

CAUSE NO. D-1-GV-11-001972

EDGEWOOD INDEPENDENT SCHOOL §
DISTRICT, MCALLEN INDEPENDENT §
SCHOOL DISTRICT, SAN BENITO §
INDEPENDENT SCHOOL DISTRICT, §
LA FERIA INDEPENDENT SCHOOL §
DISTRICT, YOLAND CANALES, §
INDIVIDUALLY AND AS NEXT §
FRIEND FOR HER MINOR CHILD, §
E. CANALES, RUDY PEDRAZA, §
INDIVIDUALLY AND AS NEXT §
FRIEND FOR HIS MINOR CHILDREN, §
C. PEDRAZA AND J. PEDRAZA, and §
ARTURO ROBLES, INDIVIDUALLY §
AND AS NEXT FRIEND FOR HIS §
MINOR CHILD, A. ROBLES, §

IN THE DISTRICT COURT

TRAVIS COUNTY

Plaintiffs,

v.

ROBERT SCOTT, in his Official Capacity §
as the COMMISSIONER OF EDUCATION, §
THE STATE OF TEXAS BOARD OF §
EDUCATION, and SUSAN COMBS, §
in her Official Capacity as the TEXAS §
COMPTROLLER OF PUBLIC §
ACCOUNTS. §

Defendants. §

345th JUDICIAL DISTRICT

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.

**IV.
REQUEST FOR DISCLOSURES**

Defendants, pursuant to Rule 194, T.R.C.P., request 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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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:

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