

- 
- 
- [My Profile](#)
- [Sign Out](#)



## Davis back to offense over school finance lawsuit

---

by MARK WIGGINS / KVUE News and photojournalist MICHAEL MOORE

kens5.com

Posted on January 21, 2014 at 6:50 PM

AUSTIN -- District Judge John Dietz began Tuesday's hearing with a quote from Yogi Berra: "It's like deja vu all over again."

It's been almost a year since Dietz sided with school districts in declaring state lawmakers violated the Texas Constitution by failing to adequately fund the state's school finance system. More than 600 school districts sued the state in response to \$5.4 billion in funding cut by the 82nd Texas Legislature in 2011.

"It is inefficient, inequitable, unsuitable and arbitrarily funds districts at different levels below the constitutionally required level of the general diffusion of knowledge," Dietz said in his initial ruling in February 2013.

Yet by the end of the regular session in May, the 83rd Texas Legislature had restored \$3.4 billion and passed sweeping changes to graduation requirements, including reducing end of course exams from 15 to five. Dietz postponed a final, formal ruling, while ordering the various parties to the lawsuit to research and report back on the effects of the changes on the suit.

Districts returned to court Tuesday to argue the changes weren't nearly enough, while the state's Office of Attorney General contends the opposite. Considering the scope of the reforms passed in 2013, there are ample issues to analyze.

"The really important part of this case is that we recognize that we have high standards in Texas," said Brock Gregg, director of governmental relations with the Association of Texas Professional Educators. "We have not reduced those standards by reducing tests, and in order to meet those things we're going to have to have additional resources."

While passed with overwhelming bipartisan support, the changes made under House Bill 5 have their critics. Among them is Chuck DeVore, vice president of policy at the conservative Texas Public Policy Foundation. DeVore argues the solution to making Texas schools more productive lies not in funding, but in choice.

"Why can't we have a system where the children of Texas, whether they're in the inner cities or in the more prosperous suburbs, have an opportunity to go to schools that best suit their needs," said DeVore. "And not just schools, but online learning and blended learning. Not all children are the same."

The ongoing lawsuit has also become a fertile battleground in the race to become the state's next governor. The office defending the state's position is helmed by Republican Attorney General Greg Abbott. His Democratic opponent, state Sen. Wendy Davis, unsuccessfully filibustered the cuts made in 2011 which prompted the lawsuit. Since her campaign launch in October 2013, Davis has identified funding public education as one of her top priorities if elected governor.

"I know the dramatic and devastating impact that they've had in classrooms across this state," Davis told KVUE Tuesday. "With more children being crowded in the classrooms, with over 25,000 educators having lost their jobs, with incredibly important programs that were showing real success like full day pre-K, like the

Student Success Initiative that was helping young people who were struggling not fall through the cracks."

Accusing attorney general of hurting school children and their families by defending the current school finance system, Davis dared Abbott to drop the lawsuit.

"He has the authority," said Davis. "He has the ability to settle this lawsuit and to recommend to the Texas Legislature that we fulfill our constitutional obligation to provide the educational system that we were expected to provide."

Abbott has defended his role in the lawsuit as a requirement of his office. The attorney general is constitutionally obligated to defend the state against litigation, but has significant leeway in how aggressively that defense is pursued. At a December campaign visit to a San Antonio charter school, Abbott told reporters, "I can't go back and reconstruct what was done in that legislative session, which was, of course, two legislative sessions ago."

The campaign responded to Davis' charge Tuesday with a statement accusing the state senator of looking backward instead of forward.

"In typical Democrat fashion, Sen. Davis continues to focus on the past and wants the courts to decide public policy issues rather than the Legislature," said Abbott campaign communications director Matt Hirsch. "Greg Abbott's goal is fixed firmly on the future. As Governor, he will lead a transformation in education that will get Texas schools out of the courts and empower teachers, principals and parents to provide a better education for our children."

Abbott has made education a major focus of his campaign as well, and both campaigns have met repeatedly with schools and educators on the campaign trail. Abbott has promised to "adequately fund education," with a focus on encouraging innovation through charter schools and utilizing technology in the classroom.

Neither campaign has identified specific budget goals when it comes to funding public education. Yet with the focus on education increasing both inside and outside of the Texas Capitol's walls, both candidates will likely look to compile the best report card on education issues.

Hearings over the lawsuit are expected to continue for at least a month, and Dietz's ruling will likely be appealed to the Texas Supreme Court. Depending upon the outcome and timing of the state's high court, lawmakers could potentially return to the issue next session.

