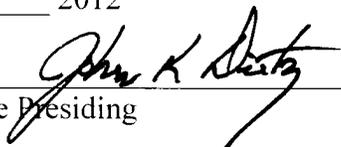


The Court finds that the Efficiency Intervenors have stated claims within the jurisdiction of the Court and DENIES the *Edgewood* individual plaintiffs' plea to the jurisdiction.

Specifically, the Court finds the following:

- The Efficiency Intervenors have not asked the Court to dictate a particular course of action for the Legislature to follow in implementing the system of public free schools;
- Just as other parties to the case seek, the Efficiency Intervenors ask the Court to review different aspects of the public school system to determine if they meet the constitutional standard. The case is distinct from "voucher intervenors" of *Edgewood IV* who asked the Court to order the Legislature to implement a voucher system;
- The Court can rule on the Efficiency Intervenors' constitutional challenges without straying into non-justiciable political questions;
- The Constitution requires a system of public free schools that is structured and funded in order to achieve a general diffusion of knowledge, which the Legislature has defined as college and career ready. The Court has jurisdiction to determine if the present system meets that constitutional standard.
- With respect to the challenge to the Efficiency Intervenors' standing, the *Edgewood* individual plaintiffs contend intervenors have failed to state particularized injuries to establish standing. The Texas Supreme Court has clearly recognized that art. VII, sec. 1 creates rights in Texas students to a certain education; however, the Court was equally clear that the promise of an adequate public school system extends further. "We think the guarantee of public free schools assured by article VII, section 1 extends not only to school children but to the public at large, which is vitally concerned that there be a general diffusion of knowledge." The right to an adequate education is not "a prerequisite for standing to assert that the provision has been violated. Standing to assert a constitutional violation depends on whether the claimant asserts a particularized, concrete injury." *Neeley v. W. Orange-Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 774 (Tex. 2005).
- The Court can certainly conceive that Texas parents and business owners are and will be injured by a public school system that fails to achieve a general diffusion of knowledge. The Court GRANTS LEAVE to the Efficiency Intervenors and ORDERS the Efficiency Intervenors to amend their pleadings to state a particularized injury, and the Court EXERCISES ITS DISCRETION TO CARRY the question of standing to the trial on the merits.

SIGNED this the 19 day of September 2012



Judge Presiding