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Travis District
D-1-GN-11-003130

CAUSE NO. D-1-GN-11-003130

TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, *ET. AL.*,	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
EDGEWOOD INDEPENDENT SCHOOL DISTRICT, *ET. AL.*, (consolidated)	§	
	§	
Plaintiffs	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
ROBERT SCOTT, in his official capacity as Commissioner of Education, *et. al.*,	§	
	§	
Defendants,	§	200TH JUDICIAL DISTRICT

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BRIEF OF AMICUS CURIAE
TEXAS CLASSROOM TEACHERS ASSOCIATION

TO THE HONORABLE COURT:

COMES NOW Amicus Curiae, Texas Classroom Teachers Association, who files this brief in support of Edgewood Plaintiffs' Plea to the Jurisdiction and Motion to Dismiss the Second Amended Plea in Intervention filed by Intervenors.

INTEREST OF AMICUS CURIAE

Amicus Curiae, the Texas Classroom Teachers Association (hereinafter referred to as "TCTA") is a professional association composed of approximately 50,000 classroom teachers, related certified instructional personnel, and instructional paraprofessionals. TCTA promotes quality service to both students and school communities and seeks to improve the learning environment for students and of school district employees. The outcome of the case will directly affect the contract rights and benefits of our members as it has the potential to invalidate statutes that directly affect all

educators employed by public school districts. Accordingly, TCTA respectfully requests that the court grant TCTA the status of Amicus Curiae and to consider the arguments of TCTA made on behalf of its members in this brief and in any future submissions TCTA may submit to the court.

SUMMARY OF THE ARGUMENT

Intervenors have no standing to challenge the constitutionality of the school finance system or individual statutes within the Texas Education Code. Additionally, the trial court lacks jurisdiction to address the purely political questions raised by Intervenors as they are not justiciable.

ARGUMENT AND AUTHORITY

Intervenors have not pled facts sufficient to demonstrate that they have standing to make any of the claims asserted in their petition. See Addendum. As standing is a necessary component of subject matter jurisdiction, the court should dismiss their complaint for lack of jurisdiction.

"Standing, which is a necessary component of subject matter jurisdiction, requires a) a real controversy between the parties, which b) will be actually determined by the judicial declaration sought." *Texas Worker's Compensation Com'n v. Garcia*, 893 S.W.2d 504, 517-518 (Tex. 1995), citing *Texas Ass'n of Business v. Texas Air Control Bd.*, 852 S.W.2d 440, 446 (Tex. 1993).[1] "The requirement that a plaintiff have "standing" to assert a claim comes from the Texas Constitution's separation of powers among the departments of government, which denies the

[1]*See also DaimlerChrysler v. Inman*, 252 S.W.3d 299, 304 (Tex.2008), "The requirement in this State that a plaintiff have standing to assert a claim derives from the Texas Constitution's separation of powers among the departments of government, which denies the judiciary authority to decide issues in the abstract, and from the Open Courts provision, which provides court access only to a 'person for an injury done him.' ", quoting Tex. Const. art. 1 § 13; *Southwestern Bell Telephone Co. v. Marketing on Hold Inc.*, 308 S.W.3d 909, 916 (Tex. 2010).

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judiciary the authority to decide issues in the abstract, and from the Open Courts provision, which provides court access only to a "person for an injury done him." *De Leon v. City of El Paso,* 353 S.W.3d 285, 289-290 (Tex. App. – El Paso, 2011, no pet.), *citing DaimleChrysler*, 252 S.W.3d at 304.

While standing is a necessary component of any lawsuit, it usually arises as an issue when a plaintiff files a suit to challenge governmental action. The reason for this is that when a person sues to recover money under a contract or damages to compensate for a tort, the individual harm to the plaintiff is inherent in the claim. When a person sues to challenge the action of a governmental body, such as a challenge to an ordinance adopted by a home rule city, a statute adopted by the state Legislature, or a challenge to the entire school finance system, the individual harm to the plaintiff is more likely to be illusory, so judicial scrutiny of the plaintiff's standing is warranted. Failure to apply such scrutiny could lead to an advisory opinion or an encroachment on the constitutional prerogative of another branch of government by the judiciary.

The Third Court of Appeals explains this concept in the "Beer Bong" case. *Stop the Ordinances Please v. City of New Braunfels*, 306 S.W.3d 919 (Tex. App. – Austin 2010, no pet.). In this case, plaintiffs were business owners, ("Outfitter Plaintiffs") who equipped tourists with inner tubes and coolers for use on rivers that flowed through city parks of the City of New Braunfels. The city enacted four ordinances in an attempt to curb misbehavior that might have been caused by the excessive consumption of alcoholic beverages by some tourists while floating down the rivers. One ordinance specifically prohibited "Beer Bongs." A second prohibited drinking containers of 5 ounces or less or "Jell-O-Shots." A third prohibited consumption of or possession of an open container of alcoholic beverages in city parks. The fourth limited coolers

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in excess of sixteen quarts in capacity from being deployed on the public waterways and restricted the use of coolers to one per person. The Outfitter Plaintiffs filed suit under the Uniform Declaratory Judgments Act[2] to restrain enforcement of the ordinances. The Court held that the Outfitter Plaintiffs had standing only with regard to their challenge to the cooler ordinance and only with regard to the size limitation component of the ordinance. According to the court, "By alleging that the Cooler & Container Ordinance restricted their use of their property, caused them to incur additional expenses, and damaged or destroyed their market for larger cooler rentals within the City limits, the Outfitter Plaintiffs have demonstrated the required actual, concrete, and particularized infringement of their legally protected interests necessary for standing." *Stop the Ordinances Please*, 306 S.W.3d at 928. The court rejected the Outfitter Plaintiffs' standing to challenge the other ordinances, explaining,

> The Outfitter Plaintiffs do not allege facts demonstrating that the citywide restriction against beer bongs, the prohibitions against containers less than five ounces in capacity or glass or Styrofoam containers in the rivers, the requirement that coolers be secured, or the ban on drinking in public parks has caused them to incur a concrete and particularized injury. There is simply no causal linkage alleged that would demonstrate why or how a potential customer's inability to use a beer bong in the City, drink alcohol in a public park, and carry less-than-five-ounce open containers or glass bottles in the rivers, or the requirement that they secure their ice chests results in potential customers deciding not to rent inner tubes and ice chests from the Outfitter Plaintiffs when they would otherwise do so. Nor do the Outfitter Plaintiffs identify any injury they incurred from the one-cooler-per-person limit. Although they broadly complain of lost revenues they "attribute" to the ordinances collectively, these bare conclusions are insufficient to affirmatively demonstrate their standing.

Id. at 930.

The Third Court's decision is founded in the following analysis:

> The United States Supreme Court, applying standing principles that are analogous to Texas standing jurisprudence with respect to challenges to governmental action, has explained that the "irreducible constitutional minimum" of standing consists of three elements:

[2] Tex. Civ. Prac. & Rem.Code Ann. §§ 37.001-.011.

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> (1) "the plaintiff must have suffered an 'injury in fact'—an invasion of a 'legally protected' [or cognizable] interest which is (a) concrete and particularized and (b) 'actual or imminent, not conjectural or hypothetical' ";
> (2) "there must be a causal connection between the injury and the conduct complained of"—the injury must be "fairly traceable" to the challenged action of the defendant and not the independent action of a third party not before the court; and
> (3) it must be likely, and not merely speculative, that the injury will be redressed by a favorable decision.

Id. at 926 (citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992).

Application of Principles of Standing to Intervenors

Intervenors have not demonstrated that they have standing to challenge the constitutionality of the public school system under Tex. Const., art. VII, § 1. According to their pleading, Intervenors are "(p)arents, students, taxpayers and/or business entities." The parents assert they are parents of minor children. There is no pleading that the students are in a public school and that any alleged failure of the state to provide an efficient public school system has impaired or restricted their educational opportunities. Contrast this to the pleadings by the Edgewood plaintiffs where the student plaintiffs are shown to be students in school districts where there is a significant funding gap compared to other specific districts.

The Intervenor taxpayers do not even attempt to show how they are affected as taxpayers. Contrast this to the pleadings by the Texas Taxpayer & Student Fairness Coalition where there are very specific demonstrations that property taxes paid by plaintiff taxpayers at a given tax rates generate much less revenue per WADA for the education systems in their districts than is generated by property taxes paid at those same rates by taxpayers of other districts. Allowing the Intervenors to gloss over the requirement of standing will lead to exactly the sort of morass envisioned by the Third Court of Appeals in the "Beer Bong" case when it said:

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> it remains that a plaintiff must show that it has or imminently will suffer an invasion of some legally cognizable interest that is sufficiently unique to the plaintiff, as distinguished from the general public, to ensure that the plaintiff has a sufficient personal stake in the controversy so that the lawsuit would not yield a mere advisory opinion or draw the judiciary into generalized policy disputes that are the province of the other branches.

Stop the Ordinances Please, 306 S.W.3d at 927.

The courts have recognized a very narrow exception to the requirement of alleged individual harm in cases where taxpayers have sued to enjoin expenditures of public funds on an alleged illegal activity, but this exception does not extend to their claims of "qualitative efficiency," which are tantamount to claims that schools make unwise or indiscreet expenditures. These claims are specifically disallowed by the Texas Supreme Court.

> The vigilance of a citizen who takes upon himself that burden in the interest of good government is to be commended. However, the procedure is generally recognized as being drastic and, in order to be authorized to maintain such an action, a citizen must bring himself strictly within the established rules. Governments cannot operate if every citizen who concludes that a public official has abused his discretion is granted the right to come into court and bring such official's public acts under judicial review. The right, therefore, of a citizen to maintain such an action is strictly limited to cases of illegality of the proposed expenditure and does not extend to cases of unwise or indiscreet expenditures.

Osborne v. Keith, 142 Tex. 262, 265, 177 S.W.2d 198, 200 (Tex. 1944).

Standing to challenge a statute as constitutional

The issue of standing was not addressed in prior school finance litigation until 2003 when the Texas Supreme Court rejected claims of the dissent that the school district plaintiffs did not have standing to assert claims under Tex. Const., art. VIII, § 1–e. *See West Orange-Cove Consol. Indep. Sch. Dist. v. Alanis*, 107 S.W.3d 558 (Tex. 2003). The Court did not discuss whether there are different criteria for standing under claims that the entire system is unconstitutional as opposed to challenges to specific statutes, as plaintiffs in that case did not ask that specific statutes be declared invalid by the courts. In that case, as in all other challenges

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under either art. VIII, § 1-e or art. VII, § 1, the plaintiffs asked the courts to declare the entire system unconstitutional, leaving to the Legislative branch the authority and power to devise a remedy.

In contrast, Intervenors attempt to mount challenges to the constitutionality of specific statutes, which makes their potential for standing even more tenuous. For the Intervenors to have standing to challenge a specific statute, they must be able to show that the requested remedy, a judicial declaration that a statute is invalid, will address a "'legally protected' [or cognizable] interest which is (a) concrete and particularized and (b) 'actual or imminent, not conjectural or hypothetical'" alleged to have been created by that statute, and that is "likely, and not merely speculative, that the injury will be redressed by a favorable decision." *Stop the Ordinances Please*, 306 S.W.3d at 926. Thus, Intervenors do not have standing to ask the court to invalidate or order the change of statutes so as to allow every school district to operate under the same provisions that apply to charter schools, eliminate standards that apply to Home Rule school districts, invalidate all of the employee rights and benefits contained in Chapter 21 of the Education Code, eliminate the cap and standards for approving charter schools, eliminate the Cost of Education Adjustment, eliminate Elementary Class size caps, or selectively eliminate standards applying to Public Education Grants. The claim that the requested remedies will likely redress any concrete, particular interest of any Intervenor is clearly speculative, conjectural hypothetical and incapable of being determined by the courts.

The standard set by the Texas Supreme Court for standing to challenge the constitutionality of a statute is well established and explained in clear and concise terms by the Court in the following passage:

> Standing, which is a necessary component of subject matter jurisdiction, requires a) a real controversy between the parties, which b) will be actually determined by

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> the judicial declaration sought. *Texas Ass'n of Business v. Texas Air Control Bd.*, 852 S.W.2d 440, 446 (Tex.1993). Cf. *Pennell v. City of San Jose*, 485 U.S. 1, 8, 108 S.Ct. 849, 855, 99 L.Ed.2d 1 (1988) (to have standing to challenge a statute, a plaintiff "must demonstrate a realistic danger of sustaining a direct injury as a result of the statute's operation or enforcement"). Thus, to challenge a statute, a plaintiff must first suffer some actual or threatened restriction under that statute. Second, the plaintiff must contend that the statute unconstitutionally restricts the plaintiff's rights, not somebody else's. See *Broadrick v. Oklahoma*, 413 U.S. 601, 610, 93 S.Ct. 2908, 2915, 37 L.Ed.2d 830 (1973) ("[A] person to whom a statute may constitutionally be applied will not be heard to challenge that statute on the ground that it may conceivably be applied unconstitutionally to others, in other situations not before the Court.").
>
> Under a facial challenge, such as that asserted here, the challenging party contends that the statute, by its terms, always operates unconstitutionally. See *New York State Club Ass'n v. New York City*, 487 U.S. 1, 11, 108 S.Ct. 2225, 2233, 101 L.Ed.2d 1 (1988); , 481 U.S. 739, 745, 107 S.Ct. 2095, 2100, 95 L.Ed.2d 697 (1987). Therefore, because they bring facial challenges, plaintiffs by definition are contending that the Act operates unconstitutionally as to them. Thus, to satisfy the requirements of standing, they must demonstrate that they are suffering some actual or threatened restriction under the Act.

Texas Workers' Compensation Com'n v. Garcia, 893 S.W.2d at 517 -518.

For the court to have jurisdiction over Intervenors' facial challenges, each Intervenor must demonstrate some actual or threatened restriction under each and every statute claimed to be unconstitutional. They have not done so. The court therefore does not have jurisdiction over their claims.

Associational or Organizational Standing

Texans for Real Efficiency and Equity in Education and Texas Association of Business have similarly not even attempted to demonstrate on what basis they have standing. TCTA assumes that these organizations assert association or organizational standing. Texas Association of Business should be familiar with the prerequisites for establishing organization standing given the history of this organization and its role in developing primary authority for the three prongs required for organization standing, which are:

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> (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.

Texas Ass'n of Business, 852 S.W.2d at 447 (citing *Hunt v. Washington State Apple Advertising Commission*, 432 U.S. 333, 343, 97 S.Ct. 2434, 2441, 53 L.Ed.2d 383 (1977).

To have standing, Texas Association of Business must show that its members have standing to sue in their own right. Its members must show a real controversy specifically affecting them. When it challenged statutes implemented by the Air Control Board, the pleadings and record before the court showed that individual TAB members had been assessed administrative penalties under the statutes challenged as unconstitutional and that other members remained at substantial risk of penalty. *See id.* The Texas Supreme Court thus accepted the standing of TAB's individual members and accepted that the purpose of the association, "to promote the common business interests of its [member clubs]," satisfied the second prong of the test. *See id.*

As previously noted, TAB has not attempted to plead the basis for its standing. The leaders of the association and its counsel seem to assume that TAB has plenary standing to make the same sort of policy arguments before the court that it makes before the state Legislature. While the association might be able show that its individual members have standing to assert claims similar to those asserted by the taxpayer plaintiffs of the Texas Taxpayer & Student Fairness Coalition, it has not done so.

Surely TAB must do more than simply state that it represents taxpayers and businesses and is therefore free to come into court and not only challenge the entire school system but also any particular statute with which its leaders take issue. Such a result would be repugnant to the well established test of association standing adopted by the Texas Supreme Court when it quoted

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the U.S. Supreme Court as stating that "the purpose of the first part of the *Hunt* test is simply to weed out plaintiffs who try to bring cases, which could not otherwise be brought, by manufacturing allegations of standing that lack any real foundation." *Id.* (quoting *New York Sate Club Ass'n*, 487 U.S. 1, 9, 108 S.Ct. 2225, 2232 (1988). This is exactly what Texas Association of Business is attempting to do in the instant case. If its individual members have standing to assert a claim under Tex. Const., art. VII, § 1 that the Texas Public School system is inefficient or not suitable, it has not demonstrated such standing or that its members belong to the association for the purpose of allowing it to assert these claims on their behalf.

Texas Association of Business has also failed to either plead or establish the second prong of the *Hunt* test in the instant case. While it would no doubt argue that its stated purpose of promoting "the business interests" of its members is sufficient to allow it to mount a challenge under art. VII, § 1, the issue deserves close of judicial scrutiny. As the Texas Supreme Court noted, "when members of an organization have individual standing, but the organization was not established for the purpose of protecting the particular interest at issue, it is not necessarily in the members' best interest to allow such a disinterested organization to sue on their behalf." *Id.* at 447. It is one thing for an association to sue on behalf of its members when they have been fined or threatened with fines or penalties; it is quite another thing for an association to assert that its theories with regard to education reform confer standing for the organization to come to court and aver that those theories constitute viable challenges to the constitutionality of the public school system. It is an even further stretch for the association to aver that it is free to come to court and ask for the invalidation of whatever statutes it finds to be objectionable.

The standing of Texans for Real Efficiency and Equity in Education is even more questionable. All that is known from the Intervenors' pleading is that it is a non-profit

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organization. Is it asserting standing on its own behalf? Is it asserting standing on behalf of members? The court should not have to speculate about these issues; it should simply dismiss their Intervention.

Justiciability

Even if the court should decide the Intervenors do have standing to challenge the school finance system, their claims are not justiciable. As the court clearly stated in *Spring Branch Management Dist. v. Valco Instruments Co., L.P.*, "A trial court lacks jurisdiction to address purely political questions because they are not justiciable." No. 01-11-00164-CV, 2012 WL 2923151 (Tex. App. – Houston [1st Dist.], July 12, 2012). This lack of jurisdiction derives from the constitutional separation of powers which recognizes that while the judiciary determines if a constitutional standard has been met, the Legislature is solely responsible for effectuating policy.

Article VII, §1 of the Texas Constitution plainly leaves to the Legislature the ability to establish the manner and means to support a public education system: "[I]t shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools." It is well-established that "[The] Court's role under our Constitution's separation of powers provision should be one of restraint. We do not dictate to the Legislature how to discharge its duty." *Edgewood Independent School Dist. v. Meno,* 917 S.W.2d 717, 726 (Tex. 1995). In *Mumme v. Marrs* this principal was precisely explained:

> Since the Legislature has the mandatory duty to make suitable provision for the support and maintenance of an efficient system of public free schools, and has the power to pass any law relative thereto, not prohibited by the Constitution, it necessarily follows that it has a choice in the selection of methods by which the object of the organic law may be effectuated. The Legislature alone is to judge what means are necessary and appropriate for a purpose which the Constitution makes legitimate. The legislative determination of the methods, restrictions, and regulations is final, except when so arbitrary as to be violative of the constitutional rights of the citizen.

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120 Tex. 383, 396, 40 S.W.2d 31, 36 (Tex. 1931).

The judiciary plays an important role in that it decides whether the constitutional duty was fulfilled, but it has no ability to dictate how fulfillment of the duty is accomplished. While Intervenors requests for relief include the declaration that the school finance system as a whole is unconstitutional, they also request the court declare very specific statutes unconstitutional, solely because Intervenors disagree with the public policy the statutes perpetuate. Even their challenge to the system as a whole is predicated upon their disagreement with the policy decisions made by the Legislature with regard to the adoption of individual statutes such as the cap on the number of charter schools, the limitations on home rule school districts, and the employee rights contained in Chapter 21 of the Education Code. Their Intervention clearly delves into purely political questions and to grant it requires the court to dictate to the Legislature how to perform its duty. The Texas Constitution, art. VII, §1does not support such a challenge. It is unprecedented for the court, in examining the question of constitutionality of the school finance system, to rule that specific enumerated statutes are unconstitutional or to ask that specific components of the system be judicially amended.

Former Representative Kent Grusendorf, Executive Director of Texans for Real Efficiency and Equity in Education and a former House Public Education Committee Chairman in the Texas House of Representatives[3], is well aware the demands Intervenors make upon the court are of a purely political nature as he authored many pieces of legislation to address these very matters. In 2003 alone, Representative Grusendorf authored bills concerning school boards issuing a temporary certificate for persons holding certain degrees[4], exempting certain districts

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[3] Representative Grusendorf served as Chairman of the Texas House Public Education Committee during the 78th and 79th legislative sessions held in 2003 and 2005, respectively.
[4] H.B. 318, 78th Leg., Reg. Sess. (Tex. 2003).

from paying the minimum school salary schedule[5], broadening provisions related to the nonrenewal of teacher contracts[6], providing that districts or campuses rated exemplary are only subject to provisions that apply to open-enrollment charters[7], regarding recognized and exemplary districts creating compensation plans including market-based plans[8], and instituting a pilot voucher program[9]. Most of these bills either amended or affected employee rights and benefits under Chapter 21 of the Texas Education Code. Not one of these filed bills passed the Legislature. In fact, several of these pieces of legislation did not even get out of the committee over which Representative Grusendorf presided.[10]

The 79th regular and special sessions in 2005 saw renewed efforts to address school finance and Representative Grusendorf pursued several bills to address the situation. Representative Grusendorf's school finance bill during the first called special session, H.B. 2, contained a limitation on the number of charters that may be issued by the State Board of Education. The limit contained in his own bill was 215, the same number found in current law.[11] The school finance bills he filed also contained the "excellence exemptions," which would have, among other things, eliminated the application of Chapter 21 to certain school districts, that he pursued in the previous session.[12] Again, these legislative efforts failed. Ultimately, Representative Grusendorf lost his bid for re-election in 2005 and no longer serves as a

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[5] H.B. 762, 78th Leg., Reg. Sess. (Tex. 2003).
[6] H.B. 1132, 78th Leg., Reg. Sess. (Tex. 2003).
[7] H.B. 973, 78th Leg., Reg. Sess. (Tex. 2003).
[8] H.B. 2217, 78th Leg., Reg. Sess. (Tex. 2003).
[9] H.B. 2465, 78th Leg., Reg. Sess. (Tex. 2003).
[10] H.B. 762, *supra*; H.B. 1132, *supra*; H.B. 2217, *supra.*
[11] TEX. EDUC. CODE §12.101(b).
[12] H.B. 973, *supra.*

legislator. Having no success with the Legislature, former Representative Grusendorf now requests the court do what he was unable to accomplish.[13]

CONCLUSION

This court lacks subject-matter jurisdiction due to both Intervenors lack of standing and the non-justiciability of issues raised in their pleadings. There is compelling evidence for the court to, either upon the motion of any party or sua sponte, address these failings of the pleadings, and there are sound reasons for doing so.

PRAYER

WHEREFORE, PREMISES CONSIDERED, amicus respectfully requests that the Court grant Edgewood Plaintiffs' plea to the jurisdiction and motion to dismiss as to the Intervenors' second amended plea in intervention.

Respectfully submitted,

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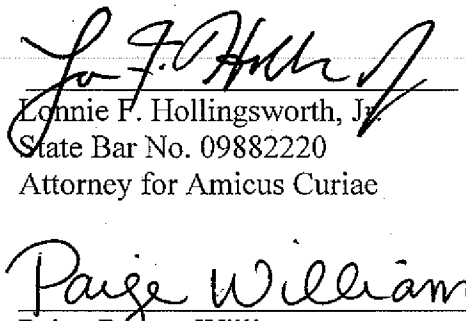
BY: 
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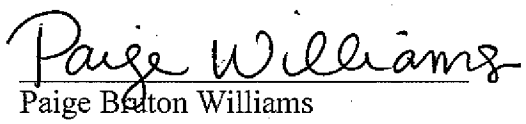
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[13] *See* Mike Norman, Editorial, *Breaking the chains that bind Texas public schools,* STAR-TELEGRAM (Fort Worth), March 1, 2012, http://www.star-telegram.com/2012/03/01/3777075/breaking-the-chains-that-bind.html

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Addendum: Standing Chart

Prepared by Amicus Curiae, Texas Classroom Teachers Association

Standing requires:

- Real or threatened harm specifically affecting plaintiff and not just other parties
- It must be likely that the judicial action requested will resolve the real or threatened harm

Standing to challenge the entire school system requires:

- Real or threatened harm specifically affecting student (or parent of student)
- Real or threatened harm specifically affecting taxpayer (i.e. taxpayer must allege his taxes do not generate as much revenue due to inefficiency of system or taxpayer must allege she is subject to statewide property tax)
- School districts have standing due to the fact that they are being asked to implement an unconstitutional system

Standing to challenge a specific statute requires:

- Plaintiffs must suffer some actual or threatened harm caused by the statute
- Plaintiff must contend the statute affects plaintiffs' rights and not someone else
- It must be likely that the invalidation of the statute will resolve the harm alleged

Standing by an association requires:

- Individual members must have standing
- The interests of the individual members sought to be protected are germane to the organization's purpose
- Participation of the individual members is not required to resolve the issue

Taxpayer standing

- Plaintiff is a taxpayer
- Plaintiff sues to enjoin future expenditure of funds under an illegal activity or void contract

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CERTIFICATE OF SERVICE

I also certify that on July 20, 2012, I served the foregoing document via electronic mail and facsimile to Intervenors and other parties listed below:

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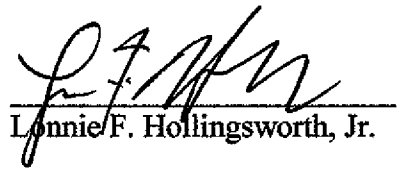
By: 
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