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Amalia Rodriguez-Mendoza
District Clerk
Travis District
D-1-GV-11-002028

CAUSE NO. D-1-GV-11-002028

FORT BEND INDEPENDENT SCHOOL DISTRICT, et al.	§	IN THE DISTRICT COURT OF
Plaintiffs,	§	
v.	§	
ROBERT SCOTT, TEXAS COMMISSIONER OF EDUCATION; TEXAS EDUCATION AGENCY; SUSAN COMBS, TEXAS COMPTROLELR OF PUBLIC ACCOUNTS; and TEXAS STATE BOARD OF EDUCATION,	§	TRAVIS COUNTY, TEXAS
Defendants.	§	200th JUDICIAL DISTRICT

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DEFENDANTS' ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Defendants, Robert Scott, Commissioner of Education in his official capacity, Susan Combs, Texas Comptroller of Public Accounts in her official capacity and the Texas State Board of Education file their Original Answer in response to Plaintiffs' Original Petition and Request for Declaratory Relief.

I.

INTRODUCTION

The Texas Constitution provides

> A general diffusion of knowledge being essential to the preservation of liberties and rights of the people, it 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.

TEX. CONST., Art. VII, § 1.

The Texas Supreme Court, interpreting this provision, has established that a constitutionally adequate system, which provides a general diffusion of knowledge, is the floor upon which all claims under Article VII, §1 claims must rest. *Edgewood Indep. Sch. Dist. v. Meno*, 917 S.W.3d 717, 731 (Tex. 1995) ("*Edgewood IV*"); *see West Orange-Cove Consolidated Indep. Sch. Dist. v. Neeley*, 176 S.W.3d 746, 790, 792, 795, 798 (Tex. 2005) ("*West Orange-Cove II*"). To state an actionable claim under *Edgewood IV* or *West Orange-Cove II*, Plaintiffs must not only demonstrate their standing to do so, but also prove that with current levels of funding and at previously-imposed tax efforts, the districts are "not reasonably able to afford all students access to education and the education opportunity to accomplish a general diffusion of knowledge." *West Orange-Cove II*, 176 S.W.3d at 789-90. Plaintiffs have generally failed to plead a claim under *West Orange-Cove II*.

II.

GENERAL DENIAL

Defendants, Robert Scott, Commissioner of Education in his official capacity, Susan Combs, Texas Comptroller of Public Accounts in her official capacity and the Texas State Board of Education generally deny each and every allegation in Plaintiffs' Original Petition and demand strict proof thereof by a preponderance of credible evidence.

III.

PRAYER

Defendants request Plaintiffs take nothing by this action. Defendants further respectfully request the Court award to them any relief to which they are entitled, including costs of suit and attorney's fees.

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IV.

REQUEST FOR DISCLOSURES

Defendants, pursuant to Rule 194, T.R.C.P., requests that you disclose the information or material described in Rule 194.2 (a) through (l) and Rule 194.4.

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

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Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument has been sent via electronic transmission, facsimile, or certified mail return receipt requested on this 23rd day of January, 2012 to:

J. David Thompson, III
Philip Fraissinet
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Houston, TX 77027

/s/ SHELLEY N. DAHLBERG
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