

## **West Orange-Cove Texas Supreme Court Ruling Talking Points**

### **Unconstitutional System of School Finance**

- The Texas Supreme Court struck down the state's school finance system because it had evolved into an unconstitutional state property tax.
- The Supreme Court does **not** require a specific solution to the unconstitutional problem. More funding, different instructional programs, and district consolidation were all mentioned in the ruling as ways to make significant change in Texas school finance, but none of these approaches is required by the Court.
- "Robin Hood" was not declared unconstitutional.

### **Meaningful Discretion**

- The Court requires that school districts have meaningful discretion to set tax rates. The Court noted that it was not even a "close question" as to whether school districts have meaningful discretion to set their local tax rates under the current system.
- The Court concluded that districts must be able to provide local supplementation to fund programming beyond the state educational requirements. These funds must be in addition to those used for the general diffusion of knowledge after adjustment for both economic and educational change. The amount of unequal supplementation cannot become so great that it, in effect, destroys the efficiency of the entire system.

### **Adequacy**

- While the Court found the current system adequate, it indicated that the state was on the cusp of a constitutional violation of adequacy.
- The Court noted that the question of adequacy is subject to review by the courts and not a political question in which only the legislature could determine whether the state's system is adequate.
- All students must reasonably be given a meaningful opportunity to meet the state's academic standards.

### **Equity**

- While the Court found the current system equitable, it reiterated that districts must have substantially equal access to similar revenues per pupil at similar levels of tax effort.

### **Facilities**

- The Court noted that there was much evidence that many districts' facilities are inadequate but that there was insufficient evidence to determine whether districts had substantially equal access to revenue for facilities for an adequate system.