FILED
14-0776
9/16/2015 11:29:05 AM
tex-6968624
SUPREME COURT OF TEXAS
BLAKE A. HAWTHORNE, CLERK

ALEXANDER
DUBOSE
JEFFERSON
TOWNSEND
APPELLATE COUNSEL

www.adjtlaw.com

Wallace B. Jefferson
Board Certified—Civil Appellate Lav
Texas Board of Legal Specialization
wjefferson@adjtlaw.com

September 16, 2015

Mr. Blake A. Hawthorne, Clerk
SUPREME COURT OF TEXAS
201 West 14th Street, Room 104
Austin, Texas 78701

Re: No. 14-0776; *Michael Williams, et al. v. Texas Taxpayer and Student Fairness Coalition, et al.*; In the Supreme Court of Texas.

Dear Mr. Hawthorne:

Please circulate this post-submission letter brief submitted on behalf of Appellees Fort Bend ISD, et al., Calhoun County ISD, et al., Edgewood ISD, et al., and the Texas Taxpayer and Student Fairness Coalition, et al., to the members of the Court. Please also file this document in the "Briefs" section of the Court's website.

The primary purpose of this letter brief is to respond to Governor Abbott's assertion—made in his August 26, 2015 amicus brief submitted shortly before oral argument—that the 84th Legislature "substantially increased funding for the State's school finance system." Gov. Br. at 14.[1] Contrary to the Governor's assertion, funding provided by the Legislature for the 2016-17 biennium barely kept pace with enrollment growth and inflation.

[1] *See* Brief for the Governor of Texas as Amicus Curiae Supporting Appellants/Cross-Appellees Michael Williams, *et al.*, received Aug. 26, 2015 ("Gov. Br.").

AUSTIN
515 Congress Avenue, Suite 2350
Austin, Texas 78701-3562
TEL 512.482.9300 FAX 512.482.9303

DALLAS
4925 Greenville Avenue, Suite 510
Dallas, Texas 75206-4026
TEL 214.369.2358 FAX 214.369.2359

HOUSTON
1844 Harvard Street
Houston, Texas 75008-4342
TEL 713.523.2358 FAX 713.522.4553

This letter also calls attention to STAAR and SAT performance data that was released in the days following oral argument, which show that Texas is moving backward, not forward.

Finally, the letter clarifies a point discussed at oral argument regarding what would follow from an affirmance of some or all of the trial court's rulings on the ISD Plaintiffs' claims.

The 84th Legislature did not meaningfully increase public education funding.

Governor Abbott urges that the actions taken by the 84th Legislature require a remand for further fact findings, if this Court rejects the State's threshold jurisdictional challenges. Because the Legislature did not meaningfully increase public education funding, this Court should decide this case on the existing record.

As part of its biennial summary of the state budget, the Legislative Budget Board ("LBB") reported that funding for the Foundation School Program ("FSP") in the 2016-17 biennium was increased from the previous biennium by just $1.5 billion over the amount needed to fund the current law FSP entitlement,[2] an amount that is not adjusted for inflation. *See* LBB, *Summary of Conference Committee*

---

[2] This Court's past analyses have focused on the amount of money per weighted student that is available to districts via the FSP. *See Neeley v. West Orange-Cove Consolidated ISD*, 176 S.W.3d 746, 761-62 (Tex. 2005) ("*West Orange-Cove II*") (describing finance system based on FSP formula guarantees); *Edgewood Indep. Sch. Dist. v. Meno*, 917 S.W.2d 717, 730-32 and n.10 (Tex. 1995) (*Edgewood IV*) (evaluating constitutionality of school finance system based on FSP funding formulas established in Senate Bill 7); *Edgewood I*, 777 S.W.2d 391, 392 (Tex. 1989) (discussing the funding elements of the FSP). FSP funding must provide "each student enrolled in the public school system [with] access to programs and services that are appropriate to the student's educational needs," TEX. EDUC. CODE § 42.002, and "each school district with the opportunity to provide the basic program and to supplement that program at a level of its own choice." *Id.* § 42.301.

Report for House Bill 1: Appropriations for the 2016–17 Biennium at 69 ("LBB Summary of HB1");[3] *see generally id.* at 62-69.

By contrast, Governor Abbott cites a much larger funding increase, some $8 billion, relying on a spreadsheet created by TEA that is not in the record, but that is publicly available on TEA's website. Gov. Br. at 15 (claiming $8 billion increase in "overall public education funding" and $7.7 billion increase in "formula funding") and n.10 (citing "TEA Comparison of Agency Budget by Major Component 2012-2017"[4]); *see also id.* at 16 n.13 (citing same). The Governor's analysis of this spreadsheet is flawed. Unlike the LBB, the Governor counts as "increases" expenditures that do not result in additional per-student funding. The Governor's analysis also includes funds that, by law, may not be used to cover day-to-day instructional expenses. Finally, the "increase" the Governor touts was funded by increases in local property tax revenue, not state revenue.

A. *Funds provided to cover enrollment growth are not an "increase" in funding for school districts.*

Texas's student population is expected to grow by another 154,000 students over the next two years. *Compare* "Per Pupil Projections ADA Spreadsheet" (sum of 2017 ADA) *with* "Average Daily Attendance (ADA) and Weighted Average Daily Attendance (WADA) 2004–2005 through 2014–2015" (sum of 2015 ADA).[5] The State and the LBB acknowledge that funds budgeted to cover this enrollment

---

[3] *Available at:* http://www.lbb.state.tx.us/Documents/Budget/Session_Code_84/Summary_of_Conference_Committee_Report_HB1.pdf (last visited Sep. 9, 2015).

[4] *Available at:* http://tea.texas.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=25769822448&libID=25769822547) (last visited Sep. 9, 2015).

[5] These are the pupil count spreadsheets cited by the Governor in his brief and are available at: http://tea.texas.gov/Finance_and_Grants/State_Funding/State_Funding_Reports_and_Data/State__Funding_Reports_and_Data/ (last visited Sep. 9, 2015).

growth are not "additional" money to school districts. Rather, those funds are part of the district's "current law entitlement." LBB Summary of HB1 at 64 (noting that FSP funding is driven largely by enrollment growth), 68 (FSP funding increased by $1.5 billion "in excess of amounts estimated to be necessary to fund current law obligations"); State's Reply Br. at 17 ($1.5 billion increase to the "FSP entitlement"). The $2.5 billion required to cover the cost of educating these additional students accounts for almost one-third of the Governor's claimed $7.7 billion "increase" in formula funding for the upcoming biennium. *Compare* LBB, *Summary of Foundation School Program: 2014-15 Biennial Base and 2016-17 House Bill 1 Recommendation* at 8 ("LBB Summary of FSP")[6] (calculating cost of enrollment growth at $2.5 billion) *with* Gov. Br. at 15.[7]

B. *Funds that must be used to cover the costs of inflation are not an "increase" in funding for school districts.*

The Governor also does not account for inflation in any of his calculations. The Comptroller has predicted 1.9% inflation per year, or 3.8% over the coming biennium. *See* Tex. Comptroller of Public Accounts, *Biennial Revenue Estimate* at 9 (January 2015).[8] In other words, almost half of the Governor's supposed "increase" will go to cover inflation—even before accounting for enrollment growth. *See* Gov. Br. at 15 (claiming 8% increase in "overall public education funding" and 9% increase in "formula funding" in 2016-17 compared to 2014-15).

---

[6] *Available at:* http://www.lbb.state.tx.us/Documents/HAC_Summary_Recs/84R/2215_Sum_FSP.pdf (last visited Sep. 9, 2015).

[7] The Governor's calculation of the "% increase" from 2012-13 to 2016-17 in "overall funding," "formula funding," and "State programmatic funding" likewise do not account for enrollment growth during that period. Gov. Br. at 17.

[8] *Available at:* http://www.texastransparency.org/State_Finance/Budget_Finance/Reports/Biennial_Revenue_Estimate/2016_17/pdf/BRE_2016-17.pdf (last visited Sep. 9, 2015).

C. *Funds provided to replace lost property tax revenue as a result of the increase in the state-mandated homestead exemption are not an "increase" in funding for school districts.*

The Governor acknowledges that Legislative action to increase the homestead exemption will result in a $1.24 billion reduction in school districts' local property tax revenue. *See id.* at 14. Yet he counts funds appropriated to *replace* this lost revenue in the calculation of the *increase* in overall education funding and formula funding, without counting the lost revenue as a *decrease* in education funding. *Id.* at 15, 18; Comparison of Agency Budget by Major Component 2012-2017 ("Local Property Tax Collections" line); *see also* LBB Summary of HB1 at 68 (noting that $1.2 billion of the appropriated amount for the 2016-17 biennium is to cover "an equivalent reduction in local property taxes"). This amount accounts for approximately 16% of the Governor's claimed increase in formula funding for the upcoming biennium.[9]

D. *Funds that must be used to cover the state-mandated increase in Teacher Retirement System contributions are not an "increase" in funding for school districts.*

In 2013, the Legislature required school districts to increase their contribution to the Teacher Retirement System incrementally from 6.4% of teachers' salaries in 2013-14 to 7.7% in 2016-17. *See* RR56:185. The Legislature provided a one-time appropriation to help cover the cost of the increased contribution in 2014-15, but for the upcoming biennium, districts must pay for the state-mandated increase in their contribution out of the "increase" in formula funding. *Id.* at 186-87. If increasing the contribution rate from 6.4% to 6.7% costs districts $330 million, as the LBB estimates it will, *see id.*, then increasing it to 7.2% for the 2015-16 school year will cost districts $880 million, and increasing it to 7.7% for the 2016-17 school year will cost districts $1.4 billion. Districts must pay for this out of the "increase" in funding

---

[9] $1.24 billion / $7.7 billion (claimed formula funding increase) = 16.1%. The Governor's calculation of the "% increase" from 2012-13 to 2016-17 also improperly counts these replacement funds as an "increase" in all categories of funds identified. Gov. Br. at 17.

the Governor cites. This new, unfunded mandate increases state control, and decreases local discretion, over property tax revenue and rates.

E. *Funds whose use is restricted by law to non-instructional purposes cannot be used to help improve student performance.*

Many of Governor Abbott's calculations include money that, by law, cannot be used to fund programs that are aimed at improving student performance. For example, his "overall public education funding" and "annual per student" numbers include a $410.9 million increase in federal funds that the LBB notes is primarily attributable to the child nutrition (free and reduced lunch) program. *See* LBB Summary of HB1 at 63. These funds can legally be used only to support the free and reduced-price lunch program. RR63:106.

The Governor's calculation of the "overall funding," "formula funding," and "annual, per student" funding also includes local revenue from interest and sinking fund taxes and state funding for facilities, which by law must be used to pay the principal and interest on facilities bonds and cannot be used to fund day-to-day operational costs. *See* Gov. Br. at 15, 17; TEA Comparison of Agency Budget by Major Component 2012-17; *see also* RR63:105 (referencing equivalent spreadsheet produced at trial for the 2010-11 through 2014-15 biennia); Ex. 20216-A. Facilities funding accounts for approximately $11 billion of the local property tax collections[10] and $1.4 billion of the state formula revenue[11] in the Governor's 2016-17 numbers.[12]

---

[10] *See* "2015-2016 Statewide Summary of Finance," Sep. 9, 2016, *available at* https://wfspcprdap1b16.tea.state.tx.us/Fsp/Reports/ReportSelection.aspx (select report "Statewide Summary of Finance" and year "2015-16", Run ID 15383) (last visited Sep. 10, 2015). This report shows an estimated $5.5 billion in "I&S" tax collections for the 2015-16 school year. The amount of local property tax revenue from I&S collections typically grows each year, but this analysis conservatively assumes the same levels of I&S tax collections for the second year of the biennium.

[11] *See* TEA Comparison of Agency Budget by Major Component 2012-2017 (line 1002 "Instructional Facilities Allot & Existing Debt Allot").

[12] The Governor's calculation of increases in "overall public education funding" comes from the line "TOTAL – Method of Finance" and his calculation of increases in "formula funding"

F. *The claimed increase does not fully restore the 2011 funding cuts.*

The Governor also compares funding for the 2016-17 biennium to funding for the 2012-13 biennium to support his argument that funding has increased in recent years. *See* Gov. Br. at 16-17. But this analysis starts *after* the massive 2011 budget cuts. To determine how much of the funds appropriated actually restore those cuts, it is necessary to instead begin with the 2010-11 biennium. From that starting point, and comparing the amount of instructional money *per student* (to account for enrollment growth), it becomes apparent that the claimed funding increase is illusory—even *before* adjusting for inflation:[13]

---

comes from line "TOTAL – Rider 3 – Chapter 42 & 46 Formula Funding" both of which incorporate local I&S property tax collections and state facilities funding. *Cf.* RR63:105 (net property tax collections and subsequent totals in TEA's previous version of same spreadsheet include I&S taxes).

[13] Formula funding per WADA for the 2010-11 biennium is shown in Exhibit 20216A, an exhibit with calculations that were verified by TEA's Chief Financial Officer. *See* RR63:107-14; Ex. 20216A. The amount of *instructional* formula funding can be determined by subtracting out the amount of state aid in the "Instructional Facilities Allot. & Existing Debt Allot." row and the amount of "Local I&S tax collections" as noted in the Statewide Summary of Finances for the 2009-10 and 2010-11 school years. *See* "2009-2010 Statewide Summary of Finance," Jul. 1, 2015 (Run ID: 15048) (row 22); "2010-2011 Statewide Summary of Finance," Aug. 6, 2015 (Run ID: 15161) (row 22), *available at:* https://wfspcprdap1b16.tea.state.tx.us/Fsp/Reports/ReportSelection.aspx (last visited Sep. 10, 2015).

The same calculation can then be performed for the 2016-17 biennium using the spreadsheet on which the Governor's office relied (which is an updated version of Exhibit 20216A), *see* Gov. Br. at 16, n.13, the I&S tax collections for the biennium as calculated in footnote 10, *supra*, and the ADA and WADA from TEA's website. *See* TEA Comparison of Agency Budget by Major Component 2012-2017; "TEA Per Pupil Projections ADA Spreadsheet." TEA estimates WADA for the first year of the biennium to be 6,621,492. *See* TEA 2015-2016 Statewide Summary of Finance (line 7, "DPE" row). It has not yet published an estimated WADA count for the second year of the biennium. However, ADA is expected to grow by 1.7% in the second year of the biennium. *See* "TEA Per Pupil Projections ADA Spreadsheet." WADA typically grows at an even greater rate. *See* "Average Daily Attendance (ADA) and Weighted Average Daily Attendance (WADA) 2004–2005 through 2014–2015". But conservatively

	2010-11 Funding	2016-17 Funding	% change
Instructional Formula Funding per student (ADA)	$8,366	$8,213	-2%
Instructional Formula Funding per weighted student (WADA)	$6,333	$6,147	-3%
State Programmatic Funding	$2.4 Billion	$1.8 Billion	- 25%

The comparison to 2010-11 pre-budget-cut funding levels is particularly relevant in assessing the Governor's claimed "77% increase" in "State programmatic funding." Gov. Br. at 17. The purported increase comes largely from the new pre-K grant program, which is funded at $118 million for the upcoming biennium. *See* TEA Comparison of Agency Budget by Major Component 2012-2017 (row "0263 High Quality Pre-K Grant Program", columns 2016 and 2017); Gov. Br. at 16. But the Governor fails to mention that the 2011 budget cuts eliminated the prior $200 million pre-K grant program and that the new program is funded at just 53% of the prior grant's levels. *See* Ex. 20216A (Row 112 "Pre-Kindergarten Early Start Program," column 2010-11 Biennium). Starting the comparison after the budget cuts also conceals the vital fact that funding for remediation for students who fail the state's standardized tests has *decreased* by 88%. *Compare* Ex. 20216A (row 122, "Student Success Initiative," Column 2010-11 Biennium) *with* TEA Comparison of Agency Budgets 2012-2017 (row "0240, 0252 Student Success Initiative," columns 2016 and 2017).

Indeed, the Governor's starting point is from a year (2012) when, according to the most recent *Quality Counts* study, Texas's per-student spending levels were $3,622 below the national average after adjusting for regional cost differences,

---

assuming a 1.7% growth in WADA for the second year of the biennium provides a WADA estimate of 6,734,057 in the second year of the biennium.

ranking it ***49th*** among the states in adjusted per-pupil expenditures. *See* Education Week, *Quality Counts: Texas State Highlights 2015* at 10.[14] Even after the 2015 legislative changes, funding remains well below the estimated cost of providing a general diffusion of knowledge. *See* FOF 632 (showing estimates ranging from $6,532 to $6,955 per WADA *in 2015 dollars*).

G. *The claimed increase was funded by local property tax revenue.*

Furthermore, the spreadsheet on which the Governor relies makes it clear that any increases in public education funding came from growth in local property tax revenue (attributable to rising property values), not from new state revenue. According to the LBB, the 2015 Legislature funded $2.5 billion in enrollment growth, put $1.2 billion into a homestead exemption increase, and provided $1.5 billion in formula funding increases. *See* LBB Summary of HB1 at 68 ($1.5 billion increase above current law entitlement and $1.2 billion for homestead exemption increase); LBB, *Summary of Foundation School Program: 2014-15 Biennial Base and 2016-17 House Bill 1 Recommendation*[15] (calculating cost of enrollment growth at $2.5 billion). That adds up to $5.2 billion. Yet, TEA expects local districts to collect $5.1 billion more in property tax revenue *plus* another $1.5 billion in increased recapture (for a total of $6.6 billion) compared to the previous biennium. *See* TEA Comparison of Agency Budget by Major Component 2012-2017 (Compare 2016 plus 2017 with 2014 plus 2015 in the rows "Less: Recapture" and "SUBTOTAL – NET Local Property Tax Collections").

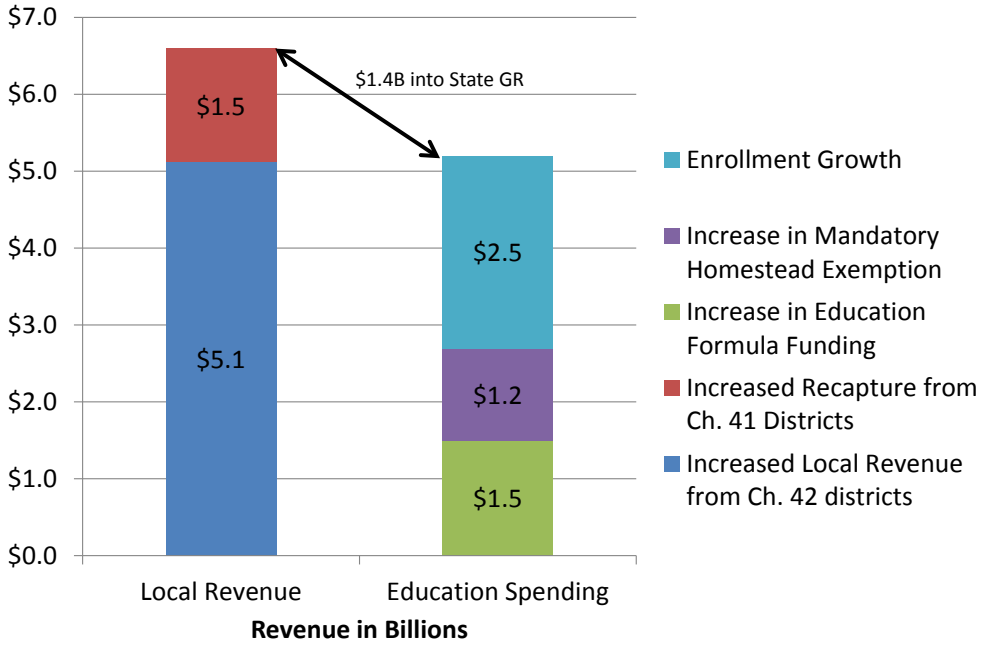
What happened to the other $1.4 billion in local property tax revenue? As shown in the table below, the Legislature counted it as a credit towards general revenue that can be used for any purpose—including non-educational ones. *See* LBB Summary of FSP at 8 (counting revenue from District Property Value ("DPV

---

[14] *Available at:* http://www.edweek.org/media/ew/qc/2015/shr/16shr.tx.h34.pdf (last visited Sep. 9, 2015).

[15] *Available at:* http://www.lbb.state.tx.us/Documents/HAC_Summary_Recs/84R/2215_Sum_FSP.pdf (last visited Sep. 9, 2015).

Change") and increased recapture ("Recapture Revenue over base") as a General Revenue "Savings").



II. Student performance results released after oral argument confirm that student performance is not improving.

Governor Abbott joins the State in arguing that recent years have shown "strides in education." Gov. Br. at 19. But the performance data presented in the briefing and performance results released within days of the oral argument in this case contradict those claims.

The afternoon after oral argument, the State released the Spring 2015 mathematics results for the STAAR exams in grades 3-8. Results had been delayed because TEA had not yet determined how many questions a student needed to answer correctly in order to pass the exam—a score known as the "raw score." In all but one grade, TEA *lowered* the percentage of questions needed to pass the exam from the previous year—by eleven percentage points in Grade 3, twelve percentage

points in Grade 4, eight percentage points in Grade 5, and seven percentage points in Grades 6 and 7. *Compare* STAAR Raw Score Conversion Tables for 2014-15 *with* STAAR Raw Score Conversion Tables for 2013-14.[16] Yet despite that the fact that the passing bar was lowered, the percentage of students passing the exam improved just slightly in Grades 3, 4 and 7, remained the same in Grade 5, and *declined* in Grades 6 and 8. *Compare* STAAR 3-8 Reports for Spring 2015[17] *with* STAAR 3-8 Reports for Spring 2014.[18] The percentage of students achieving the Final Level II Standard, the level at which the State indicates that they are on track to graduate college-ready, ranged from a low of 34% in Grades 4 and 7 to a high of 42% in Grade 5. *See* STAAR 3-8 Reports for Spring 2015. Even fewer economically disadvantaged students were able to meet that standard, with their percentages ranging from a low of 23% in Grade 7 to a "high" of 31% in Grades 3 and 5. *Id.*

Then, on September 3, 2015, the College Board released the SAT results for the Class of 2015. *See* College Board, News Release: Sep. 3, 2015.[19] In Texas, just 31.8% of SAT takers in the class of 2015 met the SAT College and Career Readiness

---

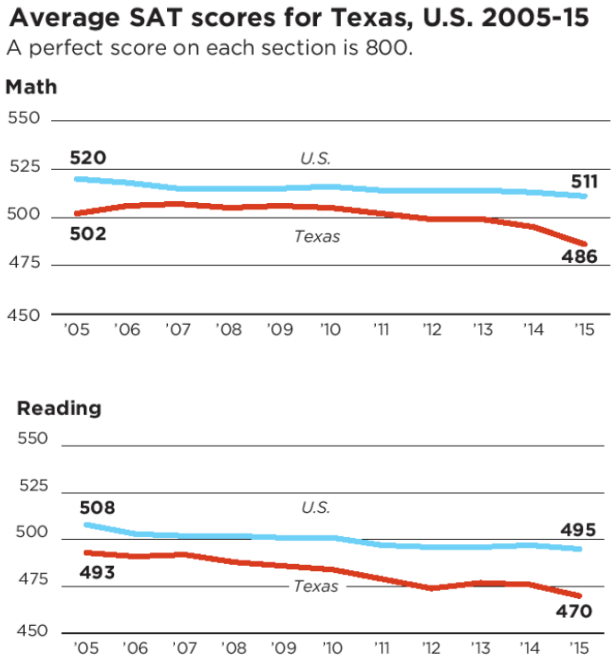
[16] *Available at:* http://tea.texas.gov/student.assessment/staar/convtables/ (last visited Sep. 10, 2015).

[17] *Available at:* http://tea.texas.gov/Student_Testing_and_Accountability/Testing/State_of_Texas_Assessments_of_Academic_Readiness_(STAAR)/STAAR_Statewide_Summary_Reports_2013-2014/ (use links for "Spring 2014 3-8" for Grades 3, 4, 6, and 7 and links for "Spring 2014 5 & 8" for Grades 5 and 8) (last visited Sep. 10, 2015).

[18] *Available at:* http://tea.texas.gov/Student_Testing_and_Accountability/Testing/State_of_Texas_Assessments_of_Academic_Readiness_(STAAR)/STAAR_Statewide_Summary_Reports_2014-2015/ (use links for "Spring 2015 3-8" for Grades 3, 4, 6, and 7 and links for "March 2015 5 & 8" for Grades 5 and 8) (last visited Sep. 10, 2015).

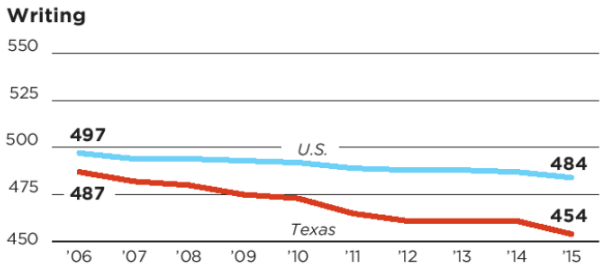
[19] *Available at:* https://secure-media.collegeboard.org/digitalServices/pdf/2015-college-board-results-press-release.pdf (last visited Sep. 10, 2015).

Benchmark, compared to 41.9% for the rest of the nation. *Compare* College Board, News Release: Sep. 3, 2015 (national results) *with* College Board, "2015 College Board Program Results: Texas"[20] at 4 (Texas results). In 2015, Texas's scores were twenty-five points below the national average in both Critical Reading and Math and thirty points below the national average in Writing. *Compare* College Board, "State Profile Report: Texas" (2015) at 3 (national scores)) *with id.* at 5 (Texas scores).[21] This data shows that the gap between Texas and the national average continues to grow, as it has over the past decade.



[20] *Available at:* https://www.collegeboard.org/release/2015-program-results (last visited Sep. 15, 2015).

[21] *Available at:* https://secure-media.collegeboard.org/digitalServices/pdf/sat/TX_15_03_03_01.pdf (last visited Sep. 10, 2015).



Terrence Stutz, *SAT Scores in Texas Plummet as More Students Take Exam*, DALLAS MORNING NEWS, Sep. 3, 2015.[22] Particularly telling is the comparison between Texas's and California's SAT performance. California outperformed Texas by 20 points in Math and 25 points in Critical Reading this year, even though (1) the demographics of the two states are comparable (with 53.6% Hispanic and 24.6% white students in California, compared to 51.8% Hispanic and 29.5% white students in Texas), (2) more than 60% of seniors in both states took the SAT, and (3) a higher percentage of low-income students took the exam in California than in Texas. *Id.*; College Board, "State Profile Report: Texas" (2015) at 5; College Board, "State Profile Report: California" (2015) at 5.[23] This new data belies any claim of "forward progress" and further demonstrates how far Texas is from achieving a general diffusion of knowledge, which the Legislature has defined as college and career readiness.

At oral argument, some of the justices' questions raised the issue of where the boundary between constitutionally acceptable and unacceptable student performance lies. While this Court's precedents offer guidance on this question, the Court has wisely refrained from precisely delineating the boundary between acceptable and unacceptable student performance when it is not necessary to do so.

---

[22] *Available at:* http://www.dallasnews.com/news/education/headlines/20150903-sat-scores-in-texas-plummet-as-more-students-take-exam.ece (last visited Sep. 10, 2015).

[23] *Available at:* https://secure-media.collegeboard.org/digitalServices/pdf/sat/CA_15_03_03_01.pdf (last visited Sep. 10, 2015).

See Neeley v. West Orange-Cove Consol. Indep. Sch. Dist., 176 S.W.3d 746, 789-90 (Tex. 2005) (*WOC II*) (discussing student performance metrics in analyzing adequacy claim without adopting bright-line test). Here, it is abundantly clear from the data that current student performance is not even in a "gray area" with respect to meeting the state's college and career readiness standards. When the percentages of students meeting the state's adopted post-secondary readiness levels fall generally in the 20s to 50s—and no meaningful progress has been made after four years of testing—the question of a constitutional failing is not a close call.

III. The Legislature can be expected to appropriately respond to this Court's ruling.

Like the State, Governor Abbott argues that a ruling from the Court might not redress the plaintiffs' claims. Several questions from the Court at oral argument also focused on the relationship between the plaintiffs' requested legal remedies (declaratory and injunctive relief) and legislative action to address the constitutional failings. If this Court affirms the trial court's judgment, the Legislature can reasonably be expected act to remedy the constitutional violations. Indeed, in *WOC II*, the Court provided the same relief requested here—a declaration of unconstitutionality and an injunction prohibiting the continued operation of the unconstitutional system. The Court stayed the injunction for six months to give the Legislature time to act. *See* Court Approved Judgment in *WOC II* (Case No. 04-1144). The Legislature met in special session in spring 2006 and passed legislation that provided school districts with additional money and additional taxing discretion. *See* FOF 25. All parties then agreed to the dissolution of the injunction and the dismissal of the case. There is no reason to believe that this case would be any different.

Respectfully submitted,

ALEXANDER DUBOSE JEFFERSON
& TOWNSEND LLP

/s/ Wallace B. Jefferson
Wallace B. Jefferson
State Bar No. 00000019
wjefferson@adjtlaw.com
Rachel A. Ekery
State Bar No. 00787424
rekery@adjtlaw.com
515 Congress Avenue, Suite 2350
Austin, Texas 78701-3562
Telephone: (512) 482-9300
Facsimile: (512) 482-9303

Counsel for the Fort Bend ISD Plaintiffs

HAYNES & BOONE, LLP

/s/ Mark Trachtenberg
Mark R. Trachtenberg
State Bar No. 24008169
mark.trachtenberg@haynesboone.com
1 Houston Center
1221 McKinney Street, Suite 2100
Houston, Texas 77010
Telephone: (713) 547-2000
Facsimile: (713) 547-2600

Counsel for the CCISD Plaintiffs

MALDEF, INC.

/s/ Marisa Bono
Marisa Bono
State Bar No. 24052874
mbono@maldef.org
110 Broadway, Suite 300
San Antonio, Texas 78205
Telephone: (210) 224-5476
Facsimile: (210) 224-5382

Counsel for the Edgewood ISD Plaintiffs

GRAY & BECKER, PC

/s/ Richard Gray, III
Richard E. Gray, III
State Bar No. 08328300
rick.gray@graybecker.com
900 West Avenue
Austin, Texas 78701
Telephone: (512) 482-0061
Facsimile: (512) 4820924

Counsel for the TTSFC Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on counsel of record at the addresses below by electronic service on the September 16, 2015:

Ken Paxton
State Bar No. 15649200
Rance Craft
State Bar No. 24035655
Charles E. Roy
Kristofer S. Monson
James E. Davis
Beth Klusmann
Evan S. Greene
Jonathan F. Mitchell
Shelley N. Dahlberg
OFFICE OF THE ATTORNEY GENERAL
PO Box 12548 (MC 059)
Austin, Texas 78711-2548
rance.craft@texasattorneygeneral.gov

Attorneys for Michael Williams, et al.

Craig T. Enoch
State Bar No. 00000026
Melissa L. Lorber
State Bar No. 24032969
Shelby L. O'Brien
ENOCH KEVER PLLC
600 Congress, Suite 2800
Austin, Texas 78701
Telephone: (512) 615-1200
Facsimile: (512) 615-1198
cenoch@enochkever.com
mlorber@enochkever.com
sobrien@enochkever.com

J. Christopher Diamond
State Bar No. 00792459
SPRAGUE, RUSTAM & DIAMOND, P.C.
11111 Katy Freeway, Suite 300
Houston, Texas 77040
Telephone: (713) 645-3130
Facsimile: (713) 647-3137
christopherdiamond@yahoo.com

Attorneys for Joyce Coleman, et al.

Robert A. Schulman
State Bar No. 17834500
Joseph E. Hoffer
SCHULMAN, LOPEZ & HOFFER, LLP
517 Soledad Street
San Antonio, Texas 78205-1508
Telephone: (210) 538-5385
Facsimile: (210) 538-5384
rschulman@slh-law.com
jhoffer@slh-law.com

James C. Ho
State Bar No. 24052766
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201-6912
Telephone: (214) 698-3264
Facsimile: (214) 571-2917
jho@gibsondunn.com

Leonard J. Schwartz
State Bar No. 1786700
SCHULMAN, LOPEZ & HOFFER, LLP
700 Lavaca Street, Suite 1425
Austin, Texas 78701
Telephone: (512) 962-7384
Facsimile: (512) 402-8411
lschwartz@slh-law.com

Attorneys for Texas Charter Schools Association, et al.

/s/ Wallace B. Jefferson
Wallace B. Jefferson