May, 2014. Judge Dietz's initial oral ruling in February, 2013, stated that the current system violated the Texas Constitution. New evidence was admitted during the three-week mini-trial in January, 2014. Philip anticipates a final ruling by the Texas Supreme Court in the spring/summer 2015 timeframe.

Philip wrapped up his prepared remarks at 8:45 with an invitation to ask questions. Philip addressed the question of whether school funding should be a political rather than a legal question — but until the constitution is changed... A robust Q&A session ensued. The work of Steve Murdock in Sociology was mentioned as a resource for understanding future social cost as a tradeoff for current education investment. The audience warmly thanked the speaker. After another round of applause, and the meeting adjourned at 8:54 p.m.

David W. Scott
Recording Secretary