

JUL 2 1972

APPENDIX

**IN THE
SUPREME COURT OF THE UNITED STATES**

OCTOBER TERM, 1971

No. 71-1332

**SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL.,**

Appellants

vs.

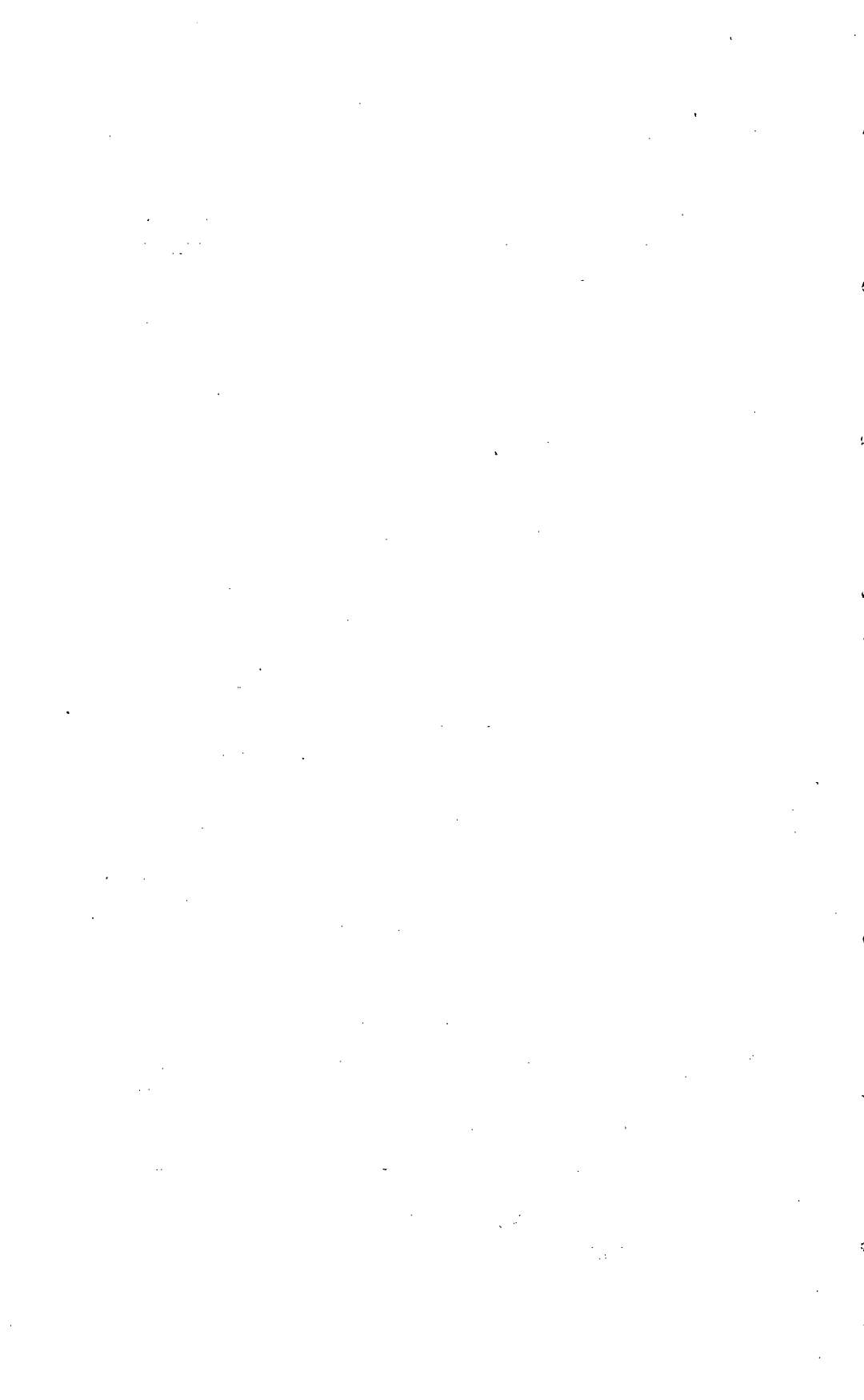
DEMETRIO P. RODRIGUEZ, ET AL.,

Appellees

**On Appeal from the United States District Court for
the Western District of Texas, San Antonio Division**

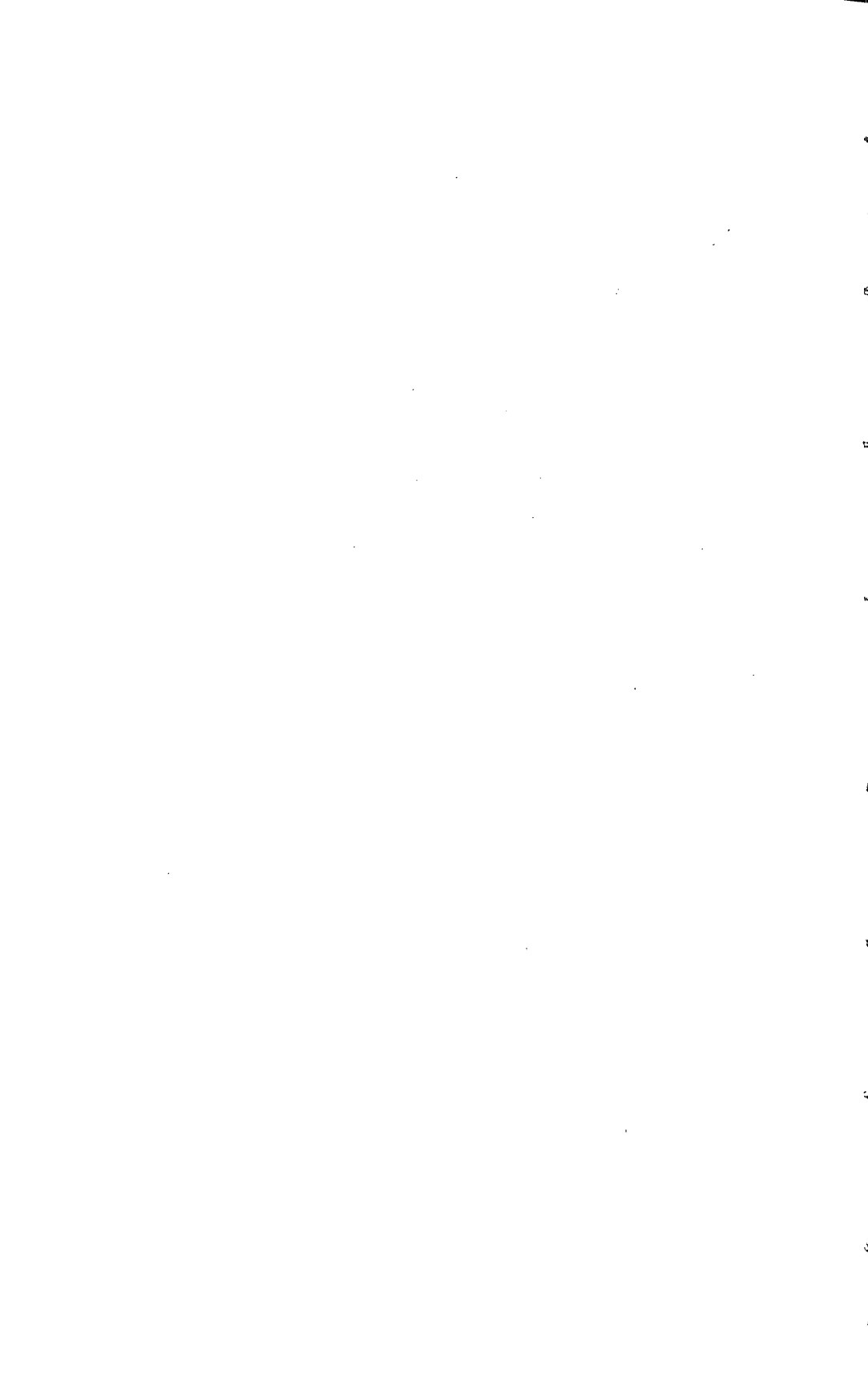
FILED APRIL 17, 1972

JURISDICTION NOTED JUNE 7, 1972



INDEX

	Page
Docket Entries	2
Designation Order (Three-Judge Court)	11
Plaintiffs' Third Amended Complaint	13
Amended Answer of Defendant, Crawford C. Martin, to Plaintiffs' Third Amended Complaint	29
Answer of Defendants, State Board of Education et al, to Plaintiffs' Third Amended Complaint	32
Motion of Defendants, State Board of Education, et al, for Judgement Upon Plaintiffs' Third Amended Com- plaint for Failure to State a Claim Upon Which Re- lief May Be Granted	36
Order (Overruling Motion to Dismiss—October 15, 1969)	40
Pre-Trial Order (October 5, 1971)	43
Plaintiffs' Exhibits III, VII, X, XI and XII	76
Affidavits Attached to Depositions of Berke, Webb, Car- denas, Avena and Morgan	193
Notice of Appeal to the Supreme Court of the United States	251
Opinion and Judgment and Clarification of Original Opin- ion and Judgment (Found as Appendix A to Appel- lants' Jurisdictional Statement)	259
Texas Constitutional Provisions and Statutory Provisions	277



APPENDIX
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1971

No. 71-1332

**SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL.,**
Appellants

vs.

DEMETRIO P. RODRIGUEZ, ET AL.,
Appellees

On Appeal from the United States District Court for
the Western District of Texas, San Antonio Division

PROCEEDINGS

* Courtroom Proceedings

- 7-30-68 1) Complaint, filed in duplicate. (Copy and notice to Judge Spears)
- 7-31-68 Summons as to: Edgewood, Harlandale, Northside, Northeast, Alamo Hgts. and So. San Antonio Independent School Districts and Atty. Gen. of Tex., issued, and S. A. Independent School District.
- 8- 2-68 2) Summons (S. A. Ind. School Dist.) returned ex. 8-1-68 by Brooks, Deputy.
- 8- 6-68 3) Summons (Hon. Crawford Martin, Atty. Gen. of Tex.) returned ex. 8-2-68 by Keller, Deputy.
- 8- 8-68 4) Summons (North East Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 5) Summons (Alamo Hgts. Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 6) Summons (So. San Antonio Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 7) Summons (Northside Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 8) Summons (Harlandale Ind. School Dist.) returned ex. 8-7-68 by Brooks, Deputy.
- 8-12-68 9) Summons (Edgewood Ind. School Dist.) returned ex. 8-8-68 by Madison, Deputy.
- 8-14-68 10) Motion of Defts. to Extend the Time for Filing Answers, filed dup. (Copy to Judge.)
- 8-14-68 11) Order Extending Time for Filing Answers, filed. (Micro. Reel No.) Copy to Judge.
- 8-15-68 All attys. of record notified of Order.
- 9-30-68 12) Motion of Defts. North East Ind. School Dist., S. A. Ind. School Dist., Harlandale Ind. School District, Northside ISD., Alamo Hgts. ISD., So. S. A. ISD. and Crawford C. Martin, Atty. Gen. for State of Tex. for More Definite Statement, filed in duplicate. (Copy to Judge.)
- 10- 1-68 13) Answer of Deft., S. A. Independent School Dist., filed dup. (Copy to Judge.)
- 10- 1-68 14) Answer of Deft., Harlandale Independent School Dist., filed dup. (Copy to Judge.)
- 10- 1-68 15) Answer of Deft., North East Independent School Dist., filed dup. (Copy to Judge.)
- 10- 1-68 16) Answer of Deft., Crawford C. Martin, Atty. Gen. of Tex., filed dup. (Copy to Judge.)
- 10- 7-68 Notices mailed as to Hearing 11-4-68, 10:00 a.m. on Motion for More Def. Statement
- 10-23-68 17) Answer to Motion for a More Definite Statement, filed dup. (Copy to Judge.)
- 10-28-68 18) Motion to Issue Order to Show Cause, filed dup. (Copy to Judge.)
- 10-29-68 19) Order to Show Cause, filed. (Micro. Reel No.) Copy to Judge—all attys. mailed certified copies of Order and notified of cancellation of hearing on 11-4-68.
- 11- 1-68 20) Motions of Defts. for a More Definite Statement and for Judgment of Dismissal for Failure to State a Claim Upon which relief may be Granted, filed dup. (Copy to Judge.)
- 11- 1-68 21) Brief in Support of Motion of Deft. Northside Ind. School Dist. for Judgment for Failure to State a Claim upon which relief may be Granted, filed dup. (Copy to Judge.)
- 11- 1-68 22) Answer of Deft. Northside Independent School District, filed dup. (Copy to Judge.)

- 11- 1-68 23) Answer of Deft. Alamo Hgts. Ind. School District, filed dup. (Copy to Judge.)
- 11- 2-68 Notices mailed as to hearing on Motion for More Def. Statement for 11-14-68 at 10:00.
- 11- 5-68 24) Order Vacating Show Cause Order, filed. (Mic. Reel No.) Copy to Judge and to all attys. of record.
- 11- 4-68 25) Reply of Deft. Edgewood Independent School District to Order to Show Cause, filed in dup. (Copy to Judge Spears.)
- 11- 4-68 26) Answer of Deft. Edgewood Ind. School Dist., filed in dup. (Copy to Judge.)
- 11- 4-68 27) Answer of Deft. So. San Antonio Ind. School Dist., filed in dup. (Copy to Judge.)
- 11- 8-68 28) Plaintiffs' Interrogatories to Each Defendant School District, filed dup. (Copy to Judge.)
- 11- 8-68 29) Motion for Extension of Time in Which to Answer Motion of Deft. Northside Ind. School Dist. for Judgment for Failure to State a Claim Upon Which Relief May be Granted, filed in duplicate. (Copy to Judge Spears.)
- 11- 8-68 30) Brief in Support of Motion of Pltffs. for Extension of Time to Answer Motion of Deft. Northside Ind. School Dist. for Judgment, etc., filed dup. (Copy to Judge.)
- 11-12-68 31) Brief in Support of Convening Three Judge Federal Court, filed dup. (Copy to Judge.)
- 11-12-68 32) Answer to Motion for a More Definite Statement, filed in dup. (Copy to Judge.)
- 11-12-68 33) Answer to Motion to Join Parties Under Rule 19, filed in dup. (Copy to Judge.)
- 11-12-68 34) Brief Supporting Answer to Motion for a More Definite Statement, filed dup. (Copy to Judge.)
- 11-13-68 35) Notice to Court of Requirement of a Three Judge Federal Court, filed dup. (Copy to Judge.)
- 11-14-68 36) Motion of Defts. No. East Dist., S. A. Ind. School Dist., Harlandale, Northside, Alamo Hgts., So. S. A. and Crawford Martin, Atty. Gen., for Additional Time to File Objections to and Answers to the Interrogatories filed by Pltffs., filed dup. (Copy to Judge.)

PROCEEDINGS

- 11-14-68 * Hearing on Motion for More Definite Statement—Granted—Attys. to submit form of Order to Court for consideration.
- 11-20-68 37) Order Establishing Timetable, filed. (Mic. Reel No.) Copy to Judge, all attys.
- 12- 5-68 38) Amended Complaint, filed in duplicate. (Copy to Judge.)
- 12- 4-68 39) Transcript of Motion for More Definite Statement held 11-14-68, filed.
- 12-20-68 40) Amended Answer of Deft. Alamo Hgts. Ind. School Dist., filed dup. (Copy to Judge.)
- 12-23-68 41) Answer of Deft. S. A. Ind. School Dist. to the Amended Complaint, filed dup. (Copy to Judge.)
- 12-23-68 42) Amended Answer of Deft. Northside Ind. School Dist., filed dup. (Copy to Judge.)
- 12-23-68 43) Reply Brief of Deft. Northside Ind. School Dist. to Brief of Complainants in Answer to Motion to Join Indispensable Parties Under Rule 19, filed dup. (Copy to Judge.)
- 12-26-68 44) Amended Answer of Deft. Harlandale Independent School Dist., filed dup. (Copy to Judge.)
- 12-27-68 45) Amended Answer North East Ind. School Dist., filed dup. (Copy to Judge.)

- 12-27-68 46) Amendment to Defts. Motion for a Judgment of Dismissal for Failure to State a Claim Upon which relief may be Granted, filed dup. (Copy to Judge.)
- 12-27-68 47) Supplemental Brief in Support of Defts. Motion to Dismiss for Failure to State a Cause of Action, filed dup. (Copy to Judge Spears.)
- 1-16-69 48) Motion to Amend Amended Complaint, filed in duplicate. (Copy to Judge.)
- 1-16-69 49) Brief in Support of Motion to Amend Amended Complaint, filed dup. (Copy to Judge.)
- 1-17-69 50) Designation Order, filed. (Mic. Reel No. 27) (Designating Judges Spears, Robert and Irving L. Goldberg, Circuit Judge) Copies to all attys. of record mailed.
- 2-10-69 51) Second Amended Complaint, filed. Copies to Judges Goldberg, Spears and Roberts.
- 2-10-69 52) Summons issued for James Barlow.
- 2-12-69 53) Amended Answer of the Defendant. Atty. Gen. of Texas, filed. Copy to Judge.
- 2-14-69 54) Second Amended Answer of Defendant Alamo Heights ISD, filed. Copy to Judges.
- 2-17-69 55) Second Amended Answer of Defendant Harlandale ISD, filed. Copy to Judges.
- 2-17-69 56) Second Amended Answer of Defendant North East ISD, filed. Copy to Judges.
- 2-17-69 57) Memorandum Regarding Order Appointing Three Judge Court, filed. Copy to Judges.
- 2-20-69 58) Second Amended Answer of S.A.I.S.D. to the Second Amended Complaint, filed. Copy to Judge Spears.
- 2-20-69 59) Summons for James Barlow returned ex. 2-18-69 by D/Granados.
- 2-20-69 60) Motion to Drop Party for Misjoinder, filed. Copy to Judges.
- 2-24-69 61) Suggestions of the Parties as to the Procedure to be Followed by Three Judge Court, filed. Copies to Judges.
- 3-10-69 62) Order on Suggestions of the Parties as to Procedure to be followed by the Three-Judge Court, filed. Copy to Judges. (Mic. Reel No. 28)
- 3-17-69 63) Complainants' Brief on Question of Three Judge Court, filed dup. (Copies to Judges.)
- 3-24-69 64) Brief of Deft. Northside Ind. School Dist. Upon Question of Three Judge Court, filed dup. (Copies to 3 Judges.)
- 3-24-69 65) Defts.' Brief on Three Judge Court Issue, filed dup. (Copy to 3 Judges.)
- 5- 9-69 66) Second Supplemental Brief in Support of Defts.' Motion to Dismiss for Failure to State a Cause of Action, filed. (Copies to 3 Judges.)
- 5-12-69 67) Order Setting Hearing, filed. (Mic. Reel No.) Copy to Judges and all attys.
- 5-12-69 68) Order for Case to be Tried by One Judge Instead of Three Judges, filed. (Mic. Reel No.) Copy to Judges and all attys.
- 5-12-69 69) Opinion, filed. (Mic. Reel No.) Copy to Judges and all attys. of record.
- 6-11-69 70) Motion to Allow Filing of Outline of Pltffs.' Position, filed. (Copy to Judges.)

PROCEEDINGS

- 6-13-69 * Hearing on Motion to Dismiss, Motion to Join Parties and Motion to Drop Party Deft.—No decision reached. Case dismissed as to Criminal Dist. Atty. Pltffs. given two weeks to file 3rd Amended Complaint.

- 6-17-69 71) Transcript of Hearing Before 3-Judge Court held 6-13-69, filed.
- 6-27-69 72) Third Amended Complaint, filed. (Copies to 3 Judges.)
- 6-27-69 73) Memorandum Relating to Parties, filed. (Copies to 3 Judges.) Summonses as to: Edgar, Judson, Knowlton, Barley, Engelhardt, Schumacher, Klabunde and Simpson, issued.
- 7- 8-69 74) Motion of Defts. for Additional Time to File Amended Answers to and Motions to the Third Amended Complaint filed by Pltffs., filed. (Copies to 3 Judges.)
- 7-11-69 75) Order Extending Time, filed. (Mic. Reel No.) Copy to Judge—all attys. notified.
- 7-15-69 76) Amended Answer of the Deft. Crawford C. Martin to Pltffs.' 3d Amended Complaint, filed. Copies mailed to 3 Judges.
- 7-15-69 77) Motion of Deft. Crawford C. Martin for Judgment Upon Pltffs.' 3d Amended Complaint for Failure to State a Claim upon which relief may be Granted, filed. (Copies to 3 Judges.)
- 7-15-69 Summons with Third Amended Complaint attached to: Rippy, Evans, Haas, Pool, Howell, Hart, Kirkpatrick, Willborn, Harvey, Jack Binion, Guthrie, Bailes, Corley, Mathews, Morgan, Baird, Koch, Greenwood, Gregg, Seley and Weeks, issued.
- 7-17-69 78) Answer of Defts. Jack Judson, Lloyd Knowlton, C. O. Barley, Engelhardt, Schumacher, Klabunde and Simpson to 3d Pty. Complaint, filed. (Copy to Judge.)
- 7-16-69 79) Summons (Jack Judson) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 80) Summons (Lloyd Knowlton) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 81) Summons (C. O. Barley) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 82) Summons (H. W. Engelhardt) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 83) Summons (Geo. Schumacher) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 84) Summons (Benno Klabunde) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 85) Summons (Wayne Simpson) returned ex. 7-8-69 by Granados, Deputy.
- 7-23-69 86) Summons (James E. Weeks) returned ex. 7-18-69 by Black, Deputy.
- 7-23-69 87) Summons (Paul R. Haas) returned ex. 7-17-69 by Schorre, Deputy.
- 7-24-69 88) Summons (Chas. D. Hart) returned ex. 7-17-69 by Beall, Deputy, Bryan, Tex.
- 7-24-69 89) Summons (Porter M. Bailes, Jr.) returned ex. 7-17-69 by Henderson, Deputy, Tyler, Tex.
- 7-24-69 90) Summons (E. R. Gregg, Jr.) returned ex. 7-17-69 by Ruthford, Deputy, Jacksonville, Tex.
- 7-24-69 91) Summons (Vernon Baird) returned ex. 7-18-69 by Vaught, Deputy, Ft. Worth, Tex.
- 7-25-69 92) Summons (Geo. C. Guthrie) returned ex. 7-24-69 by Madison, Deputy.
- 7-25-69 93) Summons (Frank M. Pool) returned ex. 7-22-69 by Black, Deputy, San Angelo.
- 7-30-69 94) Summons (J. W. Edgar) returned ex. 7-28-69 by Keller, Deputy.
- 7-30-69 95) Summons (Ben R. Howell) returned ex. 7-25-69 by Enriquez, Deputy.

- 8- 1-69 96) Summons (Winthrop Seley) returned ex. 7-30-69 by Mc-Namara, Deputy.
- 8- 6-69 97) Answer of Defts. to Pltffs.' Third Amended Complaint, filed. (Copy to Judges—3)
- 8- 6-69 98) Motion of Defts. for Judgment Upon Pltffs.' Third Amended Complaint for Failure to State a Claim Upon Which Relief May Be Granted, filed. (Copy to 3 Judges.)
- 8- 6-69 99) Summons (Paul G. Greenwood) returned ex. 7-23-69 by Jones, Deputy, Harlingen, Tex.
- 8- 6-69 100) Summons (Walter R. Koch) returned ex. 7-29-69 by Keller, Deputy.
- 8- 6-69 101) Summons (Paul Mathews) returned ex. 7-21-69 by Bozz, Deputy, Greenville, Texas.
- 8-22-69 102) Motion of the Northside Independent School District That it be Dismissed from this Cause, filed. (Copy to 3 Judges.)
- 8-22-69 103) Second Amended Answer of Defendant Northside Independent School District, filed. (Copy to 3 Judges.)
- 8-25-69 104) Third Amended Answer of Deft. Harlandale Independent School District, filed. (Copy to 3 Judges.)
- 8-25-69 105) Motion of Deft. S. A. Ind. School Dist. to Dismiss the Third Amended Complaint for Failure to State a Claim upon Which Relief may be Granted, filed. (Copy to 3 Judges.)
- 8-25-69 106) Third Amended Answer of Deft., S. A. Ind. School Dist. to Third Amended Complaint, filed.
- 8-26-69 107) Motion of Harlandale Ind. School Dist. that it be Dismissed from this Cause, filed. (Copy to 3 Judges.)
- 8-26-69 108) Third Amended Answer of Deft. Alamo Hgts. Ind. School Dist., filed. (Copy to 3 Judges.)
- 8-26-69 109) Motion of Deft. Alamo Hts. School Dist. to Dismiss Deft. from Cause for Complainants Failure to State Claim, etc., filed. (Copy to 3 Judges.)
- 8-26-69 110) Third Amended Answer No. Ea. Ind. School Dist., filed. (Copy to 3 Judges.)
- 8-26-69 111) Deft.'s Motion to Dismiss No. Ea. Ind. School District, filed. (Copy to 3 Judges.)
- 9- 4-69 112) Summons (Jack Binion) returned ex. 7-25-69 by Pope, Deputy.
- 9- 4-69 113) Summons (Richard Kirkpatrick) returned ex. 8-4-69 by Becker, Deputy.
- 9- 4-69 114) Summons (James W. Harvey) returned ex. 8-6-69 by Vaught, Deputy.
- 9- 4-69 115) Summons (Edwin L. Rippy, MD.) returned ex. 7-31-69 by Nash, Marshal.
- 9- 4-69 116) Summons (Herbert O. Willborn) returned ex. 8-6-69 by Bevers, Deputy.
- 9- 4-69 117) Summons (Wm. H. Evans) returned ex. 8-4-69 by Davidson, Deputy.
- 9- 4-69 118) Summons (Doyle Corley) returned ex. 8-5-69 by Whiteman, Deputy.
- 9- 4-69 119) Summons (Carl E. Morgan) returned ex. 8-21-69 by Linticun, Deputy.
- 9- 5-69 120) Order Requiring Briefs and Setting Pretrial Conference, filed. (Copies to Judge and all attorneys of record.)
- 9-11-69 121) Motion for Extension of Time to File Briefs, filed.
- 9-11-69 122) Order Extending Time to File Briefs, filed. (Copies to Judge and all attys.)
- 9-12-69 123) Motion for Extension of Time to File Briefs, filed. (Copy to 3 Judges.) (NoSide Ind.)

- 9-12-69 124) Motion for Extension of Time to File Brief and Memorandum, filed. (Copy to 3 Judges.)
- 9-15-69 125) Memorandum Brief (Judson, Knowlton, Barley, Englehardt, et al.) filed. (Copy to 3 Judges.)
- 9-17-69 126) Memorandum Brief of Deft. Alamo Hgts. Ind. School Dist. in Reply to Court's Order of September 5, 1969, filed. (Copy to 3 Judges.)
- 9-17-69 127) Argument and Authority in Support of Motion of NoSide Ind. School Dist. that it be Dismissed from This Cause, filed. (Copy to 3 Judges.)
- 9-19-69 128) Memorandum Brief of Defts. Crawford C. Martin, Atty. Gen. of Tex., J. W. Edgar, Comm. of Ed. and the Individual members of St. Bd. of Ed., filed. (Copy to 3 Judges.)
- 9-19-69 129) Response of Deft. Edgewood Ind. School Dist. to Court's Order of 9-5-69, filed.
- 9-19-69 130) Memorandum Brief of Deft. No. East Ind. School Dist. in Reply to Order, filed. (Copy to 3 Judges.)
- 9-19-69 131) Memorandum Brief of Harlandale Ind. School Dist. in Reply to Order, filed. (Copy to 3 Judges.)
- 9-22-69 132) Memorandum Brief of S. A. Ind. School Dist. Pursuant to Order, filed. (Copy to 3 Judges.)
- 9-29-69 133) Memorandum Brief of Pltffs. in Response to Order of Court of Sept. 5, 1969, Requiring Briefs, filed. (Copies to 3 Judges.)
- 10- 2-69 * Hearing on Motion of Independent School Districts to Dismiss, heard and taken under advisement.
- 10- 8-69 134) Transcript of Hearing of Pretrial Conference held 10-2-69, filed.
- 10-15-69 135) Order Overruling Motion to Dismiss and Other Matters, filed. (Copies to 3 Judges and all attys. of record)—FM
- 11-12-69 136) Written Interrogatories, filed. (Copies to 3 Judges.)—fm
- 12-12-69 137) Order Extending Time, filed. (Copies to Judge and all attys. of record.)—fm
- 12-12-69 138) Motion for Extension of Time to File Answers to Pltffs.' Interrogatories, filed.
- 1- 5-70 139) Defts.' Response to Pltffs.' Written Interrogatories, filed. (Exhibits attached)
- 2-25-70 140) Order as to Progress Being made by Committee, filed. (Copies to 3 Judges and all attys. of record.)—fm
- 2-27-70 141) Defendants' Report, filed. (Copy to Judge Spears.)
- 3- 4-70 142) Report to the Court, filed. (Copy to Judge.)
- 8-17-70 143) Defendants' Report, filed. (Copies to Judges Spears, Roberts and Goldberg.)
- 9- 4-70 144) Motion to Extend Time for Discovery and Presentation of Pretrial Order, filed.
- 12- 7-70 145) Order Extending Time, filed. (Copies to 3 Judges and attys. of record.)—fm
- 2- 9-71 146) Order Extending Time for Further Discovery, filed. (Copies to all judges, attys.)
- 2-11-71 147) Motion of Defts., Bexar Cnty. School Trustees, to Dismiss Defts. from this Cause for Complnts.' Failure to State Claim Upon Which Relief May be Granted, filed. (Copy to Judge Spears.)
- 2-25-71 148) Answer to Motion of Bexar County School Trustees to be Dismissed, filed. (Copy to Judges.)
- 2-25-71 149) Brief Supporting Answer to Motion of Bexar Cty. School Trustees, filed. (Copy to Judges.)
- 7- 6-71 150) Written Interrog. to Defts., filed. (Copies to Judges.)
- 7- 9-71 151) Plaintiffs' Answer to Letter of the Court dated July 1, 1971, filed. (Copy to Judges.)

- 8-24-71 152) Defts.' Answers to Pltffs.' Interrog., filed. (Copies to 3 Judges.)
- 9- 1-71 ** Discussion in Court and observation by all parties as to suit filed in Tyler involving Edgewood Ind. School Dist.
- 9- 7-71 153) Motion of NE School District for leave to intervene, filed. (Copy to Judges.)
- 9- 9-71 154) Pltffs.' Answer to motion of NESD to intervene, filed. (Copies to Judges.)
- 9- 9-71 155) Brief in Support of Answer to Motion, filed. (Copy to Judges.)
- 9-15-71 156) Report to the Court, filed. (Copies to Judges.)
- 9-20-71 157) Order Denying Motion to Intervene, Setting PT Conf., filed. (Copies to Judges, all Exhibits in Vault. Also send notices, etc., to Attys. Langley and Dobbins.)
- 9-21-71 Notices mailed as to Pretrial Conf. for Tues., Oct. 5th at 10:00 A.M.
- 9-30-71 158) Motion for Leave to Participate as Amicus Curiae, filed. (Copies to 3 Judges.)
- 10- 1-71 159) Motion for Leave to Participate as Amicus Curiae, filed. (Copy to Judge Spears.)
- 10- 5-71 ** Pre-Trial Conference—Order entered—Motions of NoSide Ind. Sch. Dist. and NoEast Ind. Sch. Dist. for Leave to Participate as Amicus Curiae—Granted. Pltffs.' Exhibits 1 through 18 (i) introduced in evidence. 30 days from this date all discovery to be completed and briefs filed. Defts. given 10 days thereafter for filing of briefs.
- 10- 5-71 160) Pre-Trial Order, filed. (Copies to 3 Judges.)
- 10-13-71 161) Notice of Taking Deposition, filed. (Copy to 3 Judges.)
- 10-13-71 162) Interrog. to be propounded to Berke, filed. (Copies to 3 Judges.)
- 10-15-71 163) Motion to Withdraw as Atty. of Record by Bonham, filed. (Copy to Judge Spears, R & G.)
- 10-18-71 164) Order allowing withdrawal, filed. (Copies to Judges, Attys. Bonham, Langley, Dobbins, Rivera, Gochman, D.A. Butler, Atty. Gen.)
- 10-18-71 165) Motion by Harlandale ISD for Leave to Participate as Amicus Curiae, filed. (Copies to 3 Judges.)
- 10-18-71 166) Order Granting Leave to Participate as Amicus Curiae, filed. (Copies to 3 Judges, all attys. of record.)
- 10-19-71 167) Motion by Alamo Heights ISD for Leave/Amicus Curiae, filed. (Copies to Judges.)
- 10-20-71 168) Order permitting AHISD to participate as Amicus Curiae, filed. (Copies to Judges, all attys.)
- 11- 8-71 169) Plaintiff's Trial Brief, filed. (Copies to 3 Judges.)
- 11-15-71 170) Defts.' Trial Brief, filed (Copies to Judges.)
- 11-15-71 Copies of instruments 161-170 to Dobbins (picked up by his office).
- 11-15-71 Copies of instruments 161-170 (excl. 169) mailed to Langley.
- 11-15-71 Copies of instruments 166-170 to West (picked up by his office).
- 11-15-71 Copies of instruments 168-170 mailed to Locke at request of his office.
- 11-19-71 171) Trial Brief of Amicus Curiae Northside ISD, filed. (Copies to Judges.)
- 11-19-71 172) Amicus Curiae Brief of Northeast ISD, filed. (Copies to 3 Judges.)
- 11-22-71 173) Deposition of Joel Berke. (Answers to Interrog., and appendices A & E), filed. (Copies.)
- 11-22-71 174) Trial Brief of Amicus Curiae Harlandale ISD, filed. (Copies to 3 Judges.)

- 11-30-71 175) Deposition of Feldstone & Webb, filed. (Copies to 3 Judges.)
- 11-30-71 176) Deposition of Cardenas, filed. (Copies to Judges.)
- 12- 1-71 177) Deposition of Leon Graham, filed.
- 12- 1-71 178) Deposition of Dr. John Stockton, filed.
- 12- 1-71 179) Deposition of J. W. Edgar, filed.
- 12- 7-71 180) Deposition of Richard Avena, filed.
- 12- 7-71 181) Deposition of Dr. Morgan, filed.
- 12-10-71 *** HEARING on the Merits, concluded. Case taken under advisement. (3 Judge Court.)
- 12-10-71 182) Written Argument in Lieu of Oral Argument of Northside ISD, filed. (Copies to 3 Judges.)
- 12-23-71 183) Judgment and Opinion, filed. (Copies to Judges, all attys.)
- 12-30-71 184) Defts.' Motion for Clarification of Judgment, filed. (Copies to 3 Judges.)
- 12-30-71 185) Order with Respect to Defts.' Motion for Clarification, filed. (Copies to 3 Judges, all attys. of record.)
- 1- 3-72 186) Amended Order with Respect to Clarification, filed. (Copies to Judges, all attys.)
- 1-11-72 187) Application for Leave to File Amicus Curiae (Deatherage, et al.), filed. (Copies to 3 Judges.)
- 1-11-72 188) Defts.' Brief with Respect to Motion for Clarification, filed. (Copies to 3 Judges.)
- 1-11-72 189) Suggestions of Amicus Curiae Northeast ISD as to Clarification, filed. (Copies to 3 Judges.)
- 1-12-72 190) Adoption of Brief for Clarification of Judgment, filed. (Copies to 3 Judges.)
- 1-12-72 191) Motion of Securities Association for Leave to file a Brief as Amicus Curiae, filed. (Copies to 3 Judges.)
- 1-13-72 192) Brief of Amicus Curiae Northside Independent School Dist., filed. (Copies to 3 Judges.)
- 1-20-72 193) Second Application of Securities Ind. for Leave to file Brief, filed. (Copies to 3 Judges.)
- 1-20-72 194) Motion of North Forest ISD for Leave to file Brief Amicus Curiae, filed. (Copies to 3 Judges.)
- 1-20-72 195) Plntfs.' Response to Defts.' Motion for Clarification, filed. (Copies to 3 Judges.)
- 1-20-72 196) Plntfs.' Brief in Response to Defts.' Motion for Clarification, filed. (Copies to 3 Judges.)
- 1-25-72 197) Defts.' Supplementary Brief with Respect to Defts.' Motion for Clarification of Judgment, filed. (Copies to 3 Judges.)
- 1-26-72 *** Orders granting leave to file Amicus Curiae Briefs attached to motions for same:
Instrument No. 187: Deatherage, Patterson, Morgan, et al.
Instrument No. 191: Securities Industry Association.
Instrument No. 193: Second Application of Securities Industry Association.
Instrument No. 194: North Forest ISD.
- 1-26-72 198) Amicus Curiae Motion of Interested Lawyers (Deatherage, et al.), filed. (Copies to 3 Judges.)
- 1-26-72 199) Brief of Securities Industry Association, filed. (Copies to 3 Judges.)
- 1-26-72 200) Supplemental Brief of Securities Industry Association, filed. (Copies to 3 Judges.)
- 1-26-72 201) Brief of North Forest ISD, filed. (Copies to 3 Judges.)
- 1-26-72 202) Clarification of Original Opinion, filed. (Copies to 3 Judges, all attys of record, and Amicus Curiae attys. Deatherage, Jeffers, Cook w/orders granting leave to file Amicus Curiae Briefs.)

- 1-26-72 203) Clarification of Original Opinion, filed. (Signatures of all 3 Judges.)
- 2- 7-72 204) Motion of 4 Banks & SIA for permission to Intervene, filed. (Copies to 3 Judges.)
- 2- 7-72 205) Brief in Support of Motion for Intervention, filed. (Copies to 3 Judges.)
- 2- 8-72 Copies of 182, 184, 188, 190, 195, 196, 197, 201, 204, 205 mailed to Amicus Curiae Dobbins, Langley, West, Locke.
- 2- 8-72 206) Acknowledgment of Service and Consent to Action, filed. (Copies to 3 Judges.)
- 2- 8-72 *** HEARING on Motion of the Proposed Intervenor for permission to Intervene in Cause. Atty. Clifford Youngblood from Houston given permission to present argument for the proposed intervenors, with the stipulation that he apply for admission to practice in this Court. Statements of Counsel made. Motion of proposed intervenors denied. Proposed intervenors requested transcript of hearing be sent to the other two judges (Goldberg & Roberts) for further consideration of the hearing on this cause.
- 2- 9-72 207) Transcript of Hearing on Motion to Intervene Held 2-8-72, filed.
- 2-10-72 208) Request for Review of Denial of Motion for Permission to Intervene, filed. (Copies to 3 Judges.)
- 2-11-72 209) Order Denying Motion for Permission to Intervene, filed. (Copies to 3 Judges, all attys.)
- 2-17-72 210) Notice of Appeal to the Supreme Court of the U. S., filed. (Copies to all parties.)
- 2-23-72 211) Order Denying Request for Review, filed. (Copies to all parties.)—fm.
- 3-13-72 212) Notice of Appeal to Supreme Court by Republic Natl. Bank, et al., filed. (Copies to Judges, Ct. Reporter, Supreme Court, all attys.)
- 3-13-72 213) Notice of Appeal to 5th Circuit, filed. (Copies to Judges, NO, all attys, Ct. Rptr.)
- 3-13-72 214) Transcript of Hearing 12-10-71, filed.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL.

v.

SAN ANTONIO INDEPENDENT SCHOOL
DISTRICT, ET AL.

- (1) Requesting Judge:
Honorable ADRIAN A. SPEARS
Western District of Texas
- (2) District Judge:
Honorable JACK ROBERTS
Western District of Texas
- (3) Circuit Judge:
Honorable IRVING L. GOLDBERG
- (4) Date of Order: Jan. 16, 1969

The Requesting Judge (1) above named to whom an application for relief has been presented in the above cause having notified me that the action is one required by Act of Congress to be heard and determined by a District Court of three Judges, I, John R. Brown, Chief Judge of the Fifth Circuit, hereby designate the Circuit Judge (3) and District Judge (2) named above to serve with the Requesting Judge (1) as members of, and with him to constitute the said Court to hear and determine the action.

This designation and composition of the three-Judge court is not a prejudgment, express or implied, as to whether this is properly a case for a three-Judge rather than a one-Judge court. This is a matter best determined by the three-Judge court as this enables a simul-

taneous appeal to the Court of Appeals and to the Supreme Court without the delay, awkwardness, and administrative insufficiency of a proceeding by way of mandamus from either the Court of Appeals, the Supreme Court, or both, directed against the Chief Judge of the Circuit, the presiding District Judge, or both. The parties will be afforded the opportunity to brief and argue all such questions before the three-Judge panel either preliminarily or on the trial of the merits, or otherwise, as that Court thinks appropriate. See Misc. No. 1071, *Jackson v. Choate*, 5 Cir., 1968, — F.2d —, S.D.Fla., — F. Supp. —; *Smith v Ladner*, S.D. Miss., 1966, 260 F.Supp. 918.

JOHN R. BROWN
Chief Judge, Fifth Circuit

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

(Title omitted in printing)

THIRD AMENDED COMPLAINT

Complainants for their claim allege:

1. Complainants' basic claim is that their children have been deprived of equal protection of the laws under the Fourteenth Amendment with regard to public school education. The jurisdiction of this Court is invoked under 28 U.S.C. §1331, this being an action which arises under the Constitution and laws of the United States, viz.: Amendment Fourteen, §1 of said Constitution, wherein the matter in controversy exceeds, exclusive of interest and costs, the sum of \$10,000. The jurisdiction of this Court is further invoked under 28 U.S.C., §1343, this being an action authorized by law to be brought to redress the deprivation under color of statute, regulation, custom, and usage of a state of rights, privileges, and immunities secured by the Constitution of the United States, viz.: Amendment Fourteen, §1 of said Constitution, and §§ 1981, 1983 and 1988 of Title 42, United States Code and the Civil Rights Act of 1964, all of which hereinafter more fully appear.

2. Complainants reside within the boundaries of the Edgewood Independent School District, which is situated within the city limits of San Antonio, a municipality located in Bexar County, Texas. Each of the parent Complainants, who are named below, have children Complainants enrolled in the Edgewood Independent School District, as named below, to-wit:

Parent Complainants :

Demetrio P. Rodriguez
wife, Belen M. Rodriguez

Mrs. Alberta Z. Snid,
a widow

Joe Hernandez
wife, Carmen D. Hernandez

Martin R. Cantu, Sr.

Reynaldo F. Castano

Children Complainants :

Alexander Rodriguez

Jose Snid
Catalina Snid
Angelina Snid
Selina Snid

Joe Hernandez, Jr.
Yolanda Hernandez
Irma Hernandez
Richard Hernandez

Linda Cantu
Brenda Cantu
Blanche Cantu

James Castano
Robert Castano
Steve Castano,

except that children Complainants, Elva Marie Rodriguez and Alva Jean Rodriguez, children of Complainants Jose Fermin Rodriguez and wife, Ramona Rodriguez, are in a private school because of the condition of the schools in the Edgewood Independent School District as hereinafter alleged.

3. Complainants sue on behalf of themselves and as next friends of their children. In addition, Complainants bring this suit pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all other school children and parents of school children living in the Edgewood Independent School District who are Americans of Mexican descent and whose numbers make it impracticable to have them joined as Complainants. More than 90% of the children in the Edge-

wood Independent School District are Americans of Mexican descent.

4. Complainants also represent and bring this suit pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all school children who live in the Edgewood Independent School District and all persons in the Edgewood Independent School District who have school children who are similarly situated and whose numbers make it impracticable to have them joined as Complainants.

5. Complainants also represent and bring this suit pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all other school children in independent school districts and all other persons in Texas who have school children in independent school districts who are members of minority groups or are poor and have been deprived of the equal protection of the law under the Fourteenth Amendment with regard to public school education because of the low value of the property lying within the independent school districts in which they reside.

6. Complainants, as members of the classes, can and will adequately and fairly represent all of the members of the classes, who are so numerous as to make it impracticable to bring them all before this Court; that the character of the rights to be enforced and protected for the classes are several; and that there are common questions of law and fact affecting the several rights of all of the classes and a common relief is sought.

7. Defendants:

(a) Complainants sue the State Board of Education and Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul

G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, and Herbert O. Willborn in their capacity as members of the State Board of Education. The State Board of Education, under Article 2654-3, reviews, evaluates, adopts and promotes plans to meet the educational needs of the public schools within the State of Texas. Under Article 2665, the State Board of Education is in charge of allocation of certain school funds of the State. Under Article 2675b-5, the State Board of Education has the duty to consider the needs of the public schools of the State of Texas and prepare and present a report to the Governor to be transmitted to the legislature upon convening. It is further the duty of the State Board of Education, under said Article, to make statistical studies of education in the State of Texas. Under Article 2922-16, it is the duty of the State Board of Education to estimate the total cost of the Minimum Foundation School Program and to approve assessments for the Minimum Foundation School Program.

(b) Complainants sue J. W. Edgar, individually, and in his capacity as Commissioner of Education. The Commissioner of Education is the executive officer of the State Board of Education. He is responsible, under Article 2654-5, for promoting efficiency and improvement in the public school system of the State. Under Article 2656, he administers the school laws of the State and under Article 2657, he advises school officers. Under Article 2658, he notes the educational progress taking place in the public school system and under Article 2663, he is in charge of distribution of school funds from the State. He is also the executive

officer in charge of administering, subject to the approval of the State Board of Education, the Minimum Foundation Program under Article 2922-16 and 2922-20.

(c) Complainants sue Crawford Martin, the Attorney General of the State of Texas. In his capacity as Attorney General, he has sought to uphold and enforce the laws of the State of Texas, including Title 49 of Vernon's Annotated Civil Statutes of Texas and Article 2806 thereof, and Article 7, §3 of the Constitution of the State of Texas. The Attorney General derives his authority to be chief law enforcement officer of the State and represent the interests of the State in civil litigation by virtue of Article 4, §22 of the Texas Constitution and the common law. Under Article 4399, he is responsible for giving advisory opinions to the Commissioner of Education with regard to laws relating to education and under Article 2670, he is responsible for approving all school bonds in the State.

(d) Complainants sue the Bexar County School Trustees, to-wit: Jack Judson, Lloyd Knowlton, C. O. Barley, H. W. Engelhardt, George Schumacher, Benno Kalbunde and Wayne Simpson. Under Article 2676, these Trustees are the general managers of the public schools of the county. In Bexar County, the authority of the School Trustees is limited since all the schools in the county are in independent school districts. If the Court orders, as alternatively prayed, that a school district or school districts be abolished, it would be incumbent upon the County School Trustees, under Article 2922a, to set the boundary lines of any new school districts that might result.

(e) The Defendant school districts are: San Antonio Independent School District, Edgewood Inde-

pendent School District, Harlandale Independent School District, Northside Independent School District, Northeast Independent School District, Alamo Heights Independent School District and South San Antonio Independent School District.

Each lies wholly or partly within the City of San Antonio and geographically are situated in one continual and contiguous urban complex that comprises the City of San Antonio and its environs (cities having contiguous boundaries with the City of San Antonio). This urban complex is in Bexar County, Texas. Neither cities or counties geographically determine Defendant school district boundaries; no natural geographic reasons exist for their present boundaries; costs do not vary substantially within the area described.

Each of the other Defendant school districts collects and spends substantially more money per student for their education than the Edgewood Independent School District. Therefore, such other Defendant school districts are able to provide a substantially higher quality of education for their students than is Edgewood.

Although the duty to provide education pursuant to the Texas Constitution is a non-delegable function of the State, these school districts are joined as Defendants in their capacity as quasi-municipal corporations set up by the State for the convenience of the State in maintaining public schools. These school districts could be directly affected by the outcome of this case. Complainants pray, as alternative relief, that these school districts be abolished and that the County Board of School Trustees prepare school district boundary lines that will provide the minorities and the poor with approximately equal funds per student in relation to other students.

Said Defendant school districts are sued also under Rule 23 of the Federal Rules of Civil Procedure as representatives of two classes, to-wit: the Independent School Districts of Bexar County, since the members of the classes are so numerous that the joinder of all members is impracticable, and the State of Texas. There are questions of law and fact common to the classes. The defenses of the representative parties are typical of the defenses of the classes and the representative parties will fairly and adequately protect the interests of the classes. Adjudications with respect to the individual members of the classes would, as a practical matter, be dispositive of the interest of the other members not parties to the adjudication and the questions of law and fact common to the members of the class predominate over any question affecting only individual members. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

8. It is incumbent upon the State to provide funds to support the Texas free public school system. State funds supporting the Texas free school system (the State financing system) come primarily from two sources.

(a) *Taxes Assessed by School Districts*: The State has delegated, in pursuance of Article 7, §3, the power of each school district to levy and collect ad valorem property taxes for maintenance and operation of their respective school systems. Under Article 7, §3, the State requires that each school district, including Defendant districts, without exception, retain in each district all the taxes collected by such district.

(b) *Minimum Foundation School Funds*: The second basic source of revenue from the State in support

of the public free school system is derived from the Minimum Foundation School Program (Articles 2922-11 to 2922-24). The Foundation funds are distributed by the State Commissioner of Education, subject to the approval of the State Board of Education, to the various school districts in the State.

The value of property in the Edgewood District is substantially less per student than in the other Defendant districts and insufficient to bear the burden of equalizing the Edgewood District to the other Defendant districts. Because of the present school financing system of the State, this vast difference in value of property within the districts results in the inequality of funds available for education in the Edgewood District. The low property values and low family incomes preclude the Edgewood District from collecting funds through taxation of property within the district equal per student to the other school districts.

For comparison, the property valuation in the Edgewood District is approximately \$2,210 per pupil, while the property valuation in the Northeast Independent School district is approximately \$12,090 per pupil. The average family income in the Edgewood District is approximately \$3,300, while the average family income in the Northeast Independent School District is between \$8,000 and \$10,000.

As a result, on information and belief, Edgewood Independent School District spends approximately \$290 for the education of each of its students; San Antonio Independent School District spends approximately \$385; Northeast Independent School District spends approximately \$475; Alamo Heights Independent School District spends approximately \$485; Harlandale Independent School District spends approxi-

mately \$384; South San Antonio Independent School District spends approximately \$370; and Northside Independent School District spends approximately \$384. There is no justification for such disparities in terms of educational needs or educational costs.

The sums above include Federal funding in which Edgewood receives more per student than the other Defendant school districts. Thus, the disparities in funds derived from the financing scheme provided under the laws of the State of Texas is greater than shown in the above figures.

9. As a result, the children in the Edgewood District are provided a substantially inferior education compared to the children in other Defendant school districts because, with greater income per student as described aforesaid, other Defendant school districts are able to hire better qualified teachers, more and better counselors, provide better building facilities, scientific equipment, libraries, equipment and supplies, and maintain a broader and better curriculum. The state deprives Complainants of an adequate education and equal opportunity with regard to education.

10. Each district levies and collects taxes on property within its district. The money collected by a district must be used solely within the district in which it is collected under the requirements of Article 7, §3 of the Texas Constitution. Provision is made for consolidation of independent school districts under Article 2806, Vernon's Annotated Civil Statutes of Texas. Such consolidation requires an election in which a majority of those voting in all school districts involved must vote for consolidation in order to effectuate consolidation. Under Article 2742f, upon election, school boundaries of an independent district can also be

changed. Under Article 2922a, if Edgewood District were abolished by election or changed to a different classification of school district, the County Board of School Trustees could annex it to another district. There are the methods under which the boundaries of the Edgewood District could be changed and its per student property values increased. No administrative procedure exists for Complainants to equalize the system. The Complainants have no remedy or right of redress except through court action.

11. Complainants do not allege that a school district system of administering public school education is unconstitutional. Complainants further do not allege that a variance in expenditures would be unconstitutional where the students receiving greater sums of money have educational needs that require greater sums of money. Complainants do allege that in the present case the educational needs of the children in the Defendant school districts, other than Edgewood Independent School District, are not greater and neither require nor justify greater sums of money than the educational needs of the children of the Edgewood School District.

12. The State financing system denies Complainant children and other children within the Edgewood District educational opportunities and resources substantially equal to those enjoyed by children attending other Defendant school districts. It fails to meet minimum requirements of the Fourteenth Amendment of the United States Constitution and Article 1, Sec. 3, of the Texas Constitution in the following respects:

(a) It makes the quality of education received by Complainants and their class a function of the wealth of their parents and neighbors as measured by the tax

rate and property values of the school district in which they reside.

(b) It provides students living in Defendant school districts other than Edgewood School District with material advantages over Complainants and their class in selecting and pursuing their educational goals.

(c) It provides Complainant children and their class, who are of substantially equal age, aptitude, motivation, and ability, with substantially inferior educational resources than children in the Defendant school districts other than Edgewood School District.

(d) It produces and perpetuates the marked difference in the quality of educational services, equipment and other facilities of schools in the school district wherein Complainant children reside and the schools of the Defendant districts.

(e) The use of the "school district" as a unit for the varying allocations of educational funds has no reasonable relation to the Texas constitutional purpose of providing for general diffusion of knowledge by an efficient system of free public schools and/or is not necessary to promote a compelling State interest.

(f) The part of the State financing system which requires Defendant school districts to retain and expend, with their respective boundaries, all of the school taxes collected for the educational purposes of each district bears no reasonable relation to any educational objective.

13. The Complainants are all of Mexican-American descent. The students of the Edgewood District are practically all Americans of Mexican descent. The percentage of Mexican-Americans in the Edgewood School District is higher than in the other Defendant school

districts. As the percentage of Mexican-Americans decrease in a district, the amount spent per student for education increases. In other words, the lower the percentage of Mexican-Americans in a Defendant school district, the higher are the expenditures per student.

There has been a pattern of discrimination against Mexican-Americans in the Southwestern United States (those states having a common border with Mexico, including the State of Texas. Such discrimination has resulted in a generally poorer education, more substandard housing, more limited job opportunities, smaller incomes and more deprivation of civil and political rights for Mexican-Americans than for other white Americans in Texas. Edgewood School District has a very high concentration of Mexican-Americans. Its residents have, on information and belief, lower incomes, more substandard housing, poorer education, and more limited job opportunities than do residents of the Defendant school districts, other than Edgewood School District. The State financing system results in further discrimination and the laws providing for such a scheme are therefore unconstitutional. The discrimination is willful.

14. The people in the Edgewood District have a lower per capita income, a lower mean income, and a lower family income than the people in the other Defendant school districts.

15. The operation of Article 7, Sec. 3 of the Texas Constitution and Title 49 of Vernon's Annotated Civil Statutes of Texas, insofar as it is applicable to Complainants, and the State financing system therein prescribed have deprived Complainants of the equal protection provided for in the Fourteenth Amendment and the equality guaranteed Complainants by Article

1, §3 of the Texas Constitution in that racial discrimination and segregation have resulted from such operation and limits Complainants and their class to more limited job opportunities, lower incomes, and substandard housing in the future.

16. Complainants also claim that the State, in providing for education, must make available and create a system of equal opportunity of education for all its citizens. The duty to provide such an education is a State obligation and school districts are merely subdivisions of the state government organized for convenience in exercising the government function of establishing and maintaining public free schools for the benefit of the people. That the State financing system of numerous independent school districts in the same geographic metropolitan area, providing for separate and independent taxing units, taxing rate, and resulting tax income, allows for the conditions that exist in this case in which there are vast differences in educational facilities and money spent for each student's education. That the system of independent school districts, each taxing separately in different amounts for itself, created through the statutes designated herein, deprives Complainants of equal educational opportunity in violation of Amendment Fourteen of the United States Constitution.

17. An actual controversy has arisen relating to the rights and duties of the parties in that Complainants contend that they have been denied the equal protection of the laws of the United States, and that Article 7, §3 of the Texas Constitution and such other statutes in Title 49 of Vernon's Annotated Civil Statutes of Texas, as conflict with Complainants' constitutional rights, are invalid and unconstitutional. That the Complainants have no other means of remedying the situation

besides resort to this Court because of the State taxing system and the inability of the Complainants to administratively follow a procedure that will provide them relief. That under the Texas laws, Complainants cannot effectuate an equal distribution of the districts since such consolidation as is allowed requires action by the districts themselves and actions by a majority vote in such districts. On the other hand, Defendants contend that Complainants have not been denied equal protection and that Article 7, §3, of the Texas Constitution and Title 49 of Vernon's Annotated Civil Statutes of Texas are valid and constitutional.

18. The injury to Complainant children and to the members of their class as a result of the method of the State financing system is irreparable and the Complainants and the members of their class will continue to be irreparably injured unless the relief requested by this Complaint is promptly granted.

WHEREFORE, Complainants respectfully pray:

A. That the Court declare the respective rights and duties of the Complainants and Defendants and enter judgment declaring:

(1) the Complainants have been denied equal protection of the laws of the United States and Texas by the aforesaid State financing system, and

(2) the State financing system is void and without force or effect as repugnant to the equal protection clause of the Fourteenth Amendment to the Constitution of the United States and repugnant to Article 1, §3 of the Constitution of the State of Texas, and/or that it is unenforceable insofar as it interferes with providing a system of equal educational opportunity;

B. That Article 7, §3 of the Texas Constitution, Article 2806 of Vernon's Annotated Civil Statutes of

Texas, and the sections of Title 49 of Vernon's Annotated Civil Statutes of Texas relating to the financing of education, including the Minimum Foundation School Program (Articles 2922-11 to 2922-21) being repugnant to the Constitution of the United States, the Defendants and each of them be preliminarily and permanently restrained and enjoined from giving any force and effect to said Article 7, §3 of the Texas Constitution, Article 2806 of Vernon's Annotated Civil Statutes of Texas, and sections of Title 49 of Vernon's Annotated Civil Statutes of Texas relating to the financing of education, including the Minimum Foundation School Program Act (Articles 2922-11 to 2922-21), and that Defendants, the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school system, including without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

C. That the Court retain jurisdiction in this action, affording Defendants and the legislature of the State of Texas a reasonable time in which to take all steps reasonably feasible to make the school system comply with the applicable law, and without limiting the generality of the foregoing, to re-allocate the school funds and to otherwise restructure the taxing and financing system so as to provide substantially equal public school educational opportunities for the Edgewood Independent School District with those children in the other Defendant school districts and/or for all children of the State of Texas as required by the equal protection clause of the Fourteenth Amendment to the United

States Constitution and Article 1, §3 of the Constitution of the State of Texas, and should the Defendants and the legislature fail to so reapportion school funds within such reasonable time that this Court enter its order regulating the collection of property taxes for school purposes and apportion school funds in satisfaction of the obligations undertaken by the State of Texas in Article 7 of the Texas Constitution and in conformance with the requirements of the equal protection clause of the Fourteenth Amendment of the Constitution of the United States;

D. Alternatively, Complainants pray that the Court order that Defendant school districts in Bexar County be abolished and the County School Trustees convene to establish the new boundary lines for a school district or districts, and that the Court order that the lines be drawn so that the property values in each of the resulting school districts be approximately equal with regard to value of taxable property per school child; and

E. That Complainants be granted such other and further relief as may be proper.

Respectfully submitted,

ARTHUR GOCHMAN
802 Frost Bank Building
San Antonio, Texas 78205

Attorney for Complainants

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

(Title Omitted in Printing)

**AMENDED ANSWER OF THE DEFENDANT,
CRAWFORD C. MARTIN, ATTORNEY GENERAL
OF TEXAS, TO PLAINTIFF'S THIRD AMENDED
COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Crawford C. Martin, Attorney General of the State of Texas, one of the Defendants in the above entitled and numbered cause and, in accordance with the order of this Court, files this, his amended answer to Plaintiffs' Third Amended Complaint, and would respectfully show unto the Court as follows:

I.

The Third Amended Complaint of Plaintiffs fails to state a claim against Defendant upon which relief can be granted.

II.

A. Defendant denies the allegations contained in Paragraphs 1, 12, 15, 16, 17 and 18 of Plaintiffs' Third Amended Complaint.

B. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 2, 3, 4, 5, 6, 7(d), 11 and 14 of Plaintiffs' Third Amended Complaint.

C. Defendant admits the allegations contained in Paragraph 7(a), 7(b), 7(c) and 8(a) of Plaintiffs' Third Amended Complaint.

D. Defendant admits the allegations contained in the first paragraph of Paragraph 7(e) of Plaintiffs' Third Amended Complaint; Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second and third paragraphs of Paragraph 7(e) of Plaintiffs' Third Amended Complaint; Defendant denies the remaining allegations contained in Paragraph 7(e) of Plaintiffs' Third Amended Complaint.

E. Defendant admits the allegations contained in Paragraph 8 of Plaintiffs' Third Amended Complaint that: "State funds supporting the Texas free school system (the State financing system) come primarily from two sources," but denies the remaining portion of Paragraph 8 of Plaintiffs' Third Amended Complaint.

F. Defendant admits the allegations contained in the first paragraph of Paragraph 8(b) of Plaintiffs' Third Amended Complaint, but the Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8(b) of Plaintiffs' Third Amended Complaint.

G. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiff's Third Amended Complaint, save and except the last sentence thereof, wherein it is alleged that: "the State deprives Complainants of an adequate education and equal opportunity with regard to education," which such allegation the Defendant denies.

H. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first paragraph of Paragraph 13

of Plaintiffs' Third Amended Complaint, but the Defendant denies the allegations contained in the second paragraph of Paragraph 13 of Plaintiffs' Third Amended Complaint.

I. Defendant admits the allegations contained in all but the last three sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint; as to the allegation that: "these are the methods under which the boundaries of Edgewood District could be changed and its per student property values increased," Defendant is without knowledge or information sufficient to form a belief as to the truth of such allegation; the Defendant denies the allegations contained in the last two sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint.

WHEREFORE, Defendant, Crawford C. Martin, Attorney General of Texas, prays that a judgment be entered in his favor, that the relief prayed for by Plaintiffs be denied, and for its cost, and for such other and further relief which this Court may deem proper.

CRAWFORD C. MARTIN
Attorney General of Texas

PAT BAILEY
Assistant Attorney General
Capitol Station
Austin, Texas 78711

Attorneys for Defendant,
CRAWFORD C. MARTIN,
Attorney General of Texas

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

(Title Omitted in Printing)

**ANSWER OF THE DEFENDANTS, STATE
BOARD OF EDUCATION, PORTER M. BAILES,
JR., M.D., VERNON BAIRD, JACK BINION,
DOYLE CORLEY, WILLIAM H. EVANS, PAUL G.
GREENWOOD, E. R. GREGG, JR., GEORGE C.
GUTHRIE, PAUL R. HAAS, CHARLES D. HART,
JAMES W. HARVEY, BEN R. HOWELL, RICHARD
KIRKPATRICK, WALTER R. KOCH, PAUL
MATHEWS, CARL E. MORGAN, FRANK M. POOL,
EDWIN L. RIPPY, M.D., WINTHROP SELEY,
JAMES E. WEEKS, HERBERT O. WILLBORN,
MEMBERS OF THE STATE BOARD OF EDUCA-
TION, AND J. W. EDGAR, COMMISSIONER OF
EDUCATION, TO PLAINTIFFS' THIRD
AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW State Board of Education, Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, Herbert O. Willborn, Members of the State Board of Education, and J. W. Edgar, Commissioner of Education, Defendants in the above entitled and numbered cause and file this, their answer to Plaintiffs' Third Amended Complaint, and would respectfully show unto the Court as follows:

I.

The Third Amended Complaint of Plaintiffs fails to state a claim against Defendants upon which relief can be granted.

II.

A. Defendants deny the allegations contained in Paragraphs 1, 12, 15, 16, 17 and 18 of Plaintiffs' Third Amended Complaint.

B. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 2, 3, 4, 5, 6, 7(d), 11 and 14 of Plaintiffs' Third Amended Complaint.

C. Defendants admit the allegations contained in Paragraphs 7(a), 7(b), 7(c) and 8(c) of Plaintiffs' Third Amended Complaint.

D. Defendants admit the allegations contained in the first paragraph of Paragraph 7(e) of Plaintiffs' Third Amended Complaint; Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second and third paragraphs of Paragraph 7(e) of Plaintiffs' third Amended Complaint; Defendants deny the remaining allegations contained in Paragraph 7(e) of Plaintiffs' Third Amended Complaint.

E. Defendants admit the allegations contained in Paragraph 8 of Plaintiffs' Third Amended Complaint that: "State funds supporting the Texas free school system (the State financing system) come primarily from two sources," but deny the remaining portion of Paragraph 8 of Plaintiffs' Third Amended Complaint.

F. Defendants admit the allegations contained in the first paragraph of Paragraph 8(b) of Plaintiffs'

Third Amended Complaint, but the Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8(b) of Plaintiffs' Third Amended Complaint.

G. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiffs' Third Amended Complaint, save and except the last sentence thereof, wherein it is alleged that: "the State deprives Complainants of an adequate education and equal opportunity with regard to education," which such allegation the Defendants deny.

H. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first paragraph of Paragraph 13 of Plaintiffs' Third Amended Complaint, but the Defendants deny the allegations contained in the second paragraph of Paragraph 13 of Plaintiffs' Third Amended Complaint.

I. Defendants admit the allegations contained in all but the last three sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint; as to the allegation that: "these are the methods under which the boundaries of Edgewood District could be changed and its per student property values increase," Defendants are without knowledge or information sufficient to form a belief as to the truth of such allegation; the Defendants deny the allegations contained in the last two sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint.

WHEREFORE, Defendants pray that a judgment be entered in their favor, that the relief prayed for by

Plaintiffs be denied, and for their costs, and for such other and further relief which this Court may deem proper.

CRAWFORD C. MARTIN
Attorney General of Texas

PAT BAILEY
Assistant Attorney General

Capitol Station
Austin, Texas 78711

Attorneys for Defendants

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

(Title Omitted in Printing)

**MOTION OF DEFENDANTS, STATE BOARD OF
EDUCATION, PORTER M. BAILES, JR., M.D.,
VERNON BAIRD, JACK BINION, DOYLE
CORLEY, WILLIAM H. EVANS, PAUL G.
GREENWOOD, E. R. GREGG, JR., GEORGE C.
GUTHRIE, PAUL R. HAAS, CHARLES D. HART,
JAMES W. HARVEY, BEN R. HOWELL,
RICHARD KIRKPATRICK, WALTER R. KOCH,
PAUL MATHEWS, CARL E. MORGAN, FRANK
M. POOL, EDWIN L. RIPPY, M.D., WINTHROP
SELEY, JAMES E. WEEKS, HERBERT O.
WILLBORN, MEMBERS OF THE STATE
BOARD OF EDUCATION, AND J. W. EDGAR,
COMMISSIONER OF EDUCATION, FOR JUDG-
MENT UPON PLAINTIFFS' THIRD AMENDED
COMPLAINT FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF MAY BE
GRANTED**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW State Board of Education, Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, Herbert O. Willborn, Members of the State Board of Education, and J. W. Edgar, Commissioner of Education, Defendants in the

above entitled and numbered cause, and would show to the Court that the Complainant herein fails to state a claim upon which relief can be granted for the following reasons:

1. That Plaintiffs have failed to allege a cause of action arising under the Constitution or laws of the United States.

2. That Plaintiffs do not allege that either Article VII, Section 3, of the Texas Constitution or Article 2806 of the Revised Civil Statutes, or the Minimum Foundation School Program (Arts. 2922-11 to 2922-24), were enacted for the purpose of denying to any person the equal protection of the laws or to abridge the privileges or immunities of any citizen or to deprive any person of life, liberty or property without due process of law.

3. That Article VII, Section 3, of the said Constitution shows on its face that it was enacted to provide for a public free school system for *all* of the children of the State. Said constitutional provision provides for State funds for the maintenance of all schools within the State for a period of not less than six months each year and for free text books to all students and, in addition thereto, grants the power to all school districts to levy additional taxes for the further maintenance of the public free schools and for the erection and maintenance of buildings in such districts.

4. That no violation of Amendment XIV of the Constitution of the United States results from the fact that the State of Texas is divided into numerous common and independent school districts, each of which varies from the other in the amount of total funds available for school buildings and the further maintenance of the schools within its limits by virtue of the

respective will or ability of their respective inhabitants to vote higher school taxes and correspondingly higher encumbrances on their properties than inhabitants of another district or other districts.

5. That no violation of the Constitution of the United States results from the fact, if true, that each of the Defendant school districts collects and spends substantially more per student for the education of the children residing therein than does Edgewood Independent School District.

6. That no violation of the Constitution of the United States results from the fact, if true, that each of the Defendant school districts is able to provide a substantially higher quality of education for its students than Edgewood Independent School District.

7. That it is nowhere alleged that the independent school district system of Texas was created for the purpose of discriminating against Mexican Americans because of their race.

8. That the Constitution of the United States does not require that all states must spend substantially equal sums for the education of the children of their respective citizens, nor does it require that each city in each state spend substantially the same amount for the education of the children of its citizens, nor that each school district in each state spend substantially the same amount of money for the education of the children of the inhabitants thereof.

9. That inequality of wealth has always existed between the citizens in various states, regions, communities, and areas within communities, and has always resulted in the fact that in some areas it has been feasible to levy and collect higher taxes than in others for all purposes, including education.

10. That the Fourteenth Amendment of the Constitution does not require that the money collected from ad valorem tax levies on real and personal property of one school district be expended in part for the education of children living in another school district which, for some reason or other, failed to levy or collect taxes equal to those collected by the other district.

11. That it is not alleged in Plaintiffs' petition that an effort has been made to levy and collect taxes within Edgewood Independent School District equal to the effort made by the Defendant school districts.

12. Plaintiffs' Third Amended Complaint constitutes nothing more than an effort on Plaintiffs part to make the naked allegations that their rights have been violated under the Fourteenth Amendment to the Constitution of the United States and the Civil Rights Act of 1964, suffice for factual allegations to support Plaintiffs' vague and general allegations. Such action on the part of the Plaintiffs leaves the Defendants and this Court in the position of having to speculate as to how or in what manner the Plaintiffs' rights under the Fourteenth Amendment to the Constitution of the United States and the Civil Rights Act of 1964 have been violated.

WHEREFORE, PREMISES CONSIDERED, these Defendants pray that judgment be entered herein that Plaintiffs take nothing herein against these Defendants.

CRAWFORD C. MARTIN
Attorney General of Texas
PAT BAILEY
Assistant Attorney General
Capitol Station
Austin, Texas 78711
Attorneys for Defendants

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL

v.

SAN ANTONIO INDEPENDENT SCHOOL
DISTRICT, ET AL

ORDER

The Court having held a pretrial conference in this cause on October 2, 1969, it is ORDERED as follows:

(1) This cause is now one properly to be heard by a three-judge court.

(2) The motion to dismiss this cause is overruled.

(3) The motions to dismiss filed by Alamo Heights Independent School District, Harlandale Independent School District, North East Independent School District, Northside Independent School District, San Antonio Independent School District and South San Antonio Independent School District, are hereby granted, provided, however, in the event the plaintiffs at some subsequent time pursue the alternative relief requested in paragraph D of the prayer of their third amended complaint, said school districts, and each of them, upon proper application, will be allowed to intervene in this lawsuit.

(4) Discovery shall be completed by the plaintiffs within six (6) months from this date, and by the defendants within six (6) months thereafter.

(5) A conference of attorneys shall be held on or before thirty (30) days after the completion of all discovery, and counsel shall submit their proposed agreed pretrial order within thirty (30)

days following their conference. The proposed order shall supply information required by Local Court Rule 26, and the pretrial order checklist (Form PT-1), which will be furnished by the Clerk upon request.

(6) In the event counsel are unable to agree on a form of proposed agreed pretrial order, then counsel for each side are directed to submit their version of an appropriate pretrial order within ten (10) days after the expiration of the time set in paragraph (5) hereof; such version shall cover, in addition to the matters contemplated in paragraph (5) of this order, the following:

(a) A list of other facts or exhibits which it is felt opposing counsel should stipulate to, but which he refuses to do. *Local Rule 26 (k)*.

(b) Any stipulations, rules, witness lists requirements with respect to trial briefs, or other appropriate matters which counsel feels should be included therein. *Local Rule 26 (m)*.

(7) The Court will set a date with notice to counsel of a pretrial conference for the purpose of entering a pretrial order to govern the trial of the case. In this connection, the attorneys who will try this case will familiarize themselves with pretrial rules and come to the conference with full authority to accomplish the purpose of Rule 16 by simplifying the issues, expediting the trial, and saving expenses. See Rule 16, FRCP; 3 Moore's Federal Practice, paragraphs 16.01 to 16.21; 1A Barron & Holtzoff Federal Practice and Procedure, Sections 471-473; 23 Federal Rules Decisions, pp. 129-138; 28 Federal Rules Decisions, pp. 37, et sec.

(8) This Court is aware of the fact that the Legislature of Texas on its own initiative has authorized the appointment of a Committee to study the public school system of Texas and to recommend "a specific formula or formulae to establish a fair and equitable basis for the division of the financial

responsibility between the State and the various local school districts of Texas”, but this Court is of the opinion that sufficient time has not elapsed to allow the Committee to “explore all facets and all possibilities in relation to this problem area”, and make an adequate report upon which the Legislature can enact appropriate legislation. It is felt, however, that the Committee should conduct its study and make its report in ample time for the Legislature to take such action as it might deem appropriate, not later than the adjournment of the 62nd Legislature, which will convene in January of 1971. Accordingly, even though the discovery and pretrial aspects of this case will continue pursuant to the terms of this order, the setting of a trial on the merits will be held in abeyance pending further developments, and in this connection counsel for defendants are directed to keep the Court and opposing counsel advised at least once in each ninety (90) day period following the date of this order, concerning the progress being made by the Committee and the Legislature with respect to this matter.

(9) The Clerk will furnish a copy of this order to counsel of record by certified mail.

Dated the 15th day of October, 1969.

(Signature)
ADRIAN A. SPEARS,
United States District Judge,
acting for and on behalf of all
three judges designated to hear
and determine this cause, with
full authority from each such
judge to so act.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL

vs.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

PRE-TRIAL ORDER

On the 5th day of October, 1971, Arthur Gochman appeared as counsel for Plaintiffs, Pat Bailey and Raul Rivera appeared as counsel for Defendants.

1. The following jurisdictional questions were raised and disposed of as hereinafter indicated: None.

2. The following disposition was made of pending motions or other similar matters preliminary to trial: All motions have been disposed of.

3. In general, the Plaintiffs claim that their children have been deprived of equal protection of the laws under the Fourteenth Amendment with regard to public school education as a result of the State public school financing system. Plaintiffs allege that the State financing system makes education expenditures a function of the wealth of each district thereby denying Plaintiffs, and the classes they represent, educational opportunities and resources enjoyed by children attending school in other school districts.

4. In general, the Defendants claim:

(a) That the Plaintiffs have failed to state a claim against Defendants upon which relief can be granted.

(b) That the Fourteenth Amendment of the United States Constitution does not require that public school

expenditures by the State of Texas be made only on the basis of pupils' educational needs.

(c) Lack of judicially manageable standards makes this case nonjusticiable.

(d) The statutes of Texas enacted pursuant to its Constitution provide for a foundation school program which guarantees to all scholastics in the State of Texas a minimum amount of funds sufficient to afford a reasonable education.

(e) The Fourteenth Amendment of the United States Constitution permits the creation of political subdivisions with different powers, rights, functions and duties and does not require one political subdivision to assume the debts and obligations of another or to expend its funds for the benefit of another.

(f) The amount of funds expended by a school district per student does not necessarily determine the quality of the education which the student of the school district will receive. That circumstances and conditions other than the amount of funds expended per scholastic are involved in determining whether or not the education provided the scholastic is of a greater or lower quality than that received by a scholastic in another school district.

(g) That the conditions which the Plaintiffs allege exist in the Edgewood Independent School District are not as a result of constitutional or statutory provisions of the State of Texas, but are as a result of actions by the district itself.

(h) The Fourteenth Amendment of the United States Constitution does not require equal allocation or expenditure of its funds by the states.

(i) The Plaintiffs are seeking to have this Court substitute its discretion for that of the Legislature of

the State of Texas as to the type of financing program for public schools in Texas and this involves a political rather than a judicial decision.

5. Facts and issues not in genuine dispute are attached hereto.

6. The contested issues of fact are: Facts are generally not in dispute. There are, however, some opinions and conclusions that are in dispute.

7. The contested issues of law are:

(a) Plaintiffs and Defendants claim the contested issues of law are:

Whether or not under the facts in this case the Defendants have deprived Plaintiffs and the classes they represent of equal protection of the laws under the Fourteenth Amendment of the Constitution of the United States.

(b) The Defendants additionally claim the following contested issues of law:

[1] That the Plaintiffs have failed to state a claim against Defendants upon which relief can be granted.

[2] The Fourteenth Amendment of the United States Constitution does not require that public school expenditures by the State of Texas be made only on the basis of pupils' educational needs.

[3] Lack of judicially manageable standards makes this case nonjusticiable.

[4] The statutes of Texas enacted pursuant to its Constitution provide for a foundation school program which guarantees to all scholastics in the State of Texas a minimum amount of funds sufficient to afford a reasonable education.

[5] The Fourteenth Amendment of the United States Constitution permits the creation of political

subdivisions with different powers, rights, functions and duties and does not require one political subdivision to assume the debts and obligations of another or to expend its funds for the benefit of another.

[6] The Fourteenth Amendment of the United States Constitution does not require equal allocation or expenditure of its funds by the states.

[7] The Plaintiffs are seeking to have this Court substitute its discretion for that of the Legislature of the State of Texas as to the type of financing program for public schools in Texas and this involves a political rather than a judicial decision.

(c) Plaintiffs contend that Defendants alleged contested issues numbered 1, 2, 3, and 7 were decided by the Court in its Order of October 15, 1969, and are, therefore, no longer contested issues in this cause, and Defendants alleged issues numbered 4, 5, and 6 are arguments rather than legal issues.

8. The exhibits on the attached list were marked and received in evidence.

9. This is not a jury case.

10. Pleadings are in final form.

11. The following additional matters, to aid in the disposition of the action were determined: None.

12. The probable length of trial of this case is one day.

13. The proposed findings of fact and conclusions of law of each party are attached hereto.

14. A list of the names of all witnesses is attached hereto.

15. All discovery in this case has been completed, except that additional discovery shall be allowed for a period of 30 days.

16. Attorneys' conferences, as required by Order Preliminary to Pre-Trial Conference, have been held, the last being on Sept. 30, 1971.

17. Each party has advised the other with respect to all deposition questions and answers to be offered in evidence and objections thereto have been furnished and are ready for presentation to the Court at the Pre-Trial Conference.

18. Memorandum briefs have been furnished to the Court and opposing counsel with respect to all unusual questions of law. After evidence is submitted the parties desire to update briefs. Plaintiffs' brief must be filed in thirty (30) days, and defendants' another ten days thereafter.

19. A list of questions each party desires the Court to ask prospective jurors on voir dire examination is attached hereto: Not applicable.

20. The parties hereto are (are not) willing to enter into an agreement with reference to the disqualification of jurors: Not applicable.

21. Counsel for all parties have familiarized themselves with respect to the Local Court Rules, particularly Rules 4, 14, 26 and 28.

22. Counsel participating in the Pre-Trial procedures have full authority to accomplish the purpose of Rule 16, Federal Rules of Civil Procedure, and Local Rule 26, by simplifying the issues, expediting the trial and saving expenses.

23. Non-resident counsel have designated a resident attorney as required by Local Rule 4: Not applicable.

24. All parties are ready for pre-trial and trial.

25. The possibility of a compromise settlement has been fully discussed and explored.

26. The case was ordered set down on the non-jury calendar for a later time, after additional discovery and briefing are completed. Counsel will be notified.

No definite setting was made, but it is estimated that it will be reached for trial about -----.

Dated this 5th day of October, 1971, at San Antonio, Texas.

(Signature)
ADRIAN A. SPEARS
United States District Judge

APPROVED:

(Signature)
ARTHUR GOCHMAN
Counsel for Plaintiffs

(Signature)
PAT BAILEY
Counsel for Defendants

(Signature)
RAUL RIVERA
Counsel for Defendants

PLAINTIFFS' EXHIBITS

1. Amount raised per student—State funds
2. Amount raised per student—Local taxes
3. Percentages of Anglo-American, Mexican-American and Negro students in school districts named in suit
4. Value of property per student
5. Tax effort
6. Incomes in named districts
7. Values of property per pupil, expenditures per pupil, statewide sampling

8. Tables attached to Testimony of Joel S. Berke, I thru XI.
9. Graphs attached to Testimony of Joel S. Berke, I thru V
10. Expenditures per pupil in relation to Mexican-American enrollment

In addition, Plaintiffs submit to the Court portions of the Governor's Report and data, reports of the United States Commission on Civil Rights, and Texas Education Agency statistics, all of which Plaintiffs submit as information of which the Court may take judicial notice.

LIST OF WITNESSES

Plaintiffs

Dr. Jose Cardenas—effect of lack of funds

Dr. Don Webb—economic disparities between districts

Dr. Charles Feldstone—validating income statistics

Dr. Daniel C. Morgan, Jr.—the state school financing system

Dr. Joel S. Berke—study of Policy Institute of the Syracuse University Research Corporation on Public School Financing in Texas and results of that study

Richard Avena or Joe Bernal—history of discrimination of Mexican-Americans in the Southwest

Interrogatories of Defendants—all of Set 1, Set 2, Nos. I, II, III, IV, XV and XVI (The statistics submitted relate only to the districts named in the suit. The Court may take Judicial notice of statistics relating to other districts.)

Defendants

J. W. Edgar—functions of Commissioner of Education and state system

Leon R. Graham—operation of state financing system

**FACTS AND ISSUES NOT IN GENUINE
DISPUTE**

1. Complainants reside within the boundaries of the Edgewood Independent School District, which is situated within the city limits of San Antonio, a municipality located in Bexar County, Texas. Each of the parent Complainants, who are named below, have children Complainants enrolled in the Edgewood Independent School District,

Parent Complainants

Demetrio P. Rodriguez
wife, Helen M. Rodriguez

Mrs. Alberta Z. Snid
a widow

Joe Hernandez
wife, Carmen D. Hernandez

Martin R. Cantu, Sr.

Reynaldo F. Castano

Children Complainants

Alexander Rodriguez

Jose Snid
Catalina Snid
Angelina Snid
Selina Snid

Joe Hernandez, Jr.
Yolanda Hernandez
Irma Hernandez
Richard Hernandez

Linda Cantu
Brenda Cantu
Blanche Cantu

James Castano
Robert Castano
Steve Castano

2. Complainants are all of Mexican-American descent.

3. Complainants sue on behalf of themselves and as next friends of their children.

Skip to 6.

6. Complainants sue the State Board of Education and Porter M. Bailes, Jr., MD., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, and Herbert O. Willborn in their capacity as members of the State Board of Education. The State Board of Education under Article 2654-3, reviews, evaluates, adopts and promotes plans to meet the educational needs of the public schools within the State of Texas. Under Article 2665, the State Board of Education is in charge of allocation of certain school funds of the State. Under Article 2675b-5, the State Board of Education has the duty to consider the needs of the public schools of the State of Texas and prepare and present a report to the Governor to be transmitted to the legislature upon convening. It is further the duty of the State Board of Education, under said Article, to make statistical studies of education in the State of Texas. Under Article 2922-16, it is the duty of the State Board of Education to estimate the total cost of the Minimum Foundation School Program and to approve assessments for the Minimum Foundation School Program.

7. Complainants sue J. W. Edgar, individually, and in the capacity as Commissioner of Education. The Commissioner of Education is the executive officer of the State Board of Education. He is responsible, under Article 2654-5, for promoting efficiency and improvement in the public school system of the State. Under Article 2656, he administers the school laws of the State and under Article 2657, he advises school officers.

Under Article 2658, he notes the educational progress taking place in the public school system and under Article 2663, he is in charge of distribution of school funds from the State. He is also the executive officer in charge of administering, subject to the approval of the State Board of Education, the Minimum Foundation Program under Articles 2922-16 and 2922-20.

8. Complainants sue Crawford Martin, Attorney General of the State of Texas. In his capacity as Attorney General, he has sought to uphold and enforce the laws of the State of Texas, including Title 49 of Vernon's Annotated Civil Statutes of Texas and Article 2806 thereof, and Article 7, §3 of the Constitution of the State of Texas. The Attorney General derives his authority to be chief law enforcement officer of the State and represents the interests of the State in civil litigation by virtue of Article 4, §22 of the Texas Constitution and the common law. Under Article 4399, he is responsible for giving advisory opinions to the Commissioner of Education with regard to laws relating to education and under Article 2670, he is responsible for approving all school bonds in the State.

9. Complainants sue the Bexar County School Trustees, to-wit: Jack Judson, Lloyd Knowlton, C. W. Barley, H. W. Engelhardt, George Schumacher, Benno Kalbunde and Wayne Simpson. Under Article 2676, these Trustees are the general managers of the public schools of the county. In Bexar County, the authority of the School Trustees is limited since all the schools in the county are in independent school districts. If the Court orders, as alternatively prayed, that a school district or school districts be abolished, it would be incumbent upon the County School Trustees, under Article 2922a, to set the boundary lines of any new school districts that might result.

10. San Antonio Independent School District, Edgewood Independent School District, Harlandale Independent School District, Northside Independent School District, Northeast Independent School District, Alamo Heights Independent School District and South San Antonio Independent School District lie wholly or partly within the City of San Antonio and geographically are situated in one continual and contiguous urban complex that comprises the city of San Antonio and its environs (i.e., cities having contiguous boundaries with the city of San Antonio).

11. This urban complex is in Bexar County, Texas.

12. Neither cities or counties geographically determine these defendant school district boundaries.

13. Costs of goods and services do not vary substantially within the area described.

14. Each of the independent school districts named in the Third Amended Complaint, except Edgewood, hereinafter referred to as "named districts", collects and spends more money per student for their education than the Edgewood Independent School District.

15. The duty to provide education pursuant to the Texas Constitution is a function of the state.

16. The independent school districts are political subdivisions set up by the State for the convenience of the State in maintaining public schools.

17. Under the Texas Constitution it is the duty of the State of Texas to provide funds to support the Texas free public school system, within the limits of the Texas Constitution and Texas Statutes.

18. State funds supporting the Texas free school system (the State financing system) come primarily from two sources: ad valorem property taxes assessed

by school districts, Minimum Foundation Funds and the Available School Fund.

19. The State has delegated the power to each independent school district to levy and collect ad valorem property taxes for maintenance and operation of their respective school systems, within Statutory or Constitutional limits.

20. Each independent school district levies and collects taxes on property within its district. The money collected by such districts must be used solely within the district in which it is collected under the requirements of Article 7, §3 of the Texas Constitution.

21. The other basic sources of revenue from the State in support of the public free school system are derived from the Minimum Foundation School Program and the Available School Fund.

22. The Foundation funds are distributed by the State Commissioner of Education, subject to the approval of the State Board of Education, to the various school districts in the State per Statutory provisions and formula.

23. The value of property in the Edgewood District subject to school ad valorem taxes (local district tax base) is less per student than in the named districts.

24. The educational needs of the children in the named districts are no greater than the educational needs of the children in the Edgewood district.

25. Educational costs in the named districts are no greater than the educational costs in the Edgewood district.

26. Each district levies and collects taxes on property within the district.

27. There are three statutory methods under which the boundaries of the Edgewood Independent School District could be changed and its per student property values possibly increased. They are:

(a) Under Article 2806, a majority of those voting in each independent school district may consolidate two independent school districts.

(b) Under Article 2742, upon election, a portion of one district may be detached and added to another district.

(c) Under Article 2922a, if Edgewood District was abolished by election or changed to a different classification of school district, the County Board of School Trustees could annex it to another district.

28. A school district system of administering public school education is constitutional.

29. Claimants are all of Mexican-American descent.

30. More than 95% of students in the Edgewood district are Americans of Mexican descent.

31. The percentage of Mexican-Americans in the Edgewood district is higher than the percentage of Mexican-Americans in the named districts.

32. The 62nd Texas Legislature took no action with respect to the division of financial responsibility between the State and the various school districts of Texas. The 62nd Texas Legislature passed no laws relevant to this case.

33. The public schools in Texas are financed from three basic sources—state funds, local district funds derived from ad valorem taxes on real and personal property and federal funds.

34. Approximately ten percent (10%) of the over-

all expenditures in the public schools in Texas come from federal sources.

35. Federal funds received by the public schools of the State of Texas are not distributed solely on a per capita basis.

36. The public schools of Texas received slightly over \$290,000,000 during the last year from the state available school funds.

37. The Available School Fund is dispersed to the school districts of the State of Texas on a per capita basis which is based on the average daily attendance within the district for the prior school year, but this allotment is subtracted out of the allotment coming from the Minimum Foundation Program.

38. The Constitution of the State of Texas requires that the Available School Fund be dispersed on a per capita basis.

39. The Minimum Foundation Funds received by the school districts in the State of Texas come from general revenue funds of the State of Texas.

40. The total estimated cost of the Minimum Foundation Program in Texas during the school year 1970-1971 was \$1,095,202,000 of which the State of Texas, out of state funds, allocated or contributed the amount of \$906,741,000.

41. The State of Texas out of state funds pays approximately eighty percent (80%) of the costs of the Minimum Foundation Program and the public school districts of the State of Texas pay the remaining twenty percent (20%) of the costs of the operation of the Minimum Foundation Program.

42. The local fund assignment is the amount of money that each school district in Texas is expected to

contribute to the cost of the Minimum Foundation Program in that district.

43. The local fund assignment for all of the school districts in Texas for the school year 1970-1971 amounted to \$188,000,000.

44. For the school year 1970-1971 a school district's local fund assignment constituted what a particular school district's share of the \$188,000,000 constituted.

45. Some of the school districts in Texas raise more money than is necessary to fulfill their local fund assignment.

46. The purpose of the economic index of the Minimum Foundation Program is an attempt to measure the tax paying ability of one county of the state as compared with the remaining counties in the state.

47. The economic index of the Minimum Foundation Program also attempts to measure the tax paying ability of one school district within a county as compared with the remaining school districts in the county.

48. The Minimum Foundation Program has been in existence since 1949.

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Findings of Fact

Complainants reside within the boundaries of the Edgewood Independent School District, which is situated within the city limits of San Antonio, a municipality located in Bexar County, Texas. Each of the parent Complainants, who are named below, have children Complainants enrolled in the Edgewood Independent School District,

Parent Complainants

Demetrio P. Rodriguez
wife, Helen M. Rodriguez

Mrs. Alberta Z. Snid
a widow

Joe Hernandez
wife, Carmen D. Hernandez

Martin R. Cantu, Sr.

Reynaldo F. Castano

Children Complainants

Alexander Rodriguez

Jose Snid
Catalina Snid
Angelina Snid
Selina Snid

Joe Hernandez, Jr.
Yolanda Hernandez
Irma Hernandez
Richard Hernandez

Linda Cantu
Brenda Cantu
Blanche Cantu

James Castano
Robert Castano
Steve Castano

2. Complainants are all of Mexican-American descent.

3. Complainants sue on behalf of themselves and as next friends of their children.

4. Complainants properly represent the class of all other school children and parents of school children living in the Edgewood Independent School District who are American of Mexican descent.

5. Complainants properly represent the class of all school children who live in the Edgewood Independent School District and all persons in the Edgewood Independent School District.

6. Complainants properly represent the class of all other school children in independent school districts, and all other persons in Texas who have school children in independent school districts who are members of minority groups or are poor.

7. Complainants sue the State Board of Education and Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, and Herbert O. Willborn in their capacity as members of the State Board of Education. The State Board of Education, under Article 2654-3, reviews, evaluates, adopts and promotes plans to meet the educational needs of the public schools within the State of Texas. Under Article 2665, the State Board of Education is in charge of allocation of certain school funds of the State. Under Article 2675b-5, the State Board of Education has the duty to consider the needs of the public schools of the State of Texas and prepare and present a report to the Governor to be transmitted to the legislature upon convening. It is further the duty of the State Board of Education, under said Article, to make statistical studies of education in the State of Texas. Under Article 2922-16, it is the duty of the State Board of Education to estimate the total cost of the Minimum Foundation School Program and to approve assessments for the Minimum Foundation School Program.

8. Complainants sue J. W. Edgar, individually, and in the capacity as Commissioner of Education. The Commissioner of Education is the executive officer of the State Board of Education. He is responsible, under Article 2654-5, for promoting efficiency and improvement in the public school system of the State. Under Article 2656, he administers the school laws of the State and under Article 2657, he advises school officers. Under Article 2658, he notes the educational progress taking place in the public school system and under

Article 2663, he is in charge of distribution of school funds from the State. He is also the executive officer in charge of administering, subject to the approval of the State Board of Education, the Minimum Foundation Program under Article 2922-16 and 2922-20.

9. Complainants sue Crawford Martin, the Attorney General of the State of Texas. In his capacity as Attorney General, he has sought to uphold and enforce the laws of the State of Texas, including Title 49 of Vernon's Annotated Civil Statutes of Texas and Article 2806 thereof, and Article 7, §3 of the Constitution of the State of Texas. The Attorney General derives his authority to be chief law enforcement officer of the State and represents the interests of the State in civil litigation by virtue of Article 4, §22 of the Texas Constitution and the common law. Under Article 4399, he is responsible for giving advisory opinions to the Commissioner of Education with regard to laws relating to education and under Article 2670, he is responsible for approving all school bonds in the State.

10. Complainants sue the Bexar County School Trustees, to-wit: Jack Judson, Lloyd Knowlton, C. W. Barley, H. W. Engelhardt, George Schumacher, Benno Kalbunde and Wayne Simpson. Under Article 2676, these Trustees are the general managers of the public schools of the county. In Bexar County, the authority of the School Trustees is limited since all the schools in the county are in independent school districts. If the Court orders, as alternatively prayed, that a school district or school districts be abolished, it would be incumbent upon the County School Trustees, under Article 2922a, to set the boundary lines of any new school districts that might result.

11. San Antonio Independent School District, Edgewood Independent School District, Harlandale

Independent School District, Northside Independent School District, Northeast Independent School District, Alamo Heights Independent School District and South San Antonio Independent School District lie wholly or partly within the City of San Antonio and geographically are situated in one continual, and contiguous urban complex that comprises the city of San Antonio and its environs (i.e. cities having contiguous boundaries with the city of San Antonio).

12. The named districts have 93% of the public school students in Bexar County and are all located in a single metropolitan area.

13. This urban complex is in Bexar County, Texas.

14. Neither cities nor counties geographically determine these defendant school district boundaries.

15. No natural geographic reasons exist for their present boundaries.

16. Cost of goods and services do not vary substantially within a single metropolitan area, i.e., the urban complex described above.

17. Each of the independent school districts named in the Third Amended Complaint, except Edgewood, hereinafter referred to as "named districts", collects and spends substantially more money per student for their education than the Edgewood Independent School District.

18. Consequently, the named districts are able to provide a higher quality of education for their students than is Edgewood.

19. The duty to provide education pursuant to the Texas Constitution is a non-delegable function of the state.

20. The independent school districts are political subdivisions set up by the State for the convenience of the State in maintaining public schools.

21. Under the Texas Constitution it is the duty of the State of Texas to provide funds to support the Texas free public school system, within the limits of the Texas Constitution and Texas statutes.

22. State funds supporting the Texas free school system (the State financing system) come primarily from two sources: ad valorem property taxes assessed by school districts, Minimum Foundation Funds and the Available School Fund.

23. The State has delegated the power to each independent school district to levy and collect ad valorem property taxes for maintenance and operation of their respective school systems within statutory or Constitutional limits.

24. Each independent school district levies and collects taxes on property within its district. The money collected by such districts must be used solely within the district in which it is collected under the requirements of Article 7, Sec. 3 of the Texas Constitution.

25. The other basic source of revenue from the State in support of the public free school system is derived from the Minimum Foundation School Program and the Available School Fund.

26. The Foundation funds are distributed by the State Commissioner of Education, subject to the approval of the State Board of Education, to the various school districts in the State per statutory provisions and formula.

27. Each district levies and collects taxes on property within the district.

28. The state system of financing public schools does not assure a minimum level of education for all children.

29. The Minimum Foundation Program does not equalize the capacity of school districts to support education.

30. The value of property in the Edgewood District subject to school ad valorem taxes (local district tax base) is substantially less per student than in the named districts.

31. Such tax base is insufficient to bear the burden of equalizing the Edgewood district to the named districts.

32. The vast differences in the tax bases between districts result in substantially less funds available for education in Edgewood and other poor districts.

33. Edgewood and other poor districts tax themselves at higher equalized tax rates yet realize far lower tax revenues than is true in the richer districts.

34. Edgewood and other poor districts make a greater tax effort than do districts with greater tax bases.

35. The only available means Edgewood has to raise its income and expenditures to the other districts is to increase its local ad valorem taxes to raise funds per student comparable to those raised by the other districts, and its tax base is insufficient to bear this burden.

36. The low property values and low family incomes preclude the Edgewood District and other poor districts from collecting funds thru taxation of property within the district equal per student to the other districts.

37. The average incomes and ability to pay taxes of the residents in the Edgewood District are substantially less than the average incomes and ability to pay taxes of the residents in the named districts.

38. The educational needs of the children in the named districts are no greater than the educational needs of the children in the Edgewood district.

39. Educational costs in the named districts are no greater than the educational costs in the Edgewood district.

40. As a result of the amounts expended, the children in the Edgewood District are provided an inadequate and substantially inferior education compared to the children in the named districts.

41. With greater income per student, the named districts are able to hire better qualified teachers, more and better counselors, provide better building facilities, scientific equipment, libraries, equipments and supplies, and maintain a broader and better curriculum than Edgewood.

42. The State does not provide equal educational opportunity to every school child in an independent school district in the State of Texas.

43. The State does not provide an adequate education to every school child in an independent school district in the State of Texas.

44. There are three statutory methods under which the boundaries of the Edgewood Independent School District could be changed and its per student property values possibly increased. They are:

(a) Under Article 2806, a majority of those voting in each independent school district may consolidate two independent school districts.

(b) Under Article 2742, upon election, a portion of one district may be detached and added to another district.

(c) Under Article 2922a, if Edgewood District was abolished by election or changed to a different classification of school district, the County Board of School Trustees could annex it to another district.

45. No administrative procedure exists for Complainants to equalize the system.

46. The Complainants have no remedy or right of redress except thru court action.

47. A school district system of administering public school education is constitutional.

48. The state financing system denies complainants children and other children within the Edgewood district educational opportunities and resources substantially equal to those enjoyed by children attending other named school districts in that the state financing system invidiously discriminates against complainants and other poor because it makes the quality of a child's education a function of the value of property within a district and of the wealth of his parents and neighbors.

49. The students in the Edgewood district are of substantially equal age, aptitude, motivation and ability to the students in the named districts.

50. There is a marked difference in the quality of educational services, equipment and other facilities between Edgewood and the named districts.

51. The use of a "school district" as a unit for the varying allocations of educational funds has no reasonable relation to the Texas Constitutional purpose of providing for general diffusion of knowledge by an efficient system of free public schools.

52. The present financing of such school districts promotes no compelling state interest.

53. The part of the state financing system which requires independent school districts to retain and expend, within their respective boundaries, all of the school taxes collected for the educational purposes of such respective district accomplishes no educational objective.

54. Claimants are all of Mexican-American descent.

55. More than 95% of students in the Edgewood district are Americans of Mexican descent.

56. The percentage of Mexican-Americans in the Edgewood district is higher than the percentage of Mexican-Americans in the named districts.

57. The more Negroes and Mexican-Americans in the school population of a school district in Texas, the lower its revenues for education.

58. There has been a pattern of discrimination against Mexican-Americans in the Southwestern United States (those states having a common border with Mexico, including the State of Texas).

59. Such discrimination has resulted in a generally poorer education, more substandard housing, more limited job opportunities, smaller incomes and more deprivation of civil and political rights for Mexican-Americans than for other white Americans in Texas.

60. Mexican-American residents in the Edgewood district have lower incomes, more substandard housing, poorer education and more limited job opportunities than do residents of the named districts.

61. Because of the state financing system, the operation of Article 7, Sec. 3 of the Texas Constitution and Title 49 of V.A.T.S., further racial discrimination against Mexican-Americans has resulted, thereby lim-

iting complainants and their class to fewer job opportunities, lower incomes, and substandard housing in the future.

62. The State of Texas, in providing a public school system of its citizens, must make available and create a system of equal opportunity of education for all its citizens.

63. The duty to provide such an education is a State obligation and school districts are merely subdivisions of the state government organized for convenience in exercising the governmental function of establishing and maintaining public free schools for the benefits of the people.

64. The state financing system of numerous independent school districts in the same geographic metropolitan area, providing for separate and independent taxing units, taxing rates, and resultant tax income, allows for the condition that exists in which there are vast differences in educational facilities and money spent for each student's education.

65. Such differences deprive Complainants of equal educational opportunity in violation of Amendment Fourteen of the United States Constitution.

66. The injury to Complainant children and to the members of their class as a result of the method of the state financing system is irreparable, and the Complainants and the members of their class will continue to be irreparably injured unless the relief requested by the Complaint is promptly granted.

67. The 62nd Texas Legislature took no action with respect to the division of financial responsibility between the State and the various school districts of Texas. The 62nd Texas Legislature passed no laws relevant to this case.

Conclusions of Law

The Texas public school financing system denies Plaintiffs and the classes they represent equal protection of the law in violation of the Fourteenth Amendment of the Constitution of the United States.

IN THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL.

v.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL.

**PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

TO THE HONORABLE JUDGES OF SAID
COURT:

Come Now the Defendants in the above styled and numbered cause and in connection with the Pre-Trial Order submit this their Proposed Finding of Fact and Conclusions of Law,

FINDING OF FACT

1. The public schools in Texas are financed from three basic sources—state funds, local district funds derived from ad valorem taxes on real and personal property, and federal funds.

2. Approximately ten percent (10%) of the overall expenditures in the public schools in Texas come from federal sources.

3. Federal funds received by the public schools of the State of Texas are not distributed on a per capita basis, but are allocated primarily to help low-income and disadvantaged children.

4. The 1970 census figures will likely result in the Edgewood Independent School District receiving a

greater portion of the federal funds available to public schools.

5. The public schools of Texas receive slightly over \$290,000,000 during the last year from the available school funds.

6. The available school fund is dispersed to the school districts of the State of Texas on a per capita basis which is based on the average daily attendance within the district for the prior school year.

7. The Constitution of the State of Texas requires that the available school fund be dispersed on a per capita basis.

8. The Minimum Foundation Funds received by the school districts in the State of Texas come from general revenue funds of the State of Texas.

9. The total estimated cost of the Minimum Foundation Program in Texas during the school year 1970-1971 was \$1,095,202,000 of which the State of Texas, out of state funds, allocated or contributed the amount of \$906,741,000.

10. The State of Texas out of state funds pays approximately eighty percent (80%) of the costs of the Minimum Foundation Program and the public school districts of the State of Texas pay the remaining twenty percent (20%) of the costs of the operation of the Minimum Foundation Program.

11. The State of Texas, through state funds, pays a larger percentage of the cost of operating the public school system than most states.

12. One of the purposes of the Minimum Foundation Program in Texas was an attempt to furnish a procedure whereby the poorer school districts did not have to pay as large a portion of the cost of operating

the Minimum Foundation Program as the richer school districts.

13. Less affluent school districts do not have to pay as much of the twenty percent (20%) required to be raised on the local level as do more affluent school districts.

14. The local fund assignment is the amount of money that each school district in Texas is expected to contribute to the cost of the Minimum Foundation Program in that district.

15. The local school district is not required to raise its portion of the local fund assignment, and will receive Minimum Foundation Program funds regardless of whether the local fund assignment is raised by the school district.

16. The local fund assignment for all of the school districts in Texas for the school year 1970-1971 amounted to \$188,000,000.

17. For the school year 1970-1971 a school districts local fund assignment constituted what a particular school districts share of the \$188,000,000 constituted.

18. There is no school district in Texas which has not been able to raise its local fund assignment.

19. Most of the school districts in Texas raise a great deal more money from tax purposes than is necessary to fulfill their local fund assignment.

20. The voters within a school district make the ultimate decision as to whether a school district will raise money in excess of that necessary to operate a Minimum Foundation Program subject to the maximum tax rates permitted by law.

21. The purpose of the economic index of the Minimum Foundation Program is an attempt to measure

the tax paying ability of one county of the state as compared with the remaining counties in the state.

22. The economic index of the Minimum Foundation Program also attempts to measure the tax paying ability of one school district within a county as compared with the remaining school districts in the county.

23. The use of the economic index of the Minimum Foundation Program to determine the tax paying ability of each county and then the breaking down of the county by the use of assessed valuations within the various school districts is an attempt to try to balance out the difference between the wealth of the districts and their abilities to support the public school program.

24. The Minimum Foundation Program has been in existence since 1949.

25. The financing of the public school system and the operation of the Minimum Foundation Program is a very complex undertaking and many problems are presented.

26. Some school districts are able to get more for their educational dollar than can other school districts.

27. The capabilities of a school districts board of trustees and school administrators, as well as the priorities of the particular school district, play a part in determining whether a particular school district gets more for their educational dollar than another school district.

28. There is no effort by the Minimum Foundation Program to discriminate against Mexican-Americans.

29. There are several programs managed by the Texas Education Agency which are directed primarily at assisting the Mexican-American school child.

30. The quality of education that a school child receives while attending a particular school district cannot be determined solely on the amount of money spent per student.

31. The people and voters in some school districts are willing to put more money into education than the people and voters in other school districts and do so by supporting increases in tax rates and the passage of bond issues.

32. Until recently the Edgewood Independent School District maintained very poor financial records and were not on a par with most of the other school districts in Baylor County, Texas.

33. A school district cannot manage its money wisely when it does not know how much money it owes and how much money it has obligated.

34. The Minimum Foundation Program was not designed to insure that each child in every school district had the same amount of money spent upon his education. The Minimum Foundation Program was merely an effort or attempt to equalize the amount of state funds paid to local school districts in relation to their ability to support a public school program.

35. Some of the poor school districts in this state receive almost one hundred percent (100%) of the cost of its foundation school program from state money, whereas some of the richer school districts pay an excess of the twenty percent (20%) state average for operating their Minimum Foundation Program and therefore receive less than eighty percent (80%) of the cost of their program.

36. The only restriction upon the amount of money a local school district raises for education is the limit placed upon the tax rate which can be levied against

real and personal property within the boundaries of the school district.

37. Any transfer of local school funds between school districts raises large problems in connection with the effect this will have upon the bonded indebtedness of the school district.

CONCLUSIONS OF LAW

1. The present Texas scheme for financing public education reflects a rational policy consistent with the mandate of the Texas Constitution. *McInnis v. Shapiro*, 293 F.Supp. 327 (1969) aff'd Sub Nom *McInnis v. Ogilvie*, 394 U.S. 322, 89 S.Ct. 1197, 22 L.Ed.2d 308 (1969).

2. Unequal educational expenditures per student, based upon the variable property values and tax rates of local school districts, do not amount to an invidious discrimination. *McInnis v. Shapiro*, supra.; and *McInnis v. Ogilvie*, supra.

3. The statutes and constitutional provisions of the State of Texas which permit these unequal expenditures on a district to district basis are neither arbitrary nor unreasonable. *McInnis v. Shapiro*, supra.; *McInnis v. Ogilvie*, supra.

4. There is no constitutional requirement that public school expenditures be made only on the basis of pupil's educational needs without regard to the financial strength of local school districts, nor does the Constitution establish the rigid guideline of equal dollar expenditures for each student. *McInnis v. Shapiro*, supra.; *McInnis v. Ogilvie*, supra.

5. The lack of judicially manageable standards make this controversy non-justiciable. *McInnis v. Shapiro*, supra.; *McInnis v. Ogilvie*, supra.

6. The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution does not limit the powers of the State in allocating and distributing State funds. *Carmichael v. Southern Coal and Coke Co.*, 301 U.S. 495, 57 S.Ct. 688, 81 L.Ed. 1245 (1936); *Hess v. Mullaney*, 213 F.2d 655 (9th Cir. 1954) cert. den. 348 U.S. 836 (1954); *McInnis v. Shapiro*, supra.

7. The dominant purpose of the Minimum Foundation Program was to guarantee to each child of school age of Texas the availability of a Minimum Foundation School Program for nine full months of school, and to establish eligibility requirements applicable to Texas public school districts in connection therewith, and the legislature decided upon a basis of an economic index based on certain factors reflecting economic activity, rather than on a single basis of assessed valuation for determining the tax paying ability of a school district. *McKinney v. Blankenship*, 282 S.W.2d 691, 154 Tex. 132 (1955).

8. The Minimum Foundation Program is not a tax statute, but is a program for allocating and distributing state school funds. *Alton Independent School District v. Central Education Agency*, 259 S.W.2d 737 (Tex.Civ.App. 1953).

9. The issue of the proper allocation and disbursement of state school funds is a political question and not a judicial question because there are no judicially manageable standards to determine which form of school financing by the State would be most equitable. *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L. Ed.2d 663 (1962); *Powell v. McCormick*, 395 U.S. 486, 89 S.Ct. (1944), 23 L.Ed.2d 491 (1969); *McInnis v. Shapiro*, supra.; *LeBeauf v. State Board of Education*, 244 F. Sup. 256 (1965).

10. The compelling interests test pursuant to the Fourteenth Amendment to the Constitution of the United States is not applicable in the instant case, and the classifications existing in the Texas public school financing program rest upon grounds reasonably related and relevant to achieving the objectives of the State in the financing and support of a public school program. *McInnis v. Shapiro*, supra.

11. Educational expenses are not the exclusive yardstick of a child's educational needs. *McInnis v. Shapiro*, supra.

**PLAINTIFFS' EXHIBITS III, VII, X, XI, AND
XII INTRODUCED INTO EVIDENCE AT
PRETRIAL HEARING OCTOBER 5, 1971.**

PLAINTIFFS' EXHIBIT III

Percent of Anglo-American, Mexican-American, and Negro Students in Each District (1968-1969) named in suit.

Source. Answer to Interrogatory V (d), (e), (f)
Set 1

<i>School District</i>	<i>% Anglo- American</i>	<i>% Mexican- American</i>	<i>% Negro</i>
Edgewood	3.88	89.66	6.30
North East	91.99	7.38	.10
Alamo Heights	85.15	14.15	.42
San Antonio	26.71	58.52	14.48
Independent School District			
Harlandale	38.50	61.36	.10
Northside	82.07	15.79	1.71
So. San Antonio	41.21	56.90	1.37

REAL ESTATE MARKET VALUES AND
EDUCATION EXPENDITURES (PER PUPIL)
IN TEXAS SCHOOL DISTRICTS 1967-1968

PLAINTIFFS' EXHIBIT VII

Sources

1. Data from Report of the Governor's Committee on Public School Education, December 1968. The first 117 counties in alphabetical order were chosen, representing approximately 50% of the school districts in Texas.

2. Obtained by dividing Total Market Value by Average Daily Attendance.

3. Data furnished by Texas Education Agency for 1967-68 in response to plaintiffs' interrogatories Set 1, I (k).

PLAINTIFFS' EXHIBIT VII

County Name District Name	Average Daily At- tendance ¹ 1967-68	Total Market Value (Mill. of \$) ¹ 1967-68	Market Value Per Student ² (1967-68)	Expenditures Per Student ³ (1967-68)
Anderson—				
Cayuga ISD	350	40.693	116,266	595.28
Elkhart ISD	597	29.440	49,313	494.04
Frankston ISD	383	48.447	126,493	563.57
Neches ISD	207	32.005	154,614	768.13
Palestine ISD	3,744	85.997	22,969	438.00
Tucker ISD	772	37.436	48,492	512.57
Slocum ISD	163	19.551	119,945	814.51
Andrews—				
Andrews ISD	2,871	1133.338	394,754	848.16
Angelina—				
Hudson ISD	781	13.925	17,830	401.32
Lufkin ISD	6,165	253.683	41,149	402.50
Huntington ISD	681	24.186	35,515	445.43
Dibol ISD	1,048	65.028	62,050	420.32

Zavalla ISD	291	15.413	52,966	529.26
Central ISD	691	22.489	32,546	413.25
Redland ISD	315	10.437	33,133	346.54
Aransas—				
Aransas ISD	1,762	193.725	109,946	545.00
Archer—				
Archer City ISD	550	68.568	124,669	567.43
Holliday ISD	400	76.589	191,473	711.10
Megargel ISD	135	21.554	159,659	758.96
Windthorst ISD	324	11.272	34,790	440.01
Armstrong—				
Claude ISD	404	61.573	152,408	608.97
Atascosa—				
Charlotte ISD	554	66.824	120,621	597.55
Jourdanton ISD	683	37.714	55,218	489.16
Lytle ISD	513	9.190	17,914	456.24
Pleasanton ISD	1,847	85.563	46,325	494.15
Poteet ISD	1,145	23.651	20,656	443.01
Austin—				
Bellville ISD	1,289	130.874	101,531	511.02
Sealy ISD	901	89.350	99,168	497.33
Wallis ISD	270	25.054	92,793	690.01
Bailey—				
Muleshoe ISD	1,825	125.422	68,724	513.07
Bula ISD	117	10.265	87,735	914.25
Three Way ISD	212	42.733	201,571	719.66
Bandera—				
Medina RHSD	224	29.000	129,464	586.38
Bandera ISD	543	53.614	98,737	492.49
Bastrop—				
Jeddo CSD	21	2.521	120,048	324.57
McDade CSD	77	9.272	120,416	327.10
Bastrop ISD	1,366	58.027	42,480	500.49
Elgin ISD	1,301	38.855	29,865	440.84
Paige ISD	33	7.010	212,424	484.30
Smithville ISD	854	54.896	64,281	614.93

Baylor—				
Seymour RHSD	1,079	132.757	123,037	500.75
Bee—				
Beeville ISD	3,998	128.739	32,201	500.04
Pawnee ISD	250	36.209	144,836	720.23
Pettus ISD	627	89.654	142,989	625.43
Skidmore				
Tynan ISD	447	70.458	157,624	
Bell—				
Moffat CSD	44	4.145	94,205	380.20
Nolanville CSD	103	4.773	46,340	423.99
Belton ISD	2,658	65.183	24,523	441.75
Salado ISD	216	16.671	77,181	604.60
Temple ISD	7,014	193.515	27,590	435.59
Troy ISD	399	20.050	50,251	515.49
Seaton CSD	28	8.800	314,286	452.21
Rogers ISD	510	20.205	39,618	537.24
Academy ISD	379	15.623	41,222	436.36
Bartlett ISD	460	22.442	48,787	497.78
Holland ISD	260	15.653	60,204	557.04
Killeen ISD	10,280	138.514	13,474	428.22
Bexar—				
East Central ISD	2,461	78.221	31,784	399.63
Judson ISD	1,637	64.428	39,357	397.58
Southwest ISD	2,248	50.160	22,313	386.26
Somerset ISD	662	17.320	26,163	376.12
Southside ISD	1,794	29.985	16,714	406.78
Alamo Hts. ISD	4,846	244.960	50,549	576.62
Harlandale ISD	15,052	176.199	11,706	378.50
Edgewood ISD	19,895	124.127	6,239	334.05
San Antonio ISD	70,162	1575.014	22,448	428.88
So. San				
Antonio ISD	6,575	76.088	11,572	403.49
North East ISD	22,988	714.915	31,099	439.83
Northside ISD	14,104	320.552	22,728	409.75

Blanco—				
Johnson City ISD	377	65.807	174,554	512.28
Blanco ISD	400	62.744	156,860	527.77
Borden—				
Borden ISD	215	126.312	587,498	1186.85
Bosque—				
Mosheim CSD	17	3.393	199,588	992.12
Iredell RHSD	92	9.368	101,826	851.75
Kopperl RHSD	121	13.597	112,372	721.91
Clifton ISD	682	39.040	57,243	426.72
Meridian ISD	291	17.396	59,780	442.98
Morgan ISD	97	6.368	65,649	651.52
Valley Mills ISD	362	17.159	47,401	466.00
Walnut				
Springs ISD	98	9.712	99,102	842.43
Cranfills Gap ISD	114	15.610	136,930	749.68
Bowie—				
Spring Hill CSD	126	6.509	51,659	423.04
Hubbard CSD	83	2.187	26,349	398.34
Dekalb ISD	1,252	24.843	19,843	531.27
Maud ISD	442	5.290	11,968	426.23
New Boston ISD	1,342	27.449	20,454	438.64
Simms CSD	399	12.174	30,511	456.27
Malta CSD	74	2.143	28,959	494.26
Hooks ISD	1,180	13.833	11,723	444.60
Leary CSD	129	2.647	20,519	392.82
Liberty-				
Eylau RHSD	2,395	42.314	17,668	364.96
Redwater ISD	355	8.507	23,963	382.04
Texarkana ISD	6,573	183.457	27,911	446.95
Red Lick CSD	95	2.848	29,979	440.14
Pleasant Gr. CSD	420	16.096	38,324	317.82
Brazoria—				
Pearland ISD	2,403	92.005	38,288	475.72
Manvel ISD	321	83.658	260,617	504.75
Angleton ISD	3,750	271.665	72,444	468.11

Danbury ISD	381	47.744	125,312	516.98
Damon ISD	125	31.821	254,568	577.04
Sweeny ISD	1,729	378.260	218,774	692.84
Columbia-Brazoria	2,531	233.802	92,375	526.55
Alvin ISD	4,180	569.567	136,260	518.50
Brazosport ISD	9,621	793.387	82,464	597.11
Brazos—				
A & M Cons. ISD	2,143	51.485	24,025	548.15
Bryan ISD	7,985	231.409	28,980	453.53
Brewster—				
San Vicente CSD	21	5.234	249,238	806.67
Terlingua CSD	10	2.806	280,600	742.70
Alpine ISD	1,228	58.464	47,609	482.03
Marathon ISD	237	46.943	198,072	771.28
Briscoe—				
San Jacinto CSD	10	8.455	845,500	1076.00
Quitaque ISD	203	13.411	66,064	658.42
Silverton ISD	530	38.902	73,400	517.25
Brooks—				
Brooks ISD	2,243	312.390	139,273	594.69
Brown—				
Early CSD	495	12.979	26,220	392.34
Blanket RHSD	170	7.790	45,824	519.36
May RHSD	154	19.010	123,442	654.96
Zephyr CSD	84	4.977	59,250	864.48
Bangs ISD	408	22.287	54,625	457.69
Brownwood ISD	3,285	104.558	31,829	483.36
Brookesmith ISD	79	11.556	146,278	
Burleson—				
Deanville CSD	92	7.895	85,815	432.89
Cooks Pt. CSD	83	7.671	92,422	483.60
Caldwell ISD	1,072	52.425	48,904	453.60
Somerville ISD	442	28.507	64,495	517.40
Snook ISD	469	37.808	80,614	640.16
Friendship ISD	61	3.668	60,131	882.07

Burnet—

Bertram ISD	268	18.632	69,522	541.34
Briggs ISD	30	12.419	413,967	1009.20
Burnet ISD	973	65.227	67,037	512.88
Marble Falls ISD	765	64.704	84,580	523.78

Caldwell—

Lockhart ISD	2,230	58.980	26,448	440.87
Luling ISD	1,286	59.588	46,336	451.80
Prairie Lea ISD	179	14.448	80,715	535.84

Calhoun—

Calhoun ISD	5,195	558.780	107,561	551.53
-------------	-------	---------	---------	--------

Callahan—

Putnam RHSD	65	7.596	116,862	900.06
Eula RHSD	212	11.751	55,429	510.33
Cross Plains ISD	480	29.286	61,013	486.70
Clyde ISD	788	31.480	39,949	401.49
Baird ISD	375	35.125	93,667	522.84

Cameron—

Harlingen ISD	9,543	196.368	20,577	451.12
La Feria ISD	1,468	18.195	12,394	458.43
Santa Rosa ISD	726	13.491	18,583	526.27
Rio Hondo ISD	1,144	29.812	26,059	467.52
Hardin Ranch CSD	24	2.708	112,833	710.46
Riverside ISD	606	11.923	19,675	477.69
Los Fresnos ISD	1,233	28.985	23,508	534.94
Las Yescas CSD	147	9.449	64,279	287.67
San Benito ISD	5,060	51.093	10,097	414.79
Santa Maria ISD	232	7.162	30,871	256.09

Cameron Co.

Cons. CSD	51	2.136	41,882	496.65
Brownsville ISD	15,213	184.050	12,098	390.55
Olmito ISD	221	9.948	45,014	265.61
Pt. Isabel ISD	1,263	59.652	47,230	471.47

Camp—

Pittsburg ISD	1,937	93.007	48,016	435.58
---------------	-------	--------	--------	--------

Carson—

Groom ISD	267	40.494	151,663	720.98
Panhandle ISD	860	133.125	154,797	699.42
White Deer ISD	576	124.628	216,368	901.68

Cass—

Marietta CSD	112	3.885	34,688	482.25
Bloomburg RHSD	150	5.772	38,480	616.22
Atlanta ISD	2,002	113.863	56,875	454.89
Avinger ISD	225	7.837	34,831	546.38
Hughes Sprgs. ISD	905	35.158	38,849	472.25
Linden-				
Kildare ISD	1,130	34.177	30,245	478.61
McLeod ISD	114	5.553	48,711	787.43
Queen City ISD	661	16.960	25,658	431.49

Castro—

Dimmitt ISD	1,689	159.251	94,287	670.64
Hart ISD	639	58.476	91,512	536.29
Nazareth ISD	342	24.034	70,275	520.89

Chambers—

Anahuac ISD	1,085	328.344	302,621	870.91
Barbers Hill ISD	549	126.373	230,188	809.08
E. Chambers ISD	1,069	93.720	87,671	600.91

Cherokee—

Shady Grove CSD	39	1.298	33,282	369.36
New Hope CSD	90	7.331	81,456	522.21
Mt. Haven CSD	42	.683	16,262	350.69
Churchill CSD	41	1.112	27,122	367.59
Alto ISD	587	20.995	35,767	546.27
Jacksonville ISD	3,046	121.314	39,827	500.85
Maydelle ISD	118	8.902	75,441	832.92
Rusk ISD	1,289	85.517	66,344	467.29
New Summerfield				
ISD	218	6.657	30,537	565.36
Wells ISD	332	15.750	47,440	521.81

Childress—

Childress ISD	1,320	82.950	62,841	454.81
---------------	-------	--------	--------	--------

Clay—

Byers ISD	186	8.662	46,570	524.08
Henrietta ISD	775	50.348	64,965	519.82
Petrolia ISD	450	20.453	45,451	409.86
Bellevue ISD	124	18.019	145,315	732.91
Midway ISD	157	42.993	273,841	792.41

Cochran—

Morton ISD	987	78.796	79,834	575.34
Whiteface ISD	356	100.463	282,199	989.77
Bledsoe ISD	124	36.503	294,379	1051.94

Coke—

Bronte ISD	317	54.021	170,413	634.74
Robert Lee ISD	469	93.858	200,124	584.96

Coleman—

Mozelle RHSD	121	22.206	183,521	650.01
Talpa- Centennial CSD	127	28.784	226,646	739.94
Novice CSD	92	19.273	209,489	928.08
Coleman ISD	1,210	48.648	40,205	541.45
Santa Anna ISD	316	46.835	148,212	609.56

Collin—

Celina ISD	373	25.239	67,665	545.20
Lovejoy CSD	69	3.617	52,420	435.77
Weston CSD	21	2.696	128,381	439.57
Melissa RHSD	137	8.445	61,642	373.78
Anna ISD	243	11.173	45,979	451.91
McKinney ISD	3,439	94.960	27,613	464.15
Prosper ISD	251	31.202	124,311	487.50
Westminster ISD	102	2.382	23,353	687.98
Wylie ISD	841	21.626	25,715	432.68
Blue Ridge RHSD	193	12.226	63,347	535.47
Community RHSD	399	15.430	38,672	394.82
Farmersville ISD	597	17.148	28,724	445.32
Princeton ISD	610	18.551	30,411	447.17
Plano ISD	3,415	191.657	56,122	458.90
Frisco ISD	661	36.113	54,634	463.38

Allen ISD	458	14.850	32,424	414.77
Collingsworth—				
Quail RHSD	101	26.007	257,495	1094.57
Sammorwood				
RHSD	168	41.312	245,905	831.15
Dodson ISD	89	6.897	77,494	766.33
Wellington ISD	735	46.748	63,603	515.59
Colorado—				
Bernardo ISD	59	18.315	310,424	436.39
Columbus ISD	1,386	132.711	95,751	434.54
Rice Cons. ISD	1,739	273.128	157,060	
Weimar ISD	768	53.293	69,392	472.19
Comal—				
New				
Braunfels ISD	3,549	86.390	24,342	474.43
Comal ISD	1,536	94.044	61,227	
Comanche—				
Comanche ISD	1,049	54.079	51,553	416.34
De Leon ISD	597	44.945	75,285	464.93
Gustine ISD	184	14.360	78,043	562.16
Sidney ISD	144	10.075	69,965	575.29
Concho—				
Eola RHSD	131	12.993	99,183	597.32
Paint Rock RHSD	125	27.514	220,112	892.83
Eden ISD	296	33.817	114,247	557.57
Cooke—				
Walnut Bend CSD	28	17.244	615,857	995.14
Rad Ware CSD	83	12.202	147,012	526.48
Sivells Bend CSD	27	12.203	451,963	753.07
Gainesville ISD	2,932	105.320	35,921	408.33
Muenster ISD	412	42.734	103,723	467.71
Valley View ISD	249	16.015	64,317	469.20
Callisburg ISD	263	37.473	142,483	556.52
Era ISD	221	20.572	93,086	468.81
Lindsay ISD	311	114.064	366,765	350.04

Coryell—				
Mound CSD	36	4.190	116,389	571.06
Turnersville				
RHSD	39	8.994	230,615	859.62
Jonesboro RHSD	160	14.367	89,794	534.14
Evant ISD	219	23.917	109,210	590.62
Gatesville ISD	1,695	58.734	34,651	444.54
Oglesby ISD	143	9.906	69,273	598.46
Copperas				
Cove ISD	2,527	39.085	15,467	405.84
Cottle—				
Paducah ISD	682	82.607	121,125	494.71
Crane—				
Crane ISD	1,076	555.416	516,186	866.32
Crockett—				
Crockett CSD	947	248.568	262,479	680.87
Crosby—				
Crosbyton ISD	839	63.211	75,341	582.28
Lorenzo ISD	701	77.052	109,917	629.18
Ralls ISD	972	72.548	74,638	516.37
Culberson—				
Culberson RHSD	832	62.517	75,141	521.44
Dallam—				
Dalhart ISD	1,446	82.494	57,050	471.62
Texline ISD	233	49.133	210,871	771.92
Dallas—				
Coppell ISD	438	77.448	176,822	656.24
Carrollton-				
F'mers Br. ISD	7,677	256.198	33,372	409.09
Sunnyvale ISD	149	17.851	119,805	487.81
Mesquite ISD	14,367	243.216	16,929	364.47
Wilmer-				
Hutchins ISD	3,951	73.625	18,635	384.74
Lancaster ISD	2,417	64.978	26,884	388.16
De Soto ISD	1,515	40.911	27,004	394.13
Duncanville ISD	3,569	117.495	32,921	364.61

Cedar Hill ISD	602	38.149	63,370	499.58
Dallas ISD	139,504	7620.411	54,625	481.08
Richardson ISD	22,789	696.252	30,552	396.24
Garland ISD	16,739	415.588	24,828	366.35
Grand Pr. ISD	8,955	302.617	33,793	409.86
Highland Pk. ISD	5,024	514.467	102,402	603.61
Irving ISD	20,036	537.136	26,809	413.33
Dawson—				
Dawson ISD	257	53.507	208,198	719.87
Klondike ISD	230	44.879	195,126	666.76
Lamesa ISD	3,142	145.655	46,357	490.23
Union ISD	103	28.330	275,049	814.50
Sands ISD	344	37.188	108,105	609.74
Deaf Smith—				
Walcott CSD	86	45.964	534,465	831.27
Hereford ISD	4,253	302.086	71,029	522.03
Delta—				
Cooper ISD	701	36.345	51,847	561.24
Fannindel ISD	368	10.640	28,913	669.03
Denton—				
Pilot Point ISD	456	39.527	86,682	509.67
Krum ISD	189	28.851	152,651	583.89
Ponder ISD	111	15.502	139,658	645.88
Aubrey ISD	292	19.906	68,171	416.23
Sanger ISD	467	39.849	85,330	464.87
Northwest ISD	816	78.197	95,830	471.31
Argyle RHSD	172	28.210	164,012	425.45
Denton ISD	6,101	221.280	36,269	470.86
Little Elm CSD	107	14.513	135,636	488.44
Lake Dallas ISD	464	18.091	38,989	524.14
Lewisville ISD	2,622	134.912	51,454	445.65
De Witt—				
Meyersville CSD	92	38.162	414,804	588.32
Westhoff RHSD	107	16.528	154,467	351.87
Cuero ISD	1,970	105.783	53,697	529.68
Nordheim ISD	214	31.255	146,051	798.89

Yoakum ISD	1,451	72.138	49,716	546.14
Yorktown ISD	738	60.452	81,913	666.24
Dickens—				
Girard ISD	75	47.405	632,067	1710.24
McAdoo ISD	129	19.199	148,829	743.06
Spur ISD	568	27.552	48,507	608.99
Patton Sprgs. ISD	153	23.956	156,575	830.46
Dimmit—				
Asherton ISD	292	14.673	50,250	471.89
Carrizo Sprgs. ISD	1,824	66.186	36,286	459.51
Donley—				
Clarendon ISD	622	73.292	117,833	606.51
Hedley ISD	139	10.422	74,978	731.65
Duval—				
Ramirez CSD	90	26.558	295,089	1300.11
Realitos CSD	90	6.072	67,467	677.96
Benavides ISD	1,687	160.887	95,369	828.96
San Diego ISD	1,479	53.635	36,264	643.26
Eastland—				
Carbon ISD	142	13.302	93,676	676.23
Cisco ISD	830	38.593	46,498	442.98
Eastland ISD	703	27.051	38,479	439.67
Gorman ISD	285	19.439	68,207	495.28
Olden ISD	146	10.183	69,747	582.69
Ranger ISD	610	28.864	47,318	423.07
Rising Star ISD	260	20.736	79,754	546.74
Desdemona ISD	98	5.647	57,622	800.27
Ector—				
Ector ISD	23,180	1547.218	66,748	539.10
Edwards—				
Carta Valley CSD	3	17.424	5808000	3043.67
Rocksprings ISD	440	63.341	143,957	508.30
Nueces Cyn. ISD	309	60.424	195,547	704.87
Ellis—				
Midlothian ISD	780	66.285	84,981	470.94
Milford ISD	176	22.089	125,506	761.01

Red Oak ISD	350	20.550	58,714	475.49
Waxahachie ISD	3,135	104.973	33,484	384.05
Maypearl ISD	178	27.919	156,848	697.20
Forreston ISD	150	21.912	146,080	613.50
Italy ISD	389	36.270	93,239	508.26
Ferris ISD	1,007	28.890	28,689	400.55
Palmer ISD	224	15.553	69,433	639.13
Avalon ISD	176	14.843	84,335	700.13
Ennis ISD	2,820	117.341	41,610	452.08
El Paso—				
Tornillo ISD	231	30.073	130,186	524.18
Socorro ISD	1,019	55.536	54,500	430.55
Fabens ISD	1,404	30.658	21,836	449.73
San Elizario ISD	238	8.248	34,655	397.90
Clint ISD	504	30.737	60,986	700.79
Anthony ISD	367	5.551	15,125	504.10
Canutillo ISD	1,033	27.441	26,564	395.37
El Paso ISD	55,296	1204.955	21,791	500.34
Ysleta ISD	27,085	375.786	13,874	393.02
Erath—				
Three Way CSD	26	3.983	153,192	622.23
Huckabay RHSD	129	13.436	104,155	556.50
Lingleville RHSD	99	8.125	82,071	748.48
Bluff Dale CSD	20	3.728	186,400	562.05
Morgan Mill CSD	49	4.128	84,245	456.45
Dublin ISD	566	28.497	50,348	517.00
Stephenville ISD	1,654	56.076	33,903	469.94
Falls—				
Westphalia CSD	92	3.360	36,522	492.34
Chilton ISD	347	13.639	39,305	525.28
Lott ISD	316	17.215	54,478	605.39
Marlin ISD	2,452	52.363	21,355	485.63
Rosebud ISD	682	29.703	43,553	525.50
Fannin—				
Lannius CSD	15	1.654	110,267	566.13
Dodd City RHSD	121	3.975	32,851	637.47

Ector RHSD	112	4.101	36,616	719.22
Gober RHSD	89	5.189	58,303	830.67
Windom RHSD	92	3.832	41,652	739.00
Bonham ISD	1,840	50.439	27,413	455.48
Honey Grove ISD	590	17.498	29,658	495.16
Leonard ISD	368	10.036	27,272	462.58
Savoy ISD	188	32.751	174,207	573.20
Trenton ISD	171	5.740	33,567	592.12
Sam Rayburn ISD	208	10.880	52,308	706.28
Fayette—				
Praha CSD	35	2.029	57,971	418.37
Fayetteville RHSD	260	22.025	84,712	552.20
Cistern RHSD	35	14.841	424,029	503.54
Flatonia ISD	454	32.626	71,863	551.98
La Grange ISD	1,307	92.308	70,626	525.81
Schulenburg ISD	534	45.042	84,348	545.83
Round Top ISD	204	35.181	172,456	696.96
Fisher—				
Hobbs ISD	137	47.926	349,825	1029.80
McCaulley ISD	113	18.631	164,876	976.30
Roby ISD	326	29.093	89,242	664.13
Rotan ISD	806	60.853	75,500	432.40
Floyd—				
South Plains CSD	96	14.937	155,594	360.21
Dougherty CSD	53	13.999	264,132	466.58
Providence CSD	61	6.440	105,574	331.36
Floydada ISD	1,639	93.131	56,822	574.71
Lockney ISD	998	62.727	62,853	510.97
Foard—				
Crowell ISD	474	70.656	149,063	555.05
Fort Bend—				
Lamar ISD	6,217	475.504	76,484	496.55
Orchard ISD	282	44.871	159,117	766.93
Needville ISD	1,167	102.638	87,950	495.11
Kendleton ISD	260	16.215	62,365	566.21
Fort Bend ISD	3,799	264.255	69,559	598.44

Franklin—

Mt. Vernon ISD	734	129.847	176,903	644.25
----------------	-----	---------	---------	--------

Freestone—

Dew CSD	60	7.796	129,933	375.72
Trahin CSD	22	1.844	83,818	346.36
Donie ISD	30	4.996	166,533	581.53
Fairfield ISD	879	70.707	80,440	545.92
Teague ISD	850	41.523	48,851	536.14
Wortham ISD	291	21.667	74,457	645.14
Butler ISD	264	7.126	26,992	676.29

Frio—

Dilley ISD	827	88.400	106,892	445.01
Pearsall ISD	1,953	92.016	47,115	464.55

Gaines—

Seminole CSD	1,918	663.626	345,999	680.45
Seagraves ISD	817	62.021	75,913	644.06
Loop ISD	206	53.139	257,956	898.73

Galveston—

Clear Creek ISD	7,229	708.288	97,979	557.77
Friendswood ISD	1,165	51.831	44,490	515.00
Galveston ISD	11,526	544.563	47,246	510.58
High Island ISD	231	67.726	293,186	940.52
Hitchcock, ISD	1,683	58.062	34,499	450.57
Santa Fe ISD	1,655	83.883	50,685	471.89
Dickinson ISD	3,393	190.046	56,011	545.80
La Marque ISD	6,420	369.587	57,568	551.76
Texas City ISD	6,775	432.471	63,833	566.43

Garza—

Justiceburg CSD	17	15.818	930,471	1073.94
Post ISD	1,146	94.857	82,772	544.67
Southland ISD	162	19.405	119,784	601.43

Gillespie—

Rocky Hill CSD	43	5.871	136,535	306.44
Stonewall CSD	102	13.848	135,765	495.03
Doss CSD	32	13.778	430,563	522.09

Fredericksburg				
ISD	1,494	139.164	93,149	443.41
Harper ISD	173	48.023	277,590	694.03
Glasscock—				
Glasscock ISD	311	65.113	209,367	599.54
Goliad—				
Goliad ISD	1,060	252.857	238,544	654.30
Gonzales—				
Gonzales ISD	2,276	107.464	47,216	501.13
Nixon ISD	751	27.700	36,884	470.32
Smiley ISD	289	22.088	76,429	514.76
Waelder ISD	387	20.048	51,804	708.63
Gray—				
Grandview CSD	17	20.725	1219118	1556.24
Alanreed ISD	21	17.796	847,429	1800.76
Lefors ISD	236	54.739	231,945	1076.82
McLean ISD	358	29.617	82,729	624.99
Pampa ISD	5,512	297.711	54,011	520.18
Hopkins ISD	13	23.636	1818154	3706.77
Grayson—				
Pottsboro CSD	599	39.970	66,728	416.43
Bells ISD	333	12.974	38,961	448.00
Denison ISD	5,711	158.126	27,688	442.16
Collinsville ISD	216	9.915	45,903	479.03
Howe ISD	434	22.155	51,048	438.62
Sherman ISD	6,341	206.642	32,588	470.55
Van Alstyne ISD	446	18.965	42,522	407.67
Whitesboro ISD	680	64.617	95,025	524.09
Whitewright ISD	469	16.265	34,680	452.36
White Rock CSD	41	.335	8,171	493.56
S and S Cons.				
RHSD	210	67.494	321,400	848.57
Gunter RHSD	170	12.800	75,294	500.54
Tom Bean RHSD	259	9.610	37,104	454.64
Tioga CSD	76	6.273	82,539	374.16

Gregg—

Sabine ISD	522	101.264	193,992	855.41
Spring Hill ISD	370	88.179	238,322	790.65
White Oak ISD	628	250.897	399,518	809.94
Gladewater ISD	1,730	198.444	114,708	799.69
Kilgore ISD	3,218	177.514	55,163	565.64
Longview ISD	9,085	280.626	30,889	479.40
Pinetree ISD	2,693	131.358	48,778	470.63

Grimes—

Anderson ISD	280	19.420	69,357	590.07
Iola ISD	186	24.363	130,984	556.84
Navasota ISD	2,246	106.980	47,631	464.78
Richards ISD	217	20.043	92,364	670.92
Shiro ISD	49	21.642	441,673	660.65

Guadalupe—

Schert-Cibolo ISD	2,840	49.013	17,258	389.03
Marion ISD	455	8.766	19,266	507.64
Navarro ISD	331	12.237	36,970	515.11
Seguin ISD	4,370	155.050	35,481	461.36

Hale—

Abernathy ISD	1,040	113.384	109,023	577.33
Cotton Center ISD	306	40.213	131,415	579.31
Hale Center ISD	849	65.322	76,940	558.33
Petersburg ISD	764	65.574	85,830	574.02
Plainview ISD	6,265	355.508	56,745	482.93

Hall—

Estelline ISD	166	20.135	121,295	820.98
Memphis ISD	795	40.903	51,450	524.88
Turkey ISD	221	21.739	98,367	630.78
Lakeview ISD	132	17.273	130,856	1037.11

Hamilton—

Carlton ISD	68	7.884	115,941	1129.47
Hamilton ISD	737	42.249	57,326	449.03
Hico ISD	285	18.631	65,372	450.11
Pottsville ISD	105	11.584	110,324	784.82

Hansford—				
Gruver ISD	617	159.710	258,849	748.81
Morse ISD	92	29.809	324,011	1386.55
Spearman ISD	1,080	223.416	206,867	725.83
Hardeman—				
Chillicothe ISD	428	50.469	117,918	570.68
Quanah ISD	1,098	102.870	93,689	497.84
Hardin—				
Votaw CSD	29	4.640	160,000	511.07
Kountze ISD	1,061	67.988	64,079	552.25
West Hardin ISD	468	39.198	83,756	633.52
Hardin-				
Jefferson ISD	1,692	102.305	60,464	576.38
Lumberton ISD	1,010	28.603	28,320	530.63
Silsbee ISD	3,439	103.517	30,101	433.20
Harris—				
Alief ISD	831	97.983	117,910	609.94
Spring Br. ISD	29,291	832.841	28,433	457.68
Katy ISD	1,184	301.773	254,876	705.30
Tomball ISD	1,178	118.275	100,403	580.73
Klein ISD	1,575	112.746	71,585	574.99
Spring ISD	1,004	82.402	82,074	546.57
Sheldon ISD	2,077	118.321	56,967	522.38
Huffman ISD	365	31.995	87,658	534.47
Humble ISD	1,913	130.499	68,217	470.34
Crosby ISD	1,981	65.360	32,993	412.14
Aldine ISD	16,506	307.295	18,617	401.35
Channelview ISD	2,899	64.284	22,175	414.70
Cypress-				
Fairbanks ISD	4,821	306.792	63,637	599.10
Deer Park ISD	5,259	760.900	144,685	769.83
Northeast				
Houston ISD	12,510	177.807	14,213	403.79
Galena Park ISD	10,699	457.905	42,799	538.00
Goose Creek ISD	11,694	870.665	74,454	591.00
Houston ISD	203,264	8668.480	42,646	498.53

La Porte ISD	3,399	205.154	60,357	644.21
Pasadena ISD	30,364	907.471	29,886	464.63
Harrison—				
Karnack ISD	658	31.840	48,389	462.81
Marshall ISD	6,677	174.412	26,121	431.87
Waskom ISD	696	28.667	41,188	454.37
Hallsville ISD	1,384	162.942	117,733	481.10
Harleton ISD	422	13.499	31,988	410.53
Elysian Fields ISD	608	35.070	57,681	596.50
Hartley—				
Hartley RHSD	169	30.557	180,811	779.49
Channing ISD	171	80.146	486,690	953.01
Haskell—				
Paint Creek CSD	116	31.563	272,095	969.69
Carney RHSD	147	18.311	124,565	889.70
Weinert RHSD	104	12.149	116,817	991.17
Haskell ISD	852	36.398	42,721	481.04
Rochester ISD	229	26.623	116,258	653.95
Rule ISD	350	20.458	58,451	561.71
Hays—				
San Marcos ISD	4,019	98.128	24,416	478.08
Dripping Springs ISD	457	59.443	130,072	437.15
Hemphill—				
Glazier CSD	6	4.205	700,833	1438.50
Patton CSD	3	10.245	3415000	4142.00
Blue Ridge CSD	11	7.384	671,273	1175.36
Canadian ISD	652	44.014	67,506	539.55
Henderson—				
St. Paul CSD	169	4.213	24,929	440.09
Bethel CSD	70	6.804	97,200	393.33
La Poynor CSD	329	105.005	319,164	534.85
Murchison CSD	73	5.578	76,411	462.77
Athens ISD	2,532	89.772	35,455	453.87
Brownsboro ISD	842	51.751	61,462	505.05
Cross Roads ISD	186	25.716	138,258	431.81

Eustace ISD	189	12.829	67,878	597.80
Malakoff ISD	691	34.419	49,810	468.73
Trinidad ISD	188	29.603	157,463	821.09
Hidalgo—				
La Villa ISD	393	11.257	28,644	615.55
Monte Alto ISD	302	18.018	59,662	365.10
Edcouch Elsa ISD	2,466	21.821	8,849	433.18
Mercedes ISD	3,257	31.264	9,599	475.31
Relampago CSD	82	2.172	26,488	452.34
Weslaco ISD	5,095	57.102	11,207	440.45
Palm Gard. CSD	143	5.399	37,755	211.45
Progreso ISD	259	11.724	45,266	363.69
Donna ISD	3,186	34.471	10,820	441.29
Runn CSD	131	5.696	43,481	330.30
McAllen ISD	10,218	177.968	17,417	494.47
Valley View CSD	129	6.207	48,116	246.40
Hidalgo ISD	549	25.894	47,166	453.48
Sharyland ISD	946	14.727	15,568	424.07
La Joya ISD	1,519	54.804	36,079	596.23
Alton ISD	358	5.855	16,355	422.32
Mission ISD	3,960	38.341	9,682	437.30
Edinburg ISD	6,854	215.517	31,444	528.95
Pharr—San Juan—				
Alamo ISD	7,611	111.255	14,618	491.38
Hill—				
Penelope RHSD	145	7.330	50,552	628.98
Abbott ISD	288	12.986	45,090	475.53
Bynum ISD	200	14.509	72,545	658.78
Covington ISD	133	4.719	35,481	510.44
Hillsboro ISD	1,552	54.133	34,880	474.05
Hubbard ISD	368	13.414	36,451	520.44
Itasca ISD	610	28.124	46,105	537.31
Malone ISD	88	10.167	115,534	483.65
Mount Calm ISD	74	10.501	141,905	558.23
Whitney ISD	408	18.182	44,564	500.20
Aquilla ISD	147	11.251	76,537	417.10

Blum ISO	166	17.583	105,922	595.66
Hockley—				
Pep CSD	93	10.511	113,022	871.96
Anton ISD	431	37.387	86,745	627.43
Levelland ISD	3,085	243.064	78,789	575.32
Ropes ISD	463	65.129	140,667	620.35
Smyer ISD	270	49.106	181,874	680.19
Sundown ISD	361	217.766	603,230	951.09
Whitharral ISD	233	36.050	154,721	793.35
Hood—				
Granbury ISD	855	33.039	38,642	451.84
Lipan ISD	153	18.750	122,549	729.27
Tolar ISD	150	12.490	83,267	620.93
Hopkins—				
Cumby RHSD	185	5.721	30,924	518.65
N. Hopkins RHSD	164	7.356	44,854	657.16
Miller Gr. RHSD	139	4.117	29,619	543.35
Saltillo RHSD	146	5.236	35,863	568.82
Sulphur				
Springs ISD	2,797	84.764	30,305	432.16
Como-Pickton ISD	323	30.724	95,121	597.33
Sulphur Bluff ISD	146	12.630	86,507	620.42
Houston—				
Austonio CSD	92	14.180	154,130	496.04
Kennard CSD	362	28.279	78,119	496.77
Crockett ISD	2,053	42.100	20,507	490.25
Grapeland ISD	631	41.827	66,287	563.96
Lovelady ISD	434	45.244	104,249	649.88
Latexo ISD	107	9.905	92,570	936.01
Howard—				
Big Spring ISD	7,052	232.977	33,037	554.16
Coahoma ISD	942	76.528	81,240	524.69
Forsan ISD	388	69.841	180,003	773.21
Hudspeth—				
Allamoore CSD	7	12.032	171,885	773.43
Ft. Hancock ISD	249	21.894	87,928	794.65

Sierra Blanca ISD	160	17.052	106,575	748.04
Dell City ISD	337	24.395	72,389	546.55
Hunt—				
Boles Home CSD	196	1.185	6,046	607.93
Caddo Mills ISD	344	12.204	35,477	461.67
Celeste ISD	269	9.091	33,796	526.82
Commerce ISD	1,241	36.293	29,245	486.47
Greenville ISD	5,156	150.830	29,253	420.44
Lone Oak ISD	301	15.602	51,834	477.80
Quinlan ISD	458	37.290	81,419	450.22
Wolfe City ISD	435	18.758	43,122	486.36
Campbell ISD	164	23.626	144,061	493.70
Bland ISD	180	8.133	45,183	632.76
Hutchinson—				
Plemons CSD	57	31.837	558,544	1612.65
Borger ISD	4,044	182.657	45,167	547.11
Phillips ISD	738	99.582	134,935	881.98
Sanford ISD	657	46.825	71,271	629.63
Stinnett ISD	708	45.753	64,623	613.06
Spring Creek ISD	51	38.800	760,784	1810.29
Pringle ISD	44	43.760	994,545	2055.20

EXPENDITURES PER PUPIL IN ADA IN TEXAS

Districts 10 percent or more Mexican American
with total enrollment 300 pupils or more*

(Expenditures are from State and local revenue only)

Percent Mexican American of District Enrollment	Districts in Sample		Estimates for All Districts	
	Number of Districts	Per Pupil Expenditures	Number of Districts	Per Pupil Expenditures
10-19.9	55	\$457	85	\$444
20-29.9	38	484	59	477
30-49.9	32	444	49	444
50-79.9	39	377	60	382
80-100	23	292	30	297

*Source: U. S. Commission on Civil Rights study encompassing a random sample of districts in Texas.

PLAINTIFFS' EXHIBIT X

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL

vs.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

ANSWERS TO INTERROGATORIES

I. Series of interrogatories relating to school funds provided each school district:

(a) Sources of each district's income.

ANSWER:

1. Local ad valorem tax based on real and personal property.

2. State funds to support Foundation School Program which funds consist of the per capita payment made from the Available School Fund, and additional payments for most districts made directly from the Foundation Program School Fund.

3. Payments from the County Available Fund (quite small and not applicable to all counties).

4. Payments from the countywide equalization tax

5. Funds from Federally assisted programs

6. Tuition from non-resident pupils and gifts from private sources

(b) Total market value of taxable property in each district at 100% valuation.

ANSWER: Not available; Texas Education Agency

does not require school districts to report total market value of taxable property.

(c) Percentage of market value at which each district's property is assessed. Give both claimed percentage and State's estimate of actual percentage.

ANSWER: Not available (Texas Education Agency does not require district to report percentage of market value at which property is assessed.)

(d) The tax rate of each district.

ANSWER: The maintenance tax rate and the debt service (bond) tax rates for each Texas school district for 1965-66, 1966-67, and 1967-68 are shown in Columns D-M, D-B of exhibits 1-a, 1-b, and 1-c. By school districts they are as follows:

1965-66 (Exhibit 1-a)

School District	Maintenance Bond (D-M)	Bond Rate (D-B)
Edgewood	.60	.59
North East	1.00	.45
Alamo Heights	.99	.21
SAISD	.97	.33
Harlandale	.83	.45
Northside	.55	.50
South San	1.05	.50

PLAINTIFFS' EXHIBIT XI

1966-67 (Exhibit 1-b)

School District	Maintenance Bond (D-M)	Bond Rate (D-B)
Edgewood	.60	.59
North East	1.00	.45
Alamo Heights	1.00	.20
SAISD	1.09	.34
Harlandale	.93	.50

Northside	.50	.70
South San	1.05	.50

1967-68 (Exhibit 1-c)

School District	Maintenance Bond (D-M)	Bond Rate (D-B)
Edgewood	.52	.67
North East	1.00	.45
Alamo Heights	1.20	.20
SAISD	1.09	.37
Harlandale	.93	.50
Northside	.65	.55
South San	.85	.55

(e) Amount of tax income each district receives from its ad valorem taxes.

ANSWER: The amount of tax income separate for maintenance and debt service is shown for 1965-66, 1966-67 and 1967-68 in Columns E-M and E-B of Exhibits 1-a, 1-b, and 1-c. They are as follows:

1965-66 (Exhibit 1-a)

School District	Maintenance Dollars (E-M)	Bond Dollars (E-B)
Edgewood	248,480	244,338
North East	2,185,840	1,107,290
Alamo Heights	1,112,456	236,182
SAISD	6,409,759	2,177,741
Harlandale	583,294	327,134
Northside	481,574	436,004
South San	285,719	136,069

1966-67 (Exhibit 1-b)

School District	Maintenance Dollars (E-M)	Bond Dollars (E-B)
Edgewood	258,596	254,286
North East	2,504,306	1,114,812
Alamo Heights	1,180,372	231,387
SAISD	7,544,990	2,544,541

Harlandale	737,891	397,646
Northside	904,289	770,189
South San	412,314	266,410

1967-68 (Exhibit 1-c)

School District	Maintenance Dollars (E-M)	Bond Dollars (E-B)
Edgewood	223,034	279,023
North East	2,818,148	1,249,159
Alamo Heights	1,433,473	236,074
SAISD	7,544,990	2,544,541
Harlandale	737,891	397,646
Northside	904,269	770,189
South San	412,314	266,410

(f) Amount of funds received by each district under the Minimum Foundation Program:

ANSWER: The amount of funds received under the Foundation School Program for the 1965-66, 1966-67 and 1967-68 school years for each district are furnished in Columns F-PC and MFP of Exhibits 1-a, 1-b, and 1-c. Column F-PC shows per capita payments while Column MFP gives payments made direct from the Foundation Fund. They are as follows:

1965-66 (Exhibit 1-a)

School District	Per Capita Dollars (F-PC)	Other Dollars in Minimum Foundation (MFP)
Edgewood	1,936,052	2,400,135
North East	1,864,064	2,533,616
Alamo Heights	513,205	550,108
SAISD	7,624,794	7,359,030
Harlandale	1,454,304	2,103,315
Northside	955,591	1,348,162
South San	564,553	860,222

1966-67 (Exhibit 1-b)

School District	Per Capita Dollars (F-PC)	Other Dollars in Minimum Foundation (MFP)
Edgewood	1,925,047	2,511,184
North East	2,098,785	2,766,250
Alamo Heights	523,061	561,055
SAISD	7,714,440	7,551,607
Harlandale	1,529,661	2,057,548
Northside	1,117,971	1,892,843
South San	609,959	826,094

1967-68 (Exhibit 1-c)

School District	Per Capita Dollars (F-PC)	Other Dollars in Minimum Foundation (MFP)
Edgewood	2,036,030	3,022,752
North East	2,384,679	3,436,407
Alamo Heights	567,945	645,037
SAISD	8,163,590	9,161,680
Harlandale	1,695,171	2,477,608
Northside	1,405,357	2,475,222
South San	684,620	1,084,816

(g) Amount of funds received by each district from the State, not derived from either the Minimum Foundation Program or ad valorem taxes collected by the district.

ANSWER: Column G of exhibits 1-b and 1-c furnish the amount of other funds received from the State for the 1966-67 and 1967-68 school years. Data for 1965-66 are not available on the computer tapes. They are as follows:

1966-67 (Exhibit 1-b)

School District	Other State Funds, i.e., supplemental salary and Incentive Aid (G)
Edgewood	29,900
North East	33,032

Alamo Heights	5,075
SAISD	68,888
Harlandale	22,750
Northside	0
South San	0

1967-68 (Exhibit 1-c)

School District	Other State Funds, i.e., supplemental salary and Incentive Aid (G)
Edgewood	20,350
North East	47,232
Alamo Heights	9,060
SAISD	140,400
Harlandale	30,705
Northside	0
South San	0

(h) Amount of funds received by each district from the federal government basis for such funds.

ANSWER: Total Federal funds received by each school district for 1965-66, 1966-67 and 1967-68 are shown in Column H of Exhibits 2-a, 2-b, and 2-c. Time constraints did not permit a break down of the specific Federal programs in each district and the amounts received by each district. Figures are as follows:

Amount of Funds received from Federal Agencies
(Exhibits 2-a, b, and c)

School District	1965-66	1966-67	1967-68
Edgewood	2,230,302	2,366,051	2,376,695
North East	1,150,734	1,079,610	1,189,048
Alamo Heights	188,801	223,609	186,154
SAISD	4,869,830	5,890,822	5,550,113
Harlandale	1,219,200	924,108	1,118,398
Northside	1,478,251	1,235,381	1,188,821
South San	559,697	773,648	1,003,880

(i) Amount of funds received by each district from private sources and please state the sources.

ANSWER: We do not have a separate total for funds received by school districts from private sources. Column I of Exhibits 2-a, 2-b, 2-c give total funds received by school districts from private gifts, parental tuition paid and transportation fees, if any. Figures are as follows:

Amount of Funds Received from Private Sources,
i.e., gifts, etc.
(Exhibits 2-a, b, and c)

School District	1965-66	1966-67	1967-68
Edgewood	17,286	39,649	80,830
North East	273,761	248,303	526,812
Alamo Heights	53,673	115,451	141,784
SAISD	627,822	560,295	668,062
Harlandale	71,817	99,569	92,893
Northside	50,522	166,639	130,742
South San	29,652	30,456	95,640

(j) Amount of funds received by each district from other sources and please designate the sources.

ANSWER: Column J of Exhibits 2-a, 2-b, and 2-c furnishes the amounts funds received by school districts from "other" sources. Such sources are usually from the county available school fund and/or from a county-wide equalization tax. Column J is as follows:

Amount of Funds Received from other Sources;
County Available, County Equalization, etc.

School District	1965-66	1966-67	1967-68
Edgewood	177	199	205
North East	176	203	220
Alamo Heights	50	56	54
SAISD	735	909	819
Harlandale	145	159	160
Northside	83	104	118
South San	55	61	64

(k) Each school district's expenditure per pupil and please provide the formula used to arrive at such expenditure.

ANSWER: Per pupil expenditures by district for 1966-67 are shown in Exhibit 3-a, *Annual Statistical Report, Part II, Texas Education Agency Bulletin No. 680*. For the 1967-68 school year per pupil expenditures are shown in the last column of computer print-out marked Exhibit 3-b. Per pupil expenditure is determined by dividing total expenditures for current operation by the gross average daily attendance of the school district.

School District's Expenditures Per Pupil
(Exhibits 3-a and b)

School District	1966-67	1967-68
Edgewood	289.83	334.05
North East	389.96	439.83
Alamo Heights	499.84	576.62
SAISD	392.80	428.88
Harlandale	348.07	378.50
Northside	348.34	409.75
South San	370.40	403.49

(1) The amount of each school district's bonded indebtedness:

ANSWER: The amounts of each school district's bonded indebtedness as reported for 1965-66, 1966-67, and 1967-68 are shown in Column L of Exhibits 2-a, 2-b, and 2-c. Figures are as follows:

Amount of Bonded Indebtedness
(Exhibits 2-a, b and c)

School District .	1965-66	1966-67	1967-68
Edgewood	3,133,000	3,632,000	4,419,000
North East	18,581,000	18,102,000	24,301,000
Alamo Heights	2,739,000	2,847,000	6,947,000

SAISD	25,477,000	23,726,000	26,940,000
Harlandale	7,296,000	7,697,000	7,993,000
Northside	7,517,000	9,983,000	11,257,000
South San	2,705,000	4,349,000	4,302,000

(m) Breakdown of each school district's expenditures in the following categories:

1. annual payment of bonded indebtedness
2. operation expenses
3. other expenses, if any, and please describe

ANSWER: The breakdown of each school district's expenditures in the three categories requested.

1. Annual payment of bonded indebtedness for the 1965-66, 1966-67, and 1967-68 school years shown in Column M-1 of Exhibits 4-a, 4-b, and 4-c.

2. Operation expenses for the three years are shown in Column M-2 of Exhibits 4-a, 4-b, and 4-c.

3. Other expenses for the three years are given in Column M-3 of Exhibits 4-a, 4-b, and 4-c. Such expenses are primarily for the construction of new physical facilities and/or for the renovation of existing facilities. Tables are as follows:

School District	1965-66		
	(Exhibits 4-a, b, and c)		
	Annual Payments of Bonded Indebtedness	Operation Expenses	Other Expenses
Edgewood	211,191	5,687,297	1,065,084
North East	1,131,207	7,036,593	2,434,944
Alamo Heights	223,848	2,269,546	119,027
SAISD	2,521,034	25,496,329	4,692,987
Harlandale	345,585	5,176,211	939,707
Northside	422,914	3,533,899	1,643,261
South San	124,851	1,968,662	456,888

1966-67

(Exhibits 4-a, b, and c)

School District	Annual Payments of Bonded Indebtedness	Operation Expenses	Other Expenses
Edgewood	216,750	6,156,818	1,242,057
North East	1,174,095	8,263,243	353,152
Alamo Heights	226,427	2,453,027	406,976
SAISD	2,490,888	28,158,770	2,786,896
Harlandale	369,193	5,307,753	316,209
Northside	712,036	4,370,234	3,282,007
South San	147,750	2,326,891	418,709

1967-68

(Exhibits 4-a, b, and c)

School District	Annual Payments of Bonded Indebtedness	Operation Expenses	Other Expenses
Edgewood	257,048	6,900,778	2,020,156
North East	1,123,928	10,123,309	5,441,682
Alamo Heights	234,585	2,818,146	232,971
SAISD	2,484,265	30,536,572	1,740,565
Harlandale	393,998	5,846,947	790,846
Northside	771,816	5,866,049	1,456,964
South San	228,742	2,736,203	801,192

II. This series of interrogatories relates to general population and school population in each district.

(a) The number of people in each district:

ANSWER: No information available.

(b) The number of students in each district going to district schools:

Answer: May be found for 1966-67 in Exhibit 5-a, *Annual Statistical Report, Part I*, 1966-67 school year. Data for 1967-68 are shown in computer printout labeled Exhibit 5-b. Tables are as follows:

Enrollment (1966-67)
Exhibit 5-a

School District	Elementary	Secondary	Total
Edgewood	17,785	5,022	22,807
North East	15,607	7,565	23,172
Alamo Heights	3,400	2,000	5,400
SAISD	55,046	23,717	78,763
Harlandale	11,951	4,496	16,447
Northside	10,497	3,302	13,799
South San	5,432	1,482	6,914

Enrollment (1967-68)
Exhibit 5-b

School District	Elementary	Secondary	Total
Edgewood	17,572	5,290	22,862
North East	16,794	8,452	25,246
Alamo Heights	3,307	2,125	5,432
SAISD	55,710	24,406	80,116
Harlandale	12,120	4,720	16,840
Northside	11,628	4,139	15,767
South San	6,025	1,603	7,628

(c) The number of students in each district going to schools other than district schools.

ANSWER: Not available.

(d) A breakdown of the student population showing the number of students in each grade.

ANSWER: Enrollments by district by grade for 1965-66, 1966-67, 1967-68 and 1968-69 are furnished in Exhibits 6-a, 6-b, 6-c, and 6-d. Tables are as follows:

Enrollment by Grade (1965-66)
(Exhibit 6-a)

School District	Grade										Special Education		
	1	2	3	4	5	6	7	8	9	10		11	12
Edgewood	2834	2364	2415	2200	2017	1993	1874	1611	1392	1129	913	733	364
North East	1715	1802	1934	1876	1795	1966	1970	1856	1712	1617	1598	1398	144
Alamo Hts.	416	396	389	422	395	400	513	454	515	445	455	419	80
SAISD	7778	7490	7205	6901	6833	6576	6991	6431	6232	6201	5006	4283	524
Harlandale	1643	1572	1513	1487	1381	1382	1404	1270	1163	1142	908	772	298
Northside	1206	1256	1272	1211	1166	1031	994	883	719	731	575	455	235
South San	842	733	659	637	610	594	478	409	403	359	255	199	208

(Exhibit 6-b)
Enrollment by Grade 1966-67)

School District	1	2	3	4	5	6	7	8	9	10	11	12	Special Education
Edgewood	2876	2453	2269	2301	2191	2011	1964	1720	1590	1253	966	846	367
North East	1777	1940	1894	2054	1982	1906	2147	2117	2094	1888	1664	1514	197
Alamo Hts.	397	421	416	424	404	427	435	512	538	481	426	432	87
SAISD	7709	7155	7072	6954	6649	6652	6780	6470	6166	6581	5298	4616	661
Harlandale	1714	1603	1514	1508	1473	1411	1391	1381	1235	1168	884	820	345
Northside	1320	1571	1323	1407	1311	1300	1159	1106	990	824	697	527	264
South San	918	768	699	684	662	636	599	466	433	355	274	227	193

Enrollment by Grade (1967-68)
(Exhibit 6-c)

School District	1	2	3	4	5	6	7	8	9	10	11	12	Special Education
Edgewood	2638	2408	2333	2197	2215	2149	1933	1699	1693	1329	1070	824	374
North East	1971	2056	2141	2121	2216	2109	2155	2299	2415	2065	1875	1647	176
Alamo Hts.	380	395	415	431	439	417	466	427	571	499	465	431	96
SAISD	7983	7057	7133	6860	6750	6752	7088	6478	6250	6563	5608	4789	805
Harlandale	1605	1658	1598	1525	1514	1439	1399	1414	1392	1162	917	827	390
Northside	1486	1500	1657	1480	1526	1394	1413	1172	1336	949	782	670	402
South San	978	875	793	772	703	662	644	598	504	396	306	215	182

Enrollment by Grade (1968-69)
(Exhibit 6-d)

School District	Special Education												
	1	2	3	4	5	6	7	8	9	10	11	12	
Edgewood	2706	2325	2303	2300	2096	2214	2226	1694	1707	1344	1086	950	421
North East	1971	2168	2217	2219	2239	2295	2277	2198	2707	2360	1983	1832	241
Alamo Hts.	394	359	394	411	384	450	437	462	493	519	461	444	83
SAISD	7444	7159	7228	6879	6723	6736	7066	6555	6346	6793	5386	5077	982
Harlandale	1733	1572	1676	1563	1560	1524	1533	1421	1428	1270	960	868	407
Northside	1602	1745	1680	1763	1634	1656	1628	1435	1411	1277	917	760	468
South San.	932	948	862	831	775	712	652	600	559	420	314	246	164

III. This series of interrogatories relates to the income of the families in the respective school districts. Please provide:

- (a) The average per capita income in each district.
- (b) The average income of each wage earner in each district.
- (c) The average number of school-aged children per family in each district.

ANSWER: The Texas Education Agency does not have the data requested for items (a), (b) or (c).

IV. This series of interrogatories relates to teacher characteristics in each school district. Please provide:

- (a) Total number of teachers in each district.

ANSWER: The total number of teachers in each district for 1965-66, 1966-67, 1967-68 and 1968-69 are shown in Column IV-A of Exhibits 7-a, b, c, and d.

Total Number of Teachers
(Exhibits 7-a, b, c, and d)

School District	1965-66	1966-67	1967-68	1968-69
Edgewood	759	780	864	841
North East	871	984	1,052	1,153
Alamo Heights	235	248	265	269
SAISD	2,687	2,746	2,809	2,841
Harlandale	612	620	651	681
Northside	430	508	627	696
South San	226	245	268	298

(b) The average number of teachers per school in each district.

ANSWER: No data available.

(c) The student-teacher ratio per grade in each district.

ANSWER: No data available.

(d) The percent of teachers with college degrees.

ANSWER: The percent of teachers with college degrees in each district for the four years listed in (a) is shown in Column IV-D of Exhibits 7-a, b, c, and d. Figures are as follow:

Percent of Teachers with College Degrees
(Exhibits 7-a, b, c, and d)

School District	1965-66	1966-67	1967-68	1968-69
Edgewood	75.75%	74.87%	75.34%	80.02%
North East	100.00	99.49	99.52	100.00
Alamo Hts.	100.00	100.00	100.00	100.00
SAISD	98.36	97.92	98.18	98.76
Harlandale	97.38	95.16	94.77	96.47
Northside	99.53	99.40	99.36	99.71
South San	91.59	91.83	93.65	95.97

(e) The percent of teachers with bachelor degrees.

ANSWER: The percent of teachers with Bachelor's Degrees only is given in Column IV-E of the above listed Exhibits or 7-a, b, c, and d. The figures are as follows:

Percent of Teachers with Bachelor's Degrees
(Exhibits 7-a, b, c, and d)

School District	1965-66	1966-67	1967-68	1968-69
Edgewood	58.76%	58.85%	60.64%	65.04%
North East	73.93	74.39	75.38	76.32
Alamo Hts.	60.42	60.08	59.62	62.45
SAISD	66.50	67.37	69.02	69.13
Harlandale	74.18	73.70	73.42	75.33
Northside	79.30	78.54	79.10	79.31
South San	68.14	74.28	76.49	81.54

(f) The percent of teachers with Masters Degrees.

ANSWER: The percent of teachers by districts with

Master's Degrees is shown in Column IV-F of the same Exhibits. Figures are as follows:

Percent of Teachers with Master's Degrees
(Exhibits 7-a, b, c, and d)

School District	1965-66	1966-67	1967-68	1968-69
Edgewood	16.86%	16.02%	14.69%	14.98%
North East	25.94	25.20	24.14	23.59
Alamo Hts.	39.57	39.51	40.00	36.80
SAISD	31.81	30.55	29.08	29.56
Harlandale	23.20	21.45	21.35	21.14
Northside	20.23	20.86	20.25	20.40
South San	23.45	17.14	17.16	14.42

(g) The percent of teachers with Doctorate Degrees.

ANSWER: The percent of teachers with Doctorate Degrees is found in Column IV-G of the same four Exhibits 7-a, b, c, and d. Figures are as follows:

Percent of Teachers with Doctorate Degrees
(Exhibits 7-a, b, c, and d)

School District	1965-66	1966-67	1967-68	1968-69
Edgewood	0%	0%	0%	0%
North East	0	0	0	0
Alamo Heights	0	.40	.37	.37
SAISD	.03	0	.03	.03
Northside	0	0	0	0
South San	0	0	0	0
Harlandale	0	0	0	0

(h) The percent of teachers with provisional certificates of education.

ANSWER: Not available.

(i) The percent of teachers without permanent certificates of education.

ANSWER: Not available.

(j) The percent of teachers without certificates of education.

ANSWER: The number of teachers with emergency permits for the 1966-67 school year by school district is shown in the last column of Exhibit 7-b. No tabulations are available by district for the other years.

Number of Emergency Permits
(Exhibit 7-b)

School District	1966-67
Edgewood	412
North East	82
Alamo Heights	28
SAISD	478
Harlandale	149
Northside	109
South San	99

(k) Any other credentials teachers in each school district have that would add to their qualifications.

ANSWER: No data available.

(l) The number and percentage of teachers in each school district that have, according to the standards of the School district, State Education Agency, Department of Health, Education and Welfare, or any other government agency, substandard preparation or substandard qualifications.

ANSWER: Those teachers on emergency permits as shown in Exhibit 7-b would be considered as having substandard preparation by this Agency. (See IV-j above)

(m) The salary scale of teachers, broken down according to qualifications and experience.

ANSWER: The Texas Education Agency does not collect salary schedules by school district. A report of

such schedules for 1968-69 as compiled by the Texas State Teachers' Association is included as Exhibit 8. Schedule is as follows:

Basic Salary Schedules for Teachers (1968-69)
(Exhibit 8)

School District	Degree	Minimum Salary	Maximum Salary
Edgewood	BA	\$4,734	\$5,904
	MA	5,040	6,912
North East	BA	5,400	7,310
	BA + 15 hours	5,500	7,460
	MA	5,800	8,550
	MA + 30 hours	6,100	8,850
	Doctorate	6,400	9,150
Alamo Hts.	BA	5,400	7,320
	MA	5,600	8,300
SAISD	BA	5,511	7,519
	MA	5,665	8,240
Harlandale	BA	5,200	6,354
	MA	5,500	7,362
Northside	BA	5,328	6,498
	MA	5,634	7,506
South San	BA	5,139	6,309
	MA	5,445	7,317

(n) Omitted

(o) The salary expenditure for teachers per student.

ANSWER: Salary expenditures for teachers per student for 1966-67, 1967-68, and 1968-69 are shown in Column IV-o of Exhibits 9-b, c, and d. Figures are as follows:

Salary Expenditures for Teachers per Student
(Exhibits 9-b, c, and d)

School District	1966-67	1967-68	1968-69
Edgewood	166.75	210.07	209.07
North East	216.75	276.00	287.93
Alamo Heights	258.18	357.95	372.07
SAISD	188.14	240.85	250.54
Harlandale	195.03	245.97	248.47
Northside	190.62	260.28	257.57
South San	187.69	230.10	237.54

(p) The turnover rate of teachers.

ANSWER: Valid data not available.

V. This series of interrogatories relates to student characteristics. Please provide:

(a) The number of students in each school district. Please describe how this figure is obtained.

ANSWER: The number of scholastics in each school district for 1966-67 is found in Exhibit 5-a. The same figures for 1967-68 are shown in Exhibit 5-b. A scholastic is a child between the ages of six (6) and seventeen (17) inclusive. Data was taken from the Census tabulations supplied to this Agency by local school districts. If (a) refers to pupils actually enrolled in public schools, the total for each district may be found in the same Exhibits. Figures are as follows:

Enrollment (1966-67)
(Exhibit 5-a)

School District	Elementary	Secondary	Total
Edgewood	17,785	5,022	22,807
North East	15,607	7,565	23,172
Alamo Heights	3,400	2,000	5,400
SAISD	55,046	23,717	78,763
Harlandale	11,951	4,496	16,447
Northside	10,497	3,302	13,799
South San	5,432	1,482	6,914

Enrollment (1967-68)
(Exhibit 5-b)

School District	Elementary	Secondary	Total
Edgewood	17,572	5,290	22,862
North East	16,794	8,452	25,246
Alamo Heights	3,307	2,125	5,432
SAISD	55,710	24,406	80,116
Harlandale	12,120	4,720	16,840
Northside	11,628	4,139	15,767
South San	6,025	1,603	7,628

Scholastic Population (1966-67)
(Exhibit 5-a)

School District	White	Negro	Total
Edgewood	21,403	1,290	22,693
North East	24,454	0	24,454
Alamo Heights	6,034	19	6,053
SAISD	79,899	11,041	90,940
Harlandale	17,723	19	17,742
Northside	12,955	109	13,064
South San	7,044	42	7,086

Scholastic Population (1967-68)
(Exhibit 5-b)

School District	White	Negro	Total
Edgewood	21,483	1,322	22,805
North East	25,625	8	25,633
Alamo Heights	6,075	19	6,094
SAISD	78,639	11,343	89,982
Harlandale	18,178	25	18,203
Northside	15,005	150	15,155
South San	7,324	34	7,358

(b) The number and percentage of drop-outs per year in each school district.

ANSWER: Data not available.

(c) The number of withdrawals per year in each district.

ANSWER: Data not available.

(d) The percentage of Spanish surname and/or Mexican-American students in each school and in each district.

(e) The percentage of Negro students in each school and in each district.

(f) The percentage of Anglo-American students in each school and in each district.

ANSWERS TO (d), (e), and (f): See Exhibit No. 10.

(Note: School campuses are listed by number . . . names not available on computer tape).

(Figures for IV-(d), (e), and (f) are as follows:
Please see next page for data.

Number and Percent of Anglo-American, Spanish Surname,
and Negro Students in Each School and In Each District

(Exhibit 10)
(d), (e) and (f)

School District and Campus		(f)		(e)		(d)		Total Number of Students
		No. of Anglo- Ameri- can Students	%	No. of Negro Students	%	No. of Mexican- Ameri- can Students	%	
Edgewood	001	43	2.19	164	8.35	1,755	89.44	1,962
	002	75	3.96	67	3.53	1,749	92.39	1,893
	003	11	.91	29	2.42	1,152	96.24	1,197
	041	56	10.54	20	3.76	455	85.68	531
	042	3	.34	0	0.00	859	99.65	862
	043	2	.16	3	.24	1,205	99.58	1,210
	044	0	.00	283	60.47	185	39.52	468
	045	27	2.55	16	1.51	1,014	95.93	1,057
	101	56	7.90	3	.42	649	91.66	708
	102	0	.00	1	.15	638	99.84	639
	103	1	.44	0	.00	222	99.55	223
	105	3	.37	1	.12	786	99.49	790
	106	7	.69	0	.00	999	99.30	1,006
	107	20	1.90	0	.00	1,031	98.09	1,051
	108	9	.72	8	.64	1,223	98.62	1,240
	109	0	.00	276	66.50	139	33.49	415
	110	6	.70	7	.82	837	98.47	850
	111	2	.45	238	53.72	203	45.82	443
	112	45	3.47	5	.38	1,246	96.14	1,296
	113	1	.15	0	.00	662	99.84	663
	114	15	1.32	11	.97	1,100	97.43	1,129
	115	10	1.56	0	.00	630	98.43	640
	116	466	55.01	183	21.60	174	20.54	847
	117	5	1.59	82	26.19	226	72.20	313
	184	0	.00	3	.38	785	99.61	788
Edgewood District Totals		863	3.88	1,400	6.30	19,924	89.66	22,221

Northeast	001	2,257	91.00	0	.00	207	8.34	1,992
	002	1,922	96.48	1	.05	65	3.26	2,239
	004	1,767	89.60	2	.10	191	9.68	1,972
	041	971	96.32	0	.00	35	3.47	1,008
	042	984	96.94	0	.00	31	3.05	1,015
	043	1,077	92.44	7	.60	75	6.43	1,165
	044	1,091	90.91	0	.00	107	8.91	1,200
	101	403	94.15	0	.00	25	5.84	428
	102	618	95.37	0	.00	29	4.47	648
	103	653	91.84	0	.00	55	7.73	711
	104	590	87.40	1	.14	84	12.44	675
	105	712	88.55	4	.49	73	9.07	804
	106	915	93.27	1	.10	65	6.62	981
	107	539	91.20	1	.16	50	8.46	591
	108	489	96.83	0	.00	15	2.97	505
	109	403	93.50	0	.00	19	4.40	431
	110	470	97.30	0	.00	12	2.48	483
	111	665	81.19	0	.00	149	18.19	819
	112	707	90.29	0	.00	71	9.06	783
	113	598	85.06	0	.00	104	14.79	703
	114	652	89.31	1	.13	69	9.45	730
	115	554	81.23	0	.00	124	18.18	682
	116	671	93.71	5	.69	38	5.30	716
	117	542	97.30	0	.00	11	1.97	557
	118	514	88.16	3	.51	45	7.71	583
	119	269	72.11	0	.00	104	27.88	373
	120	465	93.37	0	.00	30	6.02	498

Northeast

District Totals		23,708	91.99	26	.10	1,903	7.38	25,772
Alamo	001	1,729	91.87	5	.26	143	7.59	1,882
Heights	041	760	85.58	2	.22	125	14.07	888
	101	765	95.62	10	1.25	24	3.00	800
	102	347	67.64	0	.00	163	31.77	513
	103	247	51.89	0	.00	253	47.91	528
	104	524	94.41	5	.90	23	4.14	555

Alamo Hts.

Totals	4,399	85.15	22	.42	731	14.15	5,166
SAISD 001	99	4.78	628	30.35	1,339	64.71	2,069
002	308	13.03	0	.00	2,052	86.87	2,362
003	1,019	66.04	43	2.78	470	30.46	1,543
004	9	.38	43	1.82	2,306	97.79	2,358
005	1,891	71.22	313	11.78	447	16.83	2,655
006	817	65.56	292	23.43	131	10.51	1,246
008	42	1.79	4	.17	2,293	98.03	2,339
009	0	.00	806	99.75	2	.24	808
041	840	79.92	2	.19	208	19.79	1,051
042	1	.07	5	.39	1,268	99.52	1,274
043	500	61.05	174	21.24	143	17.46	819
044	0	.00	363	99.45	2	.54	365
045	0	.00	199	97.54	5	2.45	204
046	18	2.35	548	71.72	198	25.91	764
047	35	4.24	1	.12	786	95.27	825
048	172	29.75	45	7.78	358	61.93	578
049	37	2.45	71	4.70	1,397	92.57	1,509
050	796	65.83	2	.16	411	33.99	1,209
051	275	26.26	24	2.29	746	71.25	1,047
052	346	36.07	32	3.33	572	59.64	959
053	216	22.47	19	1.97	726	75.54	961
054	34	3.97	508	59.41	310	36.25	855
055	4	.34	5	.42	1,154	99.22	1,163
056	0	.00	507	99.02	5	.97	512
057	935	82.67	6	.53	187	16.53	1,131
058	329	34.63	48	5.05	570	60.00	950
059	687	67.68	1	.09	325	32.01	1,015
060	437	59.05	210	28.37	84	11.35	740
101	295	78.87	0	.00	77	20.58	374
102	49	13.10	7	1.87	311	83.15	374
103	368	70.36	1	.19	152	29.06	523
104	11	1.55	0	.00	698	98.44	709
105	395	81.44	0	.00	84	17.13	485
106	85	18.24	16	3.43	363	77.89	466

107	1,649	47.14	121	3.45	1,679	47.99	3,498
108	30	3.59	21	2.51	780	93.52	834
110	5	.41	16	1.33	1,179	98.25	1,200
111	0	.00	9	.93	956	99.06	965
112	27	4.47	0	.00	575	95.19	604
113	54	7.71	153	21.85	493	70.42	700
114	0	.00	201	99.01	2	.98	203
115	34	4.14	0	.00	787	95.85	821
116	94	10.03	0	.00	841	89.75	937
117	141	29.80	2	.42	330	69.76	473
118	38	3.59	0	.00	1,019	96.40	1,057
119	0	.00	501	99.60	2	.39	503
120	182	84.65	20	9.30	13	6.04	215
121	14	2.02	0	.00	678	97.97	692
122	2	.45	316	71.81	122	22.72	440
123	57	13.47	5	1.18	361	85.34	423
124	245	63.47	12	3.10	127	32.90	386
125	499	77.12	17	2.62	131	20.24	647
126	247	59.80	1	.24	164	39.70	413
127	0	.00	1,009	97.58	25	2.41	1,034
128	28	26.41	0	.00	76	71.69	106
129	342	16.73	2	.09	1,696	82.97	2,044
130	0	.00	469	97.10	14	2.89	483
131	56	23.62	2	.84	179	75.52	237
132	13	3.15	147	35.67	249	60.43	412
133	0	.00	63	24.80	191	75.19	254
134	741	92.85	4	.50	52	6.51	798
135	227	36.49	24	3.85	364	58.52	622
136	72	8.53	0	.00	768	90.99	844
137	599	84.36	0	.00	107	15.07	710
138	15	4.34	1	.28	329	95.36	345
139	163	24.77	3	.45	490	74.46	658
140	13	1.96	0	.00	650	98.03	663
141	54	30.00	15	8.33	111	61.66	180
142	22	3.36	0	.00	631	96.63	653
143	98	19.36	5	.98	403	79.64	506

144	54	5.07	8	.75	1,000	93.98	1,064
145	9	3.47	0	.00	250	96.52	259
146	154	64.97	3	1.26	79	33.23	237
147	54	8.23	217	33.07	385	58.68	656
148	293	43.99	1	.15	372	55.85	666
149	15	2.31	8	1.23	624	96.29	648
150	351	69.09	0	.00	152	29.92	508
151	26	21.31	1	.81	95	77.86	122
152	89	27.13	4	1.21	234	71.34	328
153	0	.00	810	95.27	34	4.02	844
154	25	5.47	8	1.75	424	92.77	457
155	235	53.28	0	.00	205	46.48	441
156	11	2.33	206	43.73	254	53.92	471
157	63	5.86	18	1.67	994	92.46	1,075
158	35	4.68	453	60.64	258	34.53	747
159	257	74.92	9	2.62	65	18.95	343
160	137	27.02	0	.00	370	72.97	507
161	251	54.09	0	.00	212	45.68	464
162	10	1.54	0	.00	636	98.45	646
164	936	86.34	1	.09	147	13.56	1,084
165	22	2.48	400	45.19	463	52.31	885
166	0	.00	22	17.46	104	82.53	126
167	241	64.78	0	.00	131	35.21	372
168	154	20.05	211	27.47	398	51.82	768
169	37	3.42	1	.09	1,043	96.48	1,081
170	178	36.77	7	1.44	294	60.74	484
171	0	.00	432	97.07	13	2.92	445
172	0	.00	746	99.73	2	.26	748
173	533	78.61	7	1.03	132	19.46	678
174	163	38.44	0	.00	261	61.55	424
175	160	26.53	0	.00	441	73.13	603
176	168	44.56	2	.53	205	54.37	377

SAISD

Totals		21,472	26.71	11,637	14.48	47,031	58.52	80,360
--------	--	--------	-------	--------	-------	--------	-------	--------

Harlan-	001	523	28.56	1	.05	1,307	71.38	1,831
dale	002	1,224	67.17	0	.00	598	32.82	1,822

041	688	36.10	2	.10	1,180	63.78	1,850
042	36	2.89	1	.08	1,206	97.02	1,243
043	607	63.49	0	.00	347	36.29	956
044	255	66.23	0	.00	130	33.76	385
101	265	53.64	0	.00	227	45.95	494
102	685	78.01	2	.22	191	21.75	878
103	42	5.57	4	.53	708	93.89	754
104	34	3.31	0	.00	993	96.68	1,027
105	23	4.56	0	.00	481	95.43	504
106	169	25.18	1	.14	501	74.66	671
107	368	61.84	0	.00	227	38.15	595
108	604	60.64	0	.00	392	39.35	996
109	163	26.12	0	.00	460	73.71	624
110	212	30.02	0	.00	494	69.97	706
111	376	80.68	0	.00	90	19.31	466
112	35	4.48	0	.00	746	95.51	781
113	197	33.33	0	.00	394	66.66	591
114	372	59.04	7	1.11	251	39.84	630
115	36	36.73	0	.00	62	63.26	98

Harlandale

Totals	6,894	38.50	18	.10	10,985	61.36	17,902
--------	-------	-------	----	-----	--------	-------	--------

Northside	000	6	9.83	5	8.19	50	81.96	61
	001	820	79.53	19	1.84	189	18.33	1,011
	002	1,573	88.56	26	1.46	171	9.62	1,776
	003	1,279	92.14	2	.14	104	7.49	1,388
	041	1,004	93.13	1	.09	70	6.49	1,078
	042	638	87.51	26	3.56	63	8.64	729
	043	820	71.99	35	3.07	282	24.75	1,139
	101	364	47.21	20	2.59	387	50.19	771
	102	559	83.68	22	3.29	75	11.22	668
	103	373	91.87	3	.73	29	7.14	406
	104	242	80.93	0	.00	57	19.96	299
	105	751	83.25	8	.88	126	13.96	902
	106	708	88.72	28	3.50	60	7.51	798
	107	45	68.18	1	1.51	20	30.30	66
	108	358	83.84	3	.70	66	15.45	427

109	394	85.46	0	.00	64	13.88	461
110	32	58.18	2	3.63	21	38.18	55
111	364	79.82	0	.00	88	19.29	456
112	434	71.97	8	1.32	161	26.69	603
113	553	90.35	16	2.61	42	6.86	612
114	805	79.07	35	3.43	171	16.79	1,018
115	712	93.19	0	.00	52	6.80	764
116	11	100.00	0	.00	0	.00	11
117	287	53.74	21	3.93	224	41.94	534
119	339	94.16	1	.27	20	5.55	360

Northside

Totals	13,471	82.07	282	1.71	2,592	15.79	16,413
--------	--------	-------	-----	------	-------	-------	--------

South

001	575	38.72	9	.60	869	58.51	1,485
-----	-----	-------	---	-----	-----	-------	-------

San 041	441	34.69	12	.94	815	64.12	127
---------	-----	-------	----	-----	-----	-------	-----

101	166	35.93	0	.00	296	64.06	462
-----	-----	-------	---	-----	-----	-------	-----

103	139	23.16	4	.66	456	76.00	600
-----	-----	-------	---	-----	-----	-------	-----

104	205	61.74	0	.00	127	38.25	332
-----	-----	-------	---	-----	-----	-------	-----

105	0	.00	2	.23	867	99.76	869
-----	---	-----	---	-----	-----	-------	-----

106	23	6.26	0	.00	344	93.73	367
-----	----	------	---	-----	-----	-------	-----

107	90	17.64	22	4.31	377	77.84	510
-----	----	-------	----	------	-----	-------	-----

108	1,456	90.26	54	3.34	102	6.32	1,613
-----	-------	-------	----	------	-----	------	-------

South San

Totals	3,095	41.21	103	1.37	4,273	56.90	7,509
--------	-------	-------	-----	------	-------	-------	-------

Totals of Number and Percent of Anglo-American Spanish Surname, and Negro Students by District (1968-69)

(Exhibit 10)

(d), (e), and (f)

Edgewood	863	3.88	1,400	6.30	19,924	89.66	22,221
North East	23,708	91.99	26	.10	1,903	7.38	25,772
Alamo Heights	4,399	85.15	22	.42	731	14.15	5,166
SAISD	21,472	26.71	11,637	174.48	47,031	58.52	80,360
Harlandale	6,894	38.50	18	.10	10,985	61.36	17,902
Northside	13,471	82.07	282	1.71	2,592	15.79	16,413
South San	3,095	41.21	103	1.37	4,273	56.90	7,509

(g) The percentage of students in special education with the breakdown of the categories of special education.

ANSWER: Not available.

(h) The percentage of first graders who speak only Spanish.

ANSWER: Not available.

VI. This series of interrogatories relates to the physical plant in each school district. Please provide:

(a) The average age of the physical facilities in the district.

(b) The type of construction of the physical facilities in the district.

(c) The condition of the physical facilities in the district.

(d) The average number of students per class.

(e) The type of heating or air-conditioning system in the schools.

(f) The number of temporary structures.

(g) The land area that is used for school programs.

(h) The gymnasium space.

(i) The laboratory space.

(j) The number of substandard or dilapidated buildings.

ANSWER: The Texas Education Agency does not have sufficient data to respond to any of the questions listed.

VII. This series of interrogatories relates to the administrative and advisory personnel in each district. Please provide:

(a) The background qualifications and educational qualifications of each principal.

ANSWER: All full time principals are required to hold the appropriate administrators' certificate.

(b) The number of vice-principals in each school and each district and their qualifications and backgrounds.

ANSWER: The Texas Education Agency does not have available the exact number of vice-principals in each district since some vice-principals are actually reported as full-time principals for Foundation Program purposes. A vice-principal who spends the majority of his time in administration must hold an administrator's certificate.

(c) The number of counselors in each school and in each district and their backgrounds and qualifications.

ANSWER: School districts do not report counselors employed by school campus . . . only in total for the district. Columns B and M of Exhibits 9-a, b, c, and d show degree status of counselors by district for 1966-67—1968-69 inclusive. The sum of the two columns represents total counselors employed. Figures are as follows:

Counselors and Degree Status
(Exhibit 9-a, b, c, and d)

School District	Bachelor's Degree	Master's Degree	Doctorate's Degree	Total Counselors Per Year
Edgewood				
1966-67	1	5		6
1967-68	1	6		7
1968-69		5		5
TOTALS	2	16		18
North East				
1966-67	1	14		15

1967-68	1	15		16
1968-69		22		22
TOTALS	2	51		53
Alamo Heights				
1966-67		5		5
1967-68		8		8
1968-69		5		5
TOTALS		18		18
SAISD				
1966-67		29	1	30
1967-68		33		33
1968-69		29		29
TOTALS		91	1	92
Harlandale				
1966-67		7		7
1967-68		9		9
1968-69		8		8
TOTALS		24		24
Northside				
1966-67	1	8		9
1967-68		10		10
1968-69		9		9
TOTALS	1	27		28
South San				
1966-67		3		3
1967-68		4		4
1968-69	1	3	1	5
TOTALS	1	10	1	12

(d) The Counselor-Student ratio.

ANSWER: Column VII D of Exhibits 9-a, b, c, and d furnishes the counselor-student ratio for each district for the three year period. Figures are as follows:

Counselor-Student Ratio
(Exhibit 9-a, b, c, and d)

School District	1966-67	1967-68	1968-69
Edgewood	3,579	3,098	4,397
North East	1,486	1,516	1,171
Alamo Heights	1,030	645	1,018
SAISD	2,513	2,320	2,649
Harlandale	2,261	1,800	2,120
Northside	1,446	1,493	1,877
South San	2,092	1,752	1,496

NOTE: Numbers listed under the respective years represent the number of students per counselor.

(e) The degrees of the above persons.

ANSWER: Included in answer to number VII (c).
Table is as follows:

Degrees of Counselors
(Exhibit 9-a, b, c, and d)

School District	1966-67	1967-68	1968-69
Edgewood			
Bachelor's	1	1	0
Master's	5	6	5
North East			
Bachelor's	1	1	0
Master's	14	15	22
Alamo Heights			
Bachelor's	0	0	0
Master's	5	8	5
SAISD			
Bachelor's	0	0	0
Master's	29	33	29
Doctorate	1	0	0
Harlandale			
Bachelor's	0	0	0
Master's	7	9	8

Northside			
Bachelor's	1	0	0
Master's	8	10	9
South San			
Bachelor's	0	0	1
Master's	3	4	3
Doctorate	0	0	1

(f) The salaries of the above persons.

ANSWER: Column F-M (last column on printout pages) of Exhibits 9-b, c, d shows total salaries paid counselors for 1966-67, 1967-68 and 1968-69. Average salary may be computed by dividing total salaries by number of counselors employed by a district. Salary figures in Exhibit 9-a (1965-66) should be disregarded as only Foundation Salary not actually paid was available for that year.

Total Salaries Paid Counselors (1966-67)

School District	Bachelor's Degree	Master's Degree	Doctorate Degree
Edgewood	\$5,640	\$ 33,670	
North East	6,120	91,100	
Alamo Heights		34,410	
SAISD		220,669	\$7,020
Harlandale	5,340	50,230	
South San		20,670	

Salaries Paid Counselors (1967-68)

School District	Bachelor's Degree	Master's Degree	Doctorate Degree
Edgewood	\$6,662	\$ 48,268	
North East	8,278	123,248	
Alamo Heights		70,383	
SAISD		301,865	
Harlandale		69,250	
Northside		84,841	
South San		33,196	

Salaries Paid Counselors (1968-69)

School District	Bachelor's Degree	Master's Degree	Doctorate Degree
Edgewood		\$ 38,910	
North East		191,033	
Alamo Heights		45,866	
SAISD		271,965	
Harlandale		62,090	
Northside		86,145	
South San	\$7,790	26,327	\$7,870

Average Salaries Paid Counselors (1966-67)

School District	Bachelor's Degree	Master's Degree	Doctorate Degree
Edgewood	\$5,640	\$ 6,734	
North East	6,120	6,507	
Alamo Heights		7,882	
SAISD		7,609	\$7,020
Harlandale		7,964	
Northside	5,340	6,278	
South San		6,890	

Average Salaries Paid Counselors (1967-68)

School District	Bachelor's Degree	Master's Degree	Doctorate Degree
Edgewood	\$6,662	\$ 8,044	
North East	8,278	8,216	
Alamo Heights		8,797	
SAISD		9,147	
Harlandale		7,694	
Northside		8,484	
South San		8,299	

Average Salaries Paid Counselors (1968-69)

School District	Bachelor's Degree	Master's Degree	Doctorate Degree
Edgewood		\$ 7,782	
North East		8,683	
Alamo Heights		9,173	

SAISD		9,378	
Harlandale		7,761	
Northside		9,571	
South San	\$7,790	8,775	\$7,870

(i) The average daily class attendance in each district.

ANSWER: Column V-I of Exhibits 9-a, b, c, and d gives the percentage of attendance for each district for the four years, 1966-67, 1967-68, and 1968-69. Average daily class attendance is obtained by dividing the membership by the average daily attendance. Figures are as follows:

Average Daily Class Attendance
(Exhibits 9-a, b, c, and d)

School District	1966-67	1967-68	1968-69
Edgewood	92.84%	91.72%	92.88%
North East	94.96	94.76	94.67
Alamo Heights	94.52	93.82	93.77
SAISD	92.35	91.63	91.15
Harlandale	93.45	92.88	92.33
Northside	94.93	94.46	94.27
South San	93.67	93.82	93.28

(j) The average class size.

ANSWER: Not available.

(k) The number and percentage of students who graduate from high school.

ANSWER: See Exhibit No. 11. Table is as follows:

The Number and Percent of Students Who
Graduate from High School
(1968-69)

School District	12th Grade Enrollment	Graduates	Percent Graduates are of Enrollment
Edgewood	950	945	99.47

North East	1,832	1,751	95.58
Alamo Heights	444	437	98.42
SAISD	5,077	4,636	92.31
Harlandale	868	752	86.63
Northside	760	709	93.29
South San	246	231	93.90

(l) The numbers and grades in which drop-outs occur.

ANSWER: Not available.

(m) The percentage of students from each school district that attend college.

ANSWER: Not available.

(n) The percentage of students from each school district that graduate from college.

ANSWER: Not available.

VIII. This series of interrogatories relates to the courses offered in each school district. Please provide:

(a) The grade school curriculum provided.

ANSWER: Data not available.

(b) The junior high school curriculum provided.

ANSWER: Data not available.

(c) The high school curriculum provided.

ANSWER: Data not available.

(d) A list of the schools that have split shifts or other unusual class hours, giving such unusual class hours.

ANSWER: Data not available.

(e) The number of students taking each course with a breakdown of:

1. Percentage with Spanish surnames and/or Mexican-Americans

2. Percentage of Negro

3. Percentage of Anglo

ANSWER: Data not available.

(f) The special education courses provided for students of advanced ability, for slow learners, and for handicapped students, giving a breakdown of what courses are provided in each school.

ANSWER: Exhibits 12-a, b, c, d, e furnish special education unit allotments by type for each district having a special education program for the five years 1965-66—1969-70 inclusive.

Blind/Partially Blind
(Exhibits 12-a, b, c, d, and e)

School District	No. of Blind Pupils	No. of Teachers	No. of Partially Sighted Pupils	No. of Teachers
Edgewood				
1965-66	0	0	0	0
1966-67	0	0	0	0
1967-68	0	0	0	0
1968-69	0	0	0	0
1969-70	0	0	0	0
North East				
1965-66	0	0	0	0
1966-67	19	2	8	1
1967-68	14	2	12	1
1968-69	15	2	11	1
1969-70	19	2	8	1
Alamo Heights				
1965-66	0	0	0	0
1966-67	0	0	0	0
1967-68	0	0	0	0

1968-69	0	0	0	0
1969-70	0	0	0	0
SAISD				
1965-66	0	0	0	0
1966-67	14	2	13	1
1967-68	0	0	0	0
1968-69	0	0	0	0
1969-70	0	0	0	0
Harlandale				
1965-66	0	0	14	1
1966-67	0	0	14	1
1967-68	0	0	24	2
1968-69	0	0	0	0
1969-70	0	0	0	0
Northside				
1965-66	0	0	0	0
1966-67	0	0	0	0
1967-68	0	0	0	0
1968-69	0	0	0	0
1969-70	0	0	0	0
South San				
1965-66	0	0	0	0
1966-67	0	0	0	0
1967-68	0	0	0	0
1968-69	0	0	0	0
1969-70	0	0	0	0

Minimally Brain Injured/School Room
(Exhibits 12-a, b, c, d, and e)

School District	No. of Minimally Brain Injured Pupils	No. of Teachers	No. of School Room Pupils	No. of Teachers
Edgewood				
1965-66	0	0	0	0
1966-67	0	0	0	0
1967-68	0	0	0	0
1968-69	10	1	0	0

1969-70	14	2	0	0
North East				
1965-66	246	25	17	2
1966-67	254	26	18	2
1967-68	284	29	28	3
1968-69	329	33	29	3
1969-70	400	39	31	3
Alamo Heights				
1965-66	37	4	0	0
1966-67	66	7	0	0
1967-68	94	9	0	0
1968-69	116	12	0	0
1969-70	116	12	0	0
SAISD				
1965-66	80	8	0	0
1966-67	118	12	136	9
1967-68	135	14	136	8
1968-69	140	14	156	8
1969-70	185	18	112	8

IX. This series of interrogatories relates to the books provided in each school district. Please provide:

(a) As to library books:

1. The average age of each book.
2. Any data you may have relating to the quality of each book.
3. The number of book titles and the number of books, giving the number of students broken down into each school.
4. The dollar amount spent on books.
5. The dollar amount per student spent on books.

ANSWER to (a) 1, 2, 3, 4 and 5: Data are not available to furnish the answers to the questions listed. Reports to this Agency combine Library and Audio-Visual materials expenditures.

(b) As to students' books:

1. How the books are selected:

ANSWER: The chairman of the State Board of Education gives public notice six months in advance of the meeting in which the adoption of new texts is made. New adoptions are made under the Textbook Law or when a contract expires. Interested publishers may secure complete information from the Textbook Division. The date for annual adoptions is the second Monday in November, however the State Board may choose another date.

Procedurally, the State Board of Education selects 15 persons from a list recommended by the State Commissioner of Education to serve on the State Textbook Committee.

Each person shall be an experienced and active education and a majority of the members shall be classroom teachers.

The State Textbook Committee recommends to the commission of Education a complete list of approved textbooks for the various grade levels and subjects. The Commissioner may remove books from the recommended list, however, he cannot add any book to the list. Also he cannot reduce the list to a single adoption.

The Commissioner then submits the list as amended to the State Board of Education which may also remove but not add any books. Contracts awarded by the State may be from 1 to 6 years.

A committee of teachers from each district appointed for one (1) year may then choose the textbooks to be used in their local district. This local committee chooses from the approved list of textbooks. After their selection is made, this local committee submits a report

which dictates their choice to the Textbook Committee. This report is final and not subject to change. Texts selected are to be used for the entire contract period and cannot be changed during that period.

2. The average age of the books in use.

ANSWER: Article 2842 states among other things "The contracts for the total number of different texts adopted shall be so arranged that contracts on not more than one-sixth of the total number of different basal subjects shall expire in any one year, or shall be changed in any one year." This statement, along with the readoption provisions of the same article, gives the State Board latitude in determining length of adoptions and readoption contracts. The average age of textbooks under current contract is about 31½ years.

3. The copyright date of the books in use.

ANSWER: Copyright of each textbook under contract can be found in Bulletin 681, Current Adoption Textbooks 1969-70. Generally, copyrights of texts in science, mathematics, language arts, and social studies carry recent copyrights. Band and orchestra, vocal music, and art carry older copyrights. The range of copyrights in band and orchestra is from 1943 to 1963, while the range in science for grades 1 thru high school (with the exception of physics) is 1963 through 1968.

(No figures by district)

4. The number of books in use.

ANSWER: Column IX(B) 4 of Exhibit 13-a (computer printout shows total number of State owned textbooks in each school district as of December 1, 1969.)

Figures are as follows:

The Number of State-Owned Textbooks in Use
by District (1969)
(Exhibit 13-a)

School District	Number of Books
Edgewood	319,757
North East	360,808
Alamo Heights	64,405
SAISD	958,496
Harlandale	241,660
Northside	257,589
South San	115,623

Total Number of State-Owned Books, Total Cost,
and Average Cost Per Book (1969)

Total Number of State-Owned Books	Total Cost	Average Cost Per Book
33,613,080	\$83,804,063	\$2.49

5. The dollar amount spent on books, further broken down into the amount per student spent on books.

ANSWER: Column IV(B) 5 of the computer printout shows total amount of state funds spent by district for state-owned textbooks on hand as of December 1, 1969. Page two of Exhibit 13-a shows average amount spent per student for textbooks for each of the four years, 1965-55 through 1968-69 inclusive. Figures are as follows:

Dollar Amount Spent on Books by District (1969)

School District	Total \$ Amount	Dollar Amount Per Student
Edgewood	\$ 754,928.73	
North East	896,448.84	
Alamo Heights	159,472.18	
SAISD	2,294,151.46	
Harlandale	554,417.29	
Northside	615,930.59	
South San	266,244.28	

NOTE: (No figures were supplied as to dollar amount per student spent by the state for use of books. Also, no figures for enrollment were provided for the year 1969 making it impossible to compute the dollar amount per student.)

The following tabulation indicates by year from 1965-66 through 1968-69 the total amount of money spent for textbooks, total enrollment, and cost per child enrolled.

Year	Total Spent	Total Enrollment	Amount Spent Per Scholastic
1965-66	\$16,477,446	2,423,819	\$6.79
1966-67	16,301,991	2,464,682	6.61
1967-68	15,961,258	2,612,000	6.11
1968-69	17,027,870	2,667,000	6.38

X. This series of interrogatories relates to services provided by each school district.

Please provide:

(a) The number of registered nurses employed full-time by each school district.

ANSWER: Exhibits 7-a, b, c, and d show the number of registered nurses employed by each school for the four years, 1965-66, 1966-67, 1967-68, and 1968-69. Figures are as follows:

Number of Registered Nurses Employed Full-Time
(Exhibits 7-a, b, c, and d)

School District	1965-66	1966-67	1967-68	1968-69	Totals
Edgewood	5	8	10	7	30
North East	6	6	7	8	27
Alamo Heights	2	2	2	2	8
SAISD	21	46	50	50	167
Harlandale	3	2	3	3	11

Northside	1	1	1	1	4
South San	1	2	2	3	8

(b) The number of registered nurses employed part-time by each district, broken down into the number of hours of work.

ANSWER: Not available.

(c) The availability of doctors for the students.

ANSWER: Not available.

(d) The availability of dentists for the students.

ANSWER: Not available.

(e) A description of infirmary facilities provided.

ANSWER: Not available.

(f) Whether or not free lunch facilities are provided.

ANSWER: Exhibit 14-b lists total lunches served by school districts participating in the National School Lunch Program for October, 1969. The second column of the Exhibit furnishes the number of lunches served free or at reduced prices to pupils.

Total Number of Lunches and Free Lunches
(October 1969)
(Exhibit 14-b)

School District	Total No. of Lunches Served	Number of Free or Reduced Lunches
Edgewood	175,362	27,478
North East	277,725	3,516
Alamo Heights	4,977	1,070
SAISD	no figures	no figures
Harlandale	142,130	20,624
Northside	211,850	19,464
South San	57,386	13,565

(g) Whether or not free milk is provided.

ANSWER: Exhibit 14-a lists the school districts for 1969-70 and the number of school campuses in each participating in the Special Milk Program. This program provides a maximum reimbursement to districts of four (4) cents per half pint of milk purchased in order that the milk may be sold more cheaply to pupils and/or given to needy children. United States Department of Agriculture regulations do not require that the actual number of half pints of milk given to children be reported.

Districts and No. of Schools Participating in
Special Milk Program

School District	Number of Schools
Edgewood	24
North East	28
Alamo Heights	6
SAISD	102
Harlandale	20
Northside	27
South San	9

(h) Please list any other services available.

ANSWER: Not available.

XII. The series of interrogatories relates to special equipment provided for education.

Please provide:

(a) What visual aid is provided in each school, its value, and average age.

ANSWER: Not available.

(b) What television equipment is provided in each school, its value, and average age.

ANSWER: Not available.

(c) What recording equipment is provided in each school, its value, and average age.

ANSWER: Not available.

(d) What computer equipment is provided in each school, its value, and average age.

ANSWER: Not available.

(e) What other special equipment is provided in each school, giving use, dollar value, and average age.

ANSWER: Not available.

XIII. This series of interrogatories relates to extra-curricular activities and facilities available in each school district. Please provide:

(a) A description of the music facilities and activities in each school.

ANSWER: Not available.

(b) A description of the drama facilities and activities in each school.

ANSWER: Not available.

(c) A description of the art facilities and activities in each school.

ANSWER: Not available.

(d) A description of any other extra-curricular cultural or educational activities provided by each school.

ANSWER: Not available.

XIV. This series of interrogatories relates to the hours of education provided in each school district. Please provide:

(a) The hours of extra-curricular activity as described in interrogatory XIII above.

ANSWER: Data not available.

(b) The hours of classes in each school and a description of the split shifts or any other unusual class hours.

ANSWER: Data not available.

Number and Percent of Anglo-American, Spanish Surname,
and Negro Students in *Each School and in Each District*

(Exhibit 10)

(d), (e) and (f)

School District and Campus		(f)		(e)		(d)		Total Number of Students
		No. of Anglo- Ameri- can Students	%	No. of Negro Students	%	No. of Mexican- Ameri- can Students	%	
Edgewood	001	43	2.19	164	8.35	1,755	89.44	1,962
	002	75	3.96	67	3.53	1,749	92.39	1,893
	003	11	.91	29	2.42	1,152	96.24	1,197
	041	56	10.54	20	3.76	455	85.68	531
	042	3	.34	0	0.00	859	99.65	862
	043	2	.16	3	.24	1,205	99.58	1,210
	044	0	.00	283	60.47	185	39.52	468
	045	27	2.55	16	1.51	1,014	95.93	1,057
	101	56	7.90	3	.42	649	91.66	708
	102	0	.00	1	.15	638	99.84	639
	103	1	.44	0	.00	222	99.55	223
	105	3	.37	1	.12	786	99.49	790
	106	7	.69	0	.00	999	99.30	1,006
	107	20	1.90	0	.00	1,031	98.09	1,051
	108	9	.72	8	.64	1,223	98.62	1,240
	109	0	.00	276	66.50	139	33.49	415
	110	6	.70	7	.82	837	98.47	850
	111	2	.45	238	53.72	203	45.82	443
	112	45	3.47	5	.38	1,246	96.14	1,296
	113	1	.15	0	.00	662	99.84	663
114	15	1.32	11	.97	1,100	97.43	1,129	
115	10	1.56	0	.00	630	98.43	640	
116	466	55.01	183	21.60	174	20.54	847	
117	5	1.59	82	26.19	226	72.20	313	
184	0	.00	3	.38	785	99.61	788	
Edgewood District Totals		863	3.88	1,400	6.30	19,924	89.66	22,221

North	001	2,257	91.00	0	.00	207	8.34	1,992
East	002	1,922	96.48	1	.05	65	3.26	2,239
	004	1,767	89.60	2	.10	191	9.68	1,972
	041	971	96.32	0	.00	35	3.47	1,008
	042	984	96.94	0	.00	31	3.05	1,015
	043	1,077	92.44	7	.60	75	6.43	1,165
	044	1,091	90.91	0	.00	107	8.91	1,200
	101	403	94.15	0	.00	25	5.84	428
	102	618	95.37	0	.00	29	4.47	648
	103	653	91.84	0	.00	55	7.73	711
	104	590	87.40	1	.14	84	12.44	675
	105	712	88.55	4	.49	73	9.07	804
	106	915	93.27	1	.10	65	6.62	981
	107	539	91.20	1	.16	50	8.46	591
	108	489	96.83	0	.00	15	2.97	505
	109	403	93.50	0	.00	19	4.40	431
	110	470	97.30	0	.00	12	2.48	483
	111	665	81.19	0	.00	149	18.19	819
	112	707	90.29	0	.00	71	9.06	783
	113	598	85.06	0	.00	104	14.79	703
	114	652	89.31	1	.13	69	9.45	730
	115	554	81.23	0	.00	124	18.18	682
	116	671	93.71	5	.69	38	5.30	716
	117	542	97.30	0	.00	11	1.97	557
	118	514	88.16	3	.51	45	7.71	583
	119	269	72.11	0	.00	104	27.88	373
	120	465	93.37	0	.00	30	6.02	498

North East

District Totals 23,708 91.99 26 .10 1,903 7.38 25,772

Alamo	001	1,729	91.87	5	.26	143	7.59	1,882
Heights	041	760	85.58	2	.22	125	14.07	888
	101	765	95.62	10	1.25	24	3.00	800
	102	347	67.64	0	.00	163	31.77	513
	103	247	51.89	0	.00	253	47.91	528
	104	524	94.41	5	.90	23	4.14	555

Alamo Heights

Totals	4,339	85.15	22	.42	731	14.15	5,166
SAISD 001	99	4.78	628	30.35	1,339	64.71	2,069
002	308	13.03	0	.00	2,052	86.87	2,362
003	1,019	66.04	43	2.78	470	30.46	1,543
004	9	.38	43	1.82	2,306	97.79	2,358
005	1,891	71.22	313	11.78	447	16.83	2,655
006	817	65.56	292	23.43	131	10.51	1,246
008	42	1.79	4	.17	2,293	98.03	2,339
009	0	.00	806	99.75	2	.24	808
041	840	79.92	2	.19	208	19.79	1,051
042	1	.07	5	.39	1,268	99.52	1,274
043	500	61.05	174	21.24	143	17.46	819
044	0	.00	363	99.45	2	.54	365
045	0	.00	199	97.54	5	2.45	204
046	18	2.35	548	71.72	198	25.91	764
047	35	4.24	1	.12	786	95.27	825
048	172	29.75	45	7.78	358	61.93	578
049	37	2.45	71	4.70	1,397	92.57	1,509
050	796	65.83	2	.16	411	33.99	1,209
051	275	26.26	24	2.29	746	71.25	1,047
052	346	36.07	32	3.33	572	59.64	959
053	216	22.47	19	1.97	726	75.54	961
054	34	3.97	508	59.41	310	36.25	855
055	4	.34	5	.42	1,154	99.22	1,163
056	0	.00	507	99.02	5	.97	512
057	935	82.67	6	.53	187	16.53	1,131
058	329	34.63	48	5.05	570	60.00	950
059	687	67.68	1	.09	325	32.01	1,015
060	437	59.05	210	28.37	84	11.35	740
101	295	78.87	0	.00	77	20.58	374
102	49	13.10	7	1.87	311	83.15	374
103	368	70.36	1	.19	152	29.06	523
104	11	1.55	0	.00	698	98.44	709
105	395	81.44	0	.00	84	17.13	485
106	85	18.24	16	3.43	363	77.89	466

107	1,649	47.14	121	3.45	1,679	47.99	3,498
108	30	3.59	21	2.51	780	93.52	834
110	5	.41	16	1.33	1,179	98.25	1,200
111	0	.00	9	.93	956	99.06	965
112	27	4.47	0	.00	575	95.19	604
113	54	7.71	153	21.85	493	70.42	700
114	0	.00	201	99.01	2	.98	203
115	34	4.14	0	.00	787	95.85	821
116	94	10.03	0	.00	841	89.75	937
117	141	29.80	2	.42	330	69.76	473
118	38	3.59	0	.00	1,019	96.40	1,057
119	0	.00	501	99.60	2	.39	503
120	182	84.65	20	9.30	13	6.04	215
121	14	2.02	0	.00	678	97.97	692
122	2	.45	316	71.81	122	22.72	440
123	57	13.47	5	1.18	361	85.34	423
124	245	63.47	12	3.10	127	32.90	386
125	499	77.12	17	2.62	131	20.24	647
126	247	59.80	1	.24	164	39.70	413
127	0	.00	1,009	97.58	25	2.41	1,034
128	28	26.41	0	.00	76	71.69	106
129	342	16.73	2	.09	1,696	82.97	2,044
130	0	.00	469	97.10	14	2.89	483
131	56	23.62	2	.84	179	75.52	237
132	13	3.15	147	35.67	249	60.43	412
133	0	.00	63	24.80	191	75.19	254
134	741	92.85	4	.50	52	6.51	798
135	227	36.49	24	3.85	364	58.52	622
136	72	8.53	0	.00	768	90.99	844
137	599	84.36	0	.00	107	15.07	710
138	15	4.34	1	.28	329	95.36	345
139	163	24.77	3	.45	490	74.46	658
140	13	1.96	0	.00	650	98.03	663
141	54	30.00	15	8.33	111	61.66	180
142	22	3.36	0	.00	631	96.63	653
143	98	19.36	5	.98	403	79.64	506

144	54	5.07	8	.75	1,000	93.98	1,064
145	9	3.47	0	.00	250	96.52	259
146	154	64.97	3	1.26	79	33.23	237
147	54	8.23	217	33.07	385	58.68	656
148	293	43.99	1	.15	372	55.85	666
149	15	2.31	8	1.23	624	96.29	648
150	351	69.09	0	.00	152	29.92	508
151	26	21.31	1	.81	95	77.86	122
152	89	27.13	4	1.21	234	71.34	328
153	0	.00	810	95.27	34	4.02	844
154	25	5.47	8	1.75	424	92.77	457
155	235	53.28	0	.00	205	46.48	441
156	11	2.33	206	43.73	254	53.92	471
157	63	5.86	18	1.67	994	92.46	1,075
158	35	4.68	453	60.64	258	34.53	747
159	257	74.92	9	2.62	65	18.95	343
160	137	27.02	0	.00	370	72.97	507
161	251	54.09	0	.00	212	45.68	464
162	10	1.54	0	.00	636	98.45	646
164	936	86.34	1	.09	147	13.56	1,084
165	22	2.48	400	45.19	463	52.31	885
166	0	.00	22	17.46	104	82.53	126
167	241	64.78	0	.00	131	35.21	372
168	154	20.05	211	27.47	398	51.82	768
169	37	3.42	1	.09	1,043	96.48	1,081
170	178	36.77	7	1.44	294	60.74	484
171	0	.00	432	97.07	13	2.92	445
172	0	.00	746	99.73	2	.26	748
173	533	78.61	7	1.03	132	19.46	678
174	163	38.44	0	.00	261	61.55	424
175	160	26.53	0	.00	441	73.13	603
176	168	44.56	2	.53	205	54.37	377

SAISD

Totals	21,472	26.71	11,637	14.48	47,031	58.52	80,360
Harlandale 001	523	28.56	1	.05	1,307	71.38	1,831
002	1,224	67.17	0	.00	598	32.82	1,822

041	688	36.10	2	.10	1,180	63.78	1,850
042	36	2.89	1	.08	1,206	97.02	1,243
043	607	63.49	0	.00	347	36.29	956
044	255	66.23	0	.00	130	33.76	385
101	265	53.64	0	.00	227	45.95	494
102	685	78.01	2	.22	191	21.75	878
103	42	5.57	4	.53	708	93.89	754
104	34	3.31	0	.00	993	96.68	1,027
105	23	4.56	0	.00	481	95.43	504
106	169	25.18	1	.14	501	74.66	671
107	368	61.84	0	.00	227	38.15	595
108	604	60.64	0	.00	392	39.35	996
109	163	26.12	0	.00	460	73.71	624
110	212	30.02	0	.00	494	69.97	706
111	376	80.68	0	.00	90	19.31	466
112	35	4.48	0	.00	746	95.51	781
113	197	33.33	0	.00	394	66.66	591
114	372	59.04	7	1.11	251	39.84	630
115	36	36.73	0	.00	62	63.26	98

Harlandale

Totals	6,894	38.50	18	.10	10,985	61.36	17,902	
North-	000	6	9.83	5	8.19	50	81.96	61
side	001	820	79.53	19	1.84	189	18.33	1,031
	002	1,573	88.56	26	1.46	171	9.62	1,776
	003	1,279	92.14	2	.14	104	7.49	1,388
	041	1,004	93.13	1	.09	70	6.49	1,078
	042	638	87.51	26	3.56	63	8.64	729
	043	820	71.99	35	3.07	282	24.75	1,139
	101	364	47.21	20	2.59	387	50.19	771
	102	559	83.68	22	3.29	75	11.22	668
	103	373	91.87	3	.73	29	7.14	406
	104	242	80.93	0	.00	57	19.96	299
	105	751	83.25	8	.88	126	13.96	902
	106	708	88.72	28	3.50	60	7.51	798
	107	45	68.18	1	1.51	20	30.30	66
	108	358	83.84	3	.70	66	15.45	427

109	394	85.46	0	.00	64	13.88	461
110	32	58.18	2	3.63	21	38.18	55
111	364	79.82	0	.00	88	19.29	456
112	434	71.97	8	1.32	161	26.69	603
113	553	90.35	16	2.61	42	6.86	612
114	805	79.07	35	3.43	171	16.79	1,018
115	712	93.19	0	.00	52	6.80	764
116	11	100.00	0	.00	0	.00	11
117	287	53.74	21	3.93	224	41.94	534
119	339	94.16	1	.27	20	5.55	360

Northside

Totals	13,471	82.07	282	1.71	2,592	15.79	16,413
--------	--------	-------	-----	------	-------	-------	--------

XV. This series of interrogatories relates to achievement of the children of various school districts based on testing. Please provide:

(a) Tests relating to achievement given to students in each school.

ANSWER: Data not available.

(b) The results of those tests.

ANSWER: Data not available.

Those districts participating on a voluntary basis in the N.D.E.A. Title V State Testing Program for grades 7 and 9 are not required to report results to this Agency.

(c) What testing is objective and what testing is subjective.

ANSWER: Data not available.

(d) Whether or not instruction is provided to assist students in taking tests which qualify the student for college entrance.

ANSWER: Data not available.

XVI. This series of interrogatories relates only to school districts that are in part, within the City of San Antonio and/or Bexar County, Texas. Such schools are: Alamo Heights Independent School District, Boerne Independent School District, Comal Independent School District, East Central Independent School District, Edgewood Independent School District, Floresville Independent School District, Harlandale Independent School District, Judson Independent School District, Medina Valley Independent School District, North East Independent School District, Northside Independent School District, San Antonio Independent School District, Schertz-Cibolo Universal City Independent School District, Somerset Independent School District. Please provide:

(a) The number of students in each district that reside in Bexar County, Texas.

ANSWER: See Exhibit 15—Reported totals are scholastic, not students. Data on residence of students enrolled not available. Figures are at follows:

Exhibit 15
Number of Scholastics Residing in Bexar County

District	1965-66	1966-67	1967-68	1968-69	1969-70
Alamo Heights	6230	6017	6052	5870	5540
Boerne	35	29	30	31	29
Comal	62	68	67	76	92
East Central	2642	2740	3025	3042	3354
Edgewood	22108	22730	22830	24158	24464
Floresville	0	0	0	0	0
Harlandale	17618	17757	18210	18361	18846
Judson	1151	1329	1509	1993	2578
Medina Valley	205	225	235	223	328
Northeast	25596	24495	25664	27193	28340
Northside	11551	13103	15100	17133	19122
San Antonio	91906	90837	89922	88989	87158

Schertz-Cibolo	1453	1888	1996	2106	2063
Somerset	529	535	571	643	658

(b) The number of students outside Bexar County, Texas.

ANSWER: See Exhibit 15—(again, scholastics not students enrolled). Figures are as follows:

Exhibit 15
Number of Scholastics Residing Outside of Bexar County

District	1965-66	1966-67	1967-68	1968-69	1969-70
Alamo Heights	0	0	0	0	0
Boerne	928	921	911	908	973
Comal	1427	1463	1465	1563	1614
East Central	0	0	0	0	0
Edgewood	0	0	0	0	0
Floresville	1796	1801	1822	1895	1915
Harlandale	0	0	0	0	0
Judson	0	0	0	0	0
Medina Valley	1108	1098	1116	1067	1152
Northeast	0	0	0	0	0
Northside	2	1	0	0	0
San Antonio	0	0	0	0	0
Schertz-Cibolo	800	935	1017	1028	1158
Somerset	79	78	69	80	66

[NOTE: South San has been excluded from both (a) and (b)]

(c) A list of the schools, if any, with respect to each such district, located in Bexar County, Texas, and the number of students in each school.

ANSWER: Intent of question not clear. Enrollment as of October, 1968 by school campus (number of campus—not name), for each each district located wholly in Bexar County may be secured from Exhibit No. 10.

(d) The number of students in each such district that reside in San Antonio, Texas.

ANSWER: Data not available.

(e) A list of the schools, if any, with respect to each such district, located in San Antonio, Texas, and the number of students in each school.

ANSWER: Data not available.

(f) With regard to the schools listed in (e) above, please describe which are located in the City of San Antonio, Texas.

ANSWER: Data not available.

(g) If you have a map available of Bexar County, Texas, which provides the location of each school in the County, please attach it to your answers.

ANSWER: Small map showing school districts in Bexar County (Exhibit 16) is included. Map does not show location of school campuses.

(h) If you have a population map available of Bexar County, Texas, which shows the school population density or general population density, please attach it to your answers.

ANSWER: Map not available.

XVII. This series of interrogatories relates only to the independent school districts in Bexar County, Texas. Please provide:

(a) When each was established.

ANSWER: The answer is as follows:

Edgewood C S D #041 was converted to Edgewood I S D #905 by election on 01-21-50.

Alamo Hts. was incorporated by election on 11-24-23.

North East I S D was created from North East R H S D #710 by election on 03-09-55.

S A I S D was created by Twenty-Eighth Legislature, 1903, page 198, effective 07-01-03.

Harlandale was incorporated by election of 01-26-24.

Northside I S D #915 was created from Northside R H S D #715 by election on 06-13-55.

South San (no figures or information available).

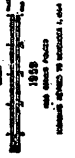
East Central C S D was created on 03-15-49 by consolidation through election.

Judson was created by County Board action of 06-25-58.

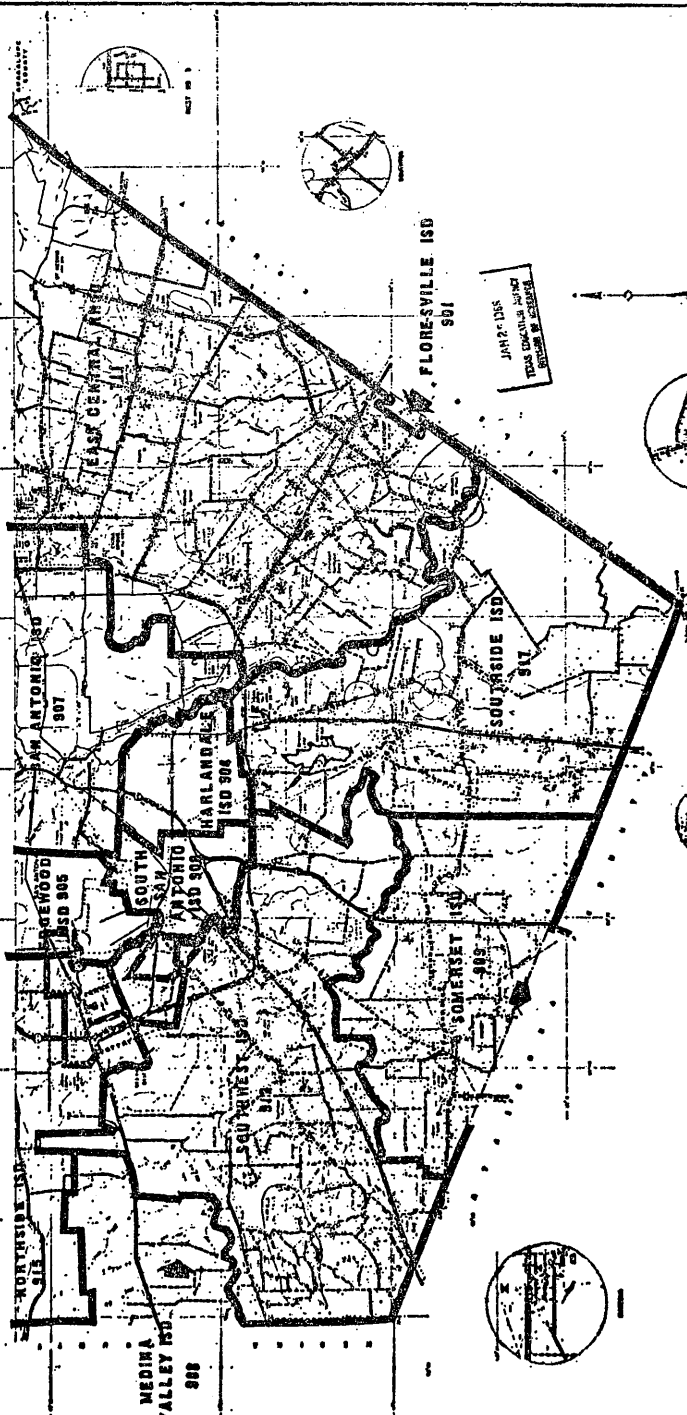
Somerset was created by the Third called Session of the Thirty-Sixth Legislature, effective 06-18-20.

GENERAL HIGHWAY MAP BEXAR COUNTY TEXAS

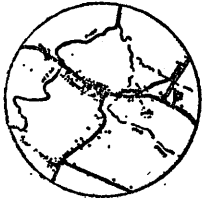
PREPARED BY THE
TEXAS STATE HIGHWAY DEPARTMENT
U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
PLANNING SURVEY DIVISION



NATIONAL HIGHWAY SYSTEM
U.S. DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
PLANNING SURVEY DIVISION

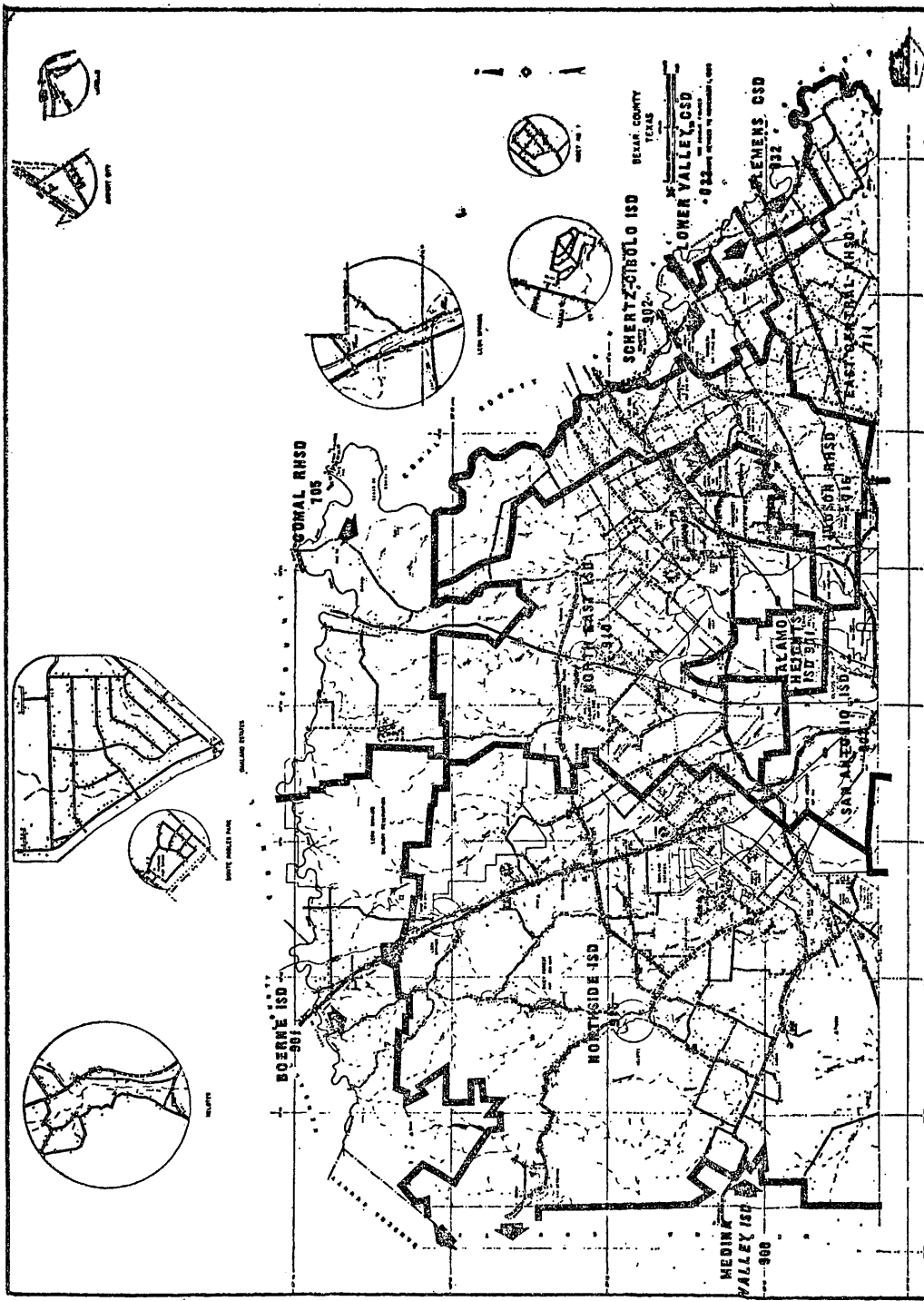


JAN 27 1938
TEXAS STATE HIGHWAY DEPARTMENT
PLANNING SURVEY DIVISION



LEGEND

1	Interstate Highway
2	State Highway
3	County Highway
4	Local Road
5	Unimproved Road
6	Right-of-Way
7	Waterway
8	Waterway Right-of-Way
9	Waterway Right-of-Way
10	Waterway Right-of-Way
11	Waterway Right-of-Way
12	Waterway Right-of-Way
13	Waterway Right-of-Way
14	Waterway Right-of-Way
15	Waterway Right-of-Way
16	Waterway Right-of-Way
17	Waterway Right-of-Way
18	Waterway Right-of-Way
19	Waterway Right-of-Way
20	Waterway Right-of-Way
21	Waterway Right-of-Way
22	Waterway Right-of-Way
23	Waterway Right-of-Way
24	Waterway Right-of-Way
25	Waterway Right-of-Way
26	Waterway Right-of-Way
27	Waterway Right-of-Way
28	Waterway Right-of-Way
29	Waterway Right-of-Way
30	Waterway Right-of-Way
31	Waterway Right-of-Way
32	Waterway Right-of-Way
33	Waterway Right-of-Way
34	Waterway Right-of-Way
35	Waterway Right-of-Way
36	Waterway Right-of-Way
37	Waterway Right-of-Way
38	Waterway Right-of-Way
39	Waterway Right-of-Way
40	Waterway Right-of-Way
41	Waterway Right-of-Way
42	Waterway Right-of-Way
43	Waterway Right-of-Way
44	Waterway Right-of-Way
45	Waterway Right-of-Way
46	Waterway Right-of-Way
47	Waterway Right-of-Way
48	Waterway Right-of-Way
49	Waterway Right-of-Way
50	Waterway Right-of-Way



(b) Under what law each was established.

ANSWER: Information available as to the following Districts only:

SAISD — Twenty-Eighth Legislature, 1903, page 198, effective 07-01-03.

Somerset—Third called Session of the Thirty-Sixth Legislature, effective 06-18-20.

Floresville ISD—was created by Regular Session of the Thirty-Eighth Legislature, page 18 of Special Laws, effective 02-07-23.

(c) Under what law each is in existence at the present time.

ANSWER: Information not available.

(d) The history of expansion of the school district boundary lines.

ANSWER: No specific data as to expansion of boundary lines, however, there is information pertaining to consolidation.

(e) The history of expansion of the number of students.

ANSWER: The last page of Exhibit 17 shows pupil enrollment by district for 1950-51, 1955-56, 1960-61, 1965-66, and 1968-69. Table is as follows:

(Exhibit 17)

Enrollment

District	1950	1955	1960	1965	1968
Edgewood	4,607	10,904	15,755	21,838	23,372
Northeast	524	4,465	12,180	21,383	26,707
Alamo Heights	2,304	3,719	4,901	5,299	5,291
SAISD	48,965	64,205	75,282	78,451	80,374
Harlandale	5,778	9,589	12,923	15,935	17,560

Northside	822	1,745	4,484	11,734	17,976
South San		No figures available			
East Central	990	1,278	1,441	2,265	2,926
Judson	—	—	612	1,220	2,442
Somerset	391	407	488	625	788
Boerne	560	736	933	1,028	1,135
Comal County	—	—	1,158	1,537	1,745
Floresville	849	1,387	1,522	1,634	1,836
Medina Valley	—	—	687	885	1,546
Shertz-Cibolo	—	893	1,546	2,842	3,524

(f) The consolidations with other school districts, listing dates of occurrence; with what district or districts it occurred, and the method of consolidation.

ANSWER: Details are as follows:

Edgewood CSD #041 was converted to Edgewood ISD #905 by election on 01-21-50.

North East RHSD was created through consolidation by election on 08-03-49. Blanco Rd. CSD #006, Seay CSD #007, Olmos CSD #009, Lookout Valley CSD #010, Serna CSD #011, Coker CSD #050, and Salado Valley CSD #052 were consolidated to form North East RHSD #710. North East RHSD #710 by election on 03-09-55.

Alamo Heights was incorporated by election on 11-24-23.

SAISD—06-07-49—Los Angeles Heights ISD was annexed to SAISD by County Board action.

03-22-50—W. W. White CSD #015 and Hot Wells CSD #025 were annexed to SAISD by County Board action.

09-19-49—Fort Sam Houston ISD was annexed to SAISD by the State Board of Education.

03-08-52—Annexation of Fort Sam Houston ISD to SAISD was annulled, effective 07-01-52.

Harlandale was incorporated by election on 01-26-24.

Northside—

08-16-50—Leon Springs CSD #001, Helotes ESD #31½; Lock Hill CSD #005 and Leon Valley CSD 5½ were consolidated by election to form Northside RHSD #715 11-09-49—Mackey CSD #015 was consolidated to Northside by election to Northside Rural High School District.

06-13-55—Northside ISD #915 was created from Northside RHSD#715 by election.

South San (No information)

East Central—

03-15-49—Boldtville CSD #020, Sayers CSD #021, Utxville CSD #022.

Boerne—Incorporated by election on 02-28-07.

Comal County—Comal County Rural High School was created in 11-12-56.

Floresville—Floresville was created by Regular Session of the Thirty-Eighth Legislature, page 18 of the Special Laws, effective 02-07-23.

Medina Valley—Medina Valley ISD was formed on 12-10-59.

Schertz-Cibolo—formed by election on 03-07-40.

Boerne ISD—

02-28-07—Incorporated by election.

04-05-47—Upper Cibolo CSD #002 was consolidated with Boerne ISD by election.

07-05-49—Wasp Creek was divided between Sisterdale CSD #005 and Boerne ISD by action of the County Board.

08-31-49—Upper Balcones CSD #045 of Bexar County was consolidated with Boerne ISD by election.

04-10-50—Van Rawb CSD #013 of Bexar County was consolidated with Boerne ISD by election.

06-06-52—Kruezeberg CSD #009 was divided between Kendalia RHSD #703 and Boerne ISD by action of the County Board.

08-07-52—A portion of Balcones CSD #001 and a portion of Pleasant Valley CSD #010 were annexed to Boerne ISD by action of the County Board.

08-26-52—A portion of Bulverde RHSD #702 of Comal County was annexed to Boerne by action of the County Board.

01-09-53—A portion of Pleasant Valley CSD #010 was annexed to Boerne by County Board action.

03-22-54—Balcones CSD #001 was consolidated with Boerne ISD by election.

04-08-54—Kendalia RHSD #703 was dissolved and the territory divided between Boerne ISD, Blanco ISD, of Blanco County, Comfort ISD of Kendall County and Sherwood RHSD of Comal County by action of County Board.

06-07-57—Pleasant Valley was consolidated with Boerne ISD by County Board action.

Comal County ISD—

11-12-56—Bulverde RHSD #702, Sherwood RHSD #703, Goodwin RHSD #704, Danville CSD #002, Mountain Valley CSD #003, Solms CSD #012, Davenport CSD #013, and Fischer CSD #014 were grouped to form Comal County Rural High School District #705 by action of County Board.

05-21-68—Comal County Rural High School was converted to Comal ISD by election.

Floresville—

07-17-48—Southerland Springs ISD was consolidated with Floresville ISD by election.

05-17-48—Midway CSD #044 was annexed to Floresville ISD by County Board action.

07-27-48—A portion of Floresville ISD was annexed to Stockdale ISD by action of County Board.

06-14-48—A portion of Stockdale ISD was annexed to Floresville by County Board action.

07-30-49—Sunnyside CSD #005, Wehmann CSD #030 and Camp Ranch were consolidated with Floresville by election.

01-09-50—Fairview CSD #001 and Labatt CSD #024 consolidated with Floresville ISD by election.

07-31-50—Ridout CSD #042 was consolidated with Floresville ISD by election.

08-04-50—A portion of Floresville ISD annexed to Poth ISD by County Board action.

07-28-54—Calaveras CSD #003 consolidated with Floresville ISD by election.

11-05-54—Picoso CSD #025 annexed to Floresville ISD by County Board action.

01-28-55—Canada Verdi CSD #006 annexed to Floresville ISD by County Board action.

02-25-55—Graytown CSD #054 annexed to Floresville ISD by County Board action.

02-25-55—A portion of Floresville ISD annexed to Poth ISD by County Board action.

04-03-57—Saspamco ISD annexed to Floresville ISD by County Board action.

Medina Valley ISD—

12-10-59—La Coste ISD and Castroville ISD were consolidated by election to form Medina Valley ISD.

Schertz-Cibolo ISD—

03-07-40—Cibolo CSD #029 was annexed to Schertz CSD #036 by election to form Schertz-Cibolo CSD #029.

03-07-55—Green Valley CSD #030 was annexed to Schertz-Cibolo by County Board action.

04-06-61—Schertz-Cibolo ISD from Schertz-Cibolo CSD #029 by election.

07-27-66—Clemens CSD #032 was divided between Marion ISD and Schertz-Cibolo ISD by County Board action on 07-27-66.

East Central—

Elemendorf CSD #023, Highland CSD #024, and Southton CSD #047 were consolidated by election to form East Central CSD #020.

11-14-49—Goebel CSD #031, China Grove CSD #019, Salatrillo CSD #031, and Hedwig CSD #039 annexed to East Central CSD #020 by election to form East Central RHSD #711.

09-30-66—East Central RHSD #711 converted to East Central ISD by election.

Judson—

06-25-58—Selma CSD #008, Converse CSD #012 and Kirby CSD #049 were grouped to form Judson RHSD #716 by County Board action.

12-16-66—Judson RHSD #716 incorporated for school purposes by election.

Somerset—

(No date)—Somerset CSD #006 Atascosa County was consolidated with Somerset ISD of Bexar County by election.

03-06-50—Oak Island CSD #034 was consolidated Somerset ISD by election.

XVIII. Do you agree that the educational needs of the students in the Edgewood Independent School District are no less than the educational needs of the other students going to free public schools in Bexar County, Texas?

ANSWER: We agree with the statement made in Interrogatory Number XVIII.

XIX. If you, or any of you, take the position that the educational needs of the children in Edgewood In-

dependent School District are less than the educational needs of the school children in the other public schools in Bexar County, Texas, please explain the basis of your answer.

ANSWER: No comment in view of agreement with Statement for Interrogatory Number XVIII.

XX. Do you take the position that costs of goods, materials, supplies, and construction substantially vary between Edgewood Independent School District and the other school districts in Bexar County, Texas?

ANSWER: We doubt that costs of goods, materials and supplies vary substantially between Edgewood Independent School District and the other school districts in Bexar County. Construction costs would be similar for the same type of school building with approximately the same equipment therein.

XXI. If any of you take the position that costs substantially vary in the answer above to Interrogatory Number XX, please explain the basis for such position.

ANSWER: No comment necessary.

XXII. Are the school district and boundaries of the Edgewood Independent School District a product of historical accident rather than any logical plan of development?

ANSWER: No valid information available on which to base a response.

XXIII. If your answer to the preceding Interrogatory Number XXII was "no", please explain the logical reasoning and basis for the present Edgewood Independent School District boundaries.

ANSWER: No comment necessary.

INFORMATION NOT AVAILABLE

Interrogatories I-XV deal with Alamo Heights, Edgewood, Harlandale, South San, SAISD, North East and Northside.

(b) Total market value of taxable property in each district at 100% valuation.

(c) Percentage of market value at which each district's property is assessed. Give both claimed percentage and State's estimate of actual percentage.

Interrogatory #2

(a) The number of people in each district

(c) The number of students in each district going to schools other than district schools.

Interrogatory #III

(a) The average per capita income in each district

(b) The average income of each wage earner in each district

(c) The average number of school-aged children per family in each district.

Interrogatory #IV

(b) The average number of teachers per school in each district.

(c) The student-teacher ratio per grade in each district.

(h) The percent of teachers with provisional certificates of education.

(i) The percent of teachers with permanent certificates of education.

(k) Any other credentials teachers in each school district have that would add to their qualifications.

(o) The salary expenditure for teachers per student.

(p) The turnover rate of teachers.

Interrogatory #V

(b) The number and percentage of drop-outs per year in each school district.

(c) The number of withdrawals per year in each district.

(g) The percentage of students in special education with the breakdown of the categories of special education.

(h) The percentage of first graders who speak only Spanish.

(j) The average class size.

(l) The numbers and grades in which drop-outs occur.

(m) The percentage of students from each school district that attend college.

(n) The percentage of students from each school district that graduate from college.

Interrogatory #VI

(a) The average age of the physical facilities in the district.

(b) The type of construction of the physical facilities in the district.

(c) The condition of the physical facilities in the district.

(d) The average number of students per class.

(e) The type of heating or air-conditioning system in the schools.

- (f) The number of temporary structures.
- (g) The land area that is used for school programs.
- (h) The gymnasium space.
- (i) The laboratory space.
- (j) The number of substandard or dilapidated buildings.

Interrogatory #VII

- (a) The background qualifications and educational qualifications of each principal.
- (b) The number of vice-principals in each school and each district and their qualifications and backgrounds.

Interrogatory #VIII

- (a) The grade school curriculum provided.
- (b) The junior high school curriculum provided.
- (c) The high school curriculum provided.
- (d) A list of the schools that have split shifts or other unusual class hours.
- (e) The number of students taking each course with a breakdown of:

1. percentage of Spanish surnames and/or Mexican Americans
2. percentage of Negro
3. percentage of Anglo

Interrogatory #IX

- (a) As to library books:
 1. The average age of each book
 2. Any data you may have relating to the quality of each book

3. The number of book titles and the number of books, giving the number of students broken down into each school

4. The dollar amount spent on books

5. The dollar amount per student spent on books. The dollar amount spent on books, further broken down into the amount per student spent on books (Amounts by district)

(b) The number of registered nurses employed part-time by each district, broken down into the number of hours of work

(c) The availability of doctors for the students

(d) The availability of dentists for the students

(e) A description of any infirmary facilities provided

(h) Please list any other services available.

Interrogatory #XI

(a) A description of the laboratory equipment provided in each school

(b) The dollar value of the laboratory equipment provided in each school

(c) The dollar cost of supplies consumed in each school and a description of these supplies

(d) A description of the physical plant in which laboratory facilities are contained and the dollar value of such plant.

Interrogatory #XII

(a) What visual aid is provided in each school, its value, and average age

(b) What television equipment is provided in each school, its value, and average age.

(c) What recording equipment is provided in each school, its value, and average age.

(d) What computer equipment is provided in each school, its value, and average age.

(e) What other special equipment is provided in each school giving use, dollar value, and average age.

Interrogatory #XIII

(a) A description of the music facilities and activities in each school

(b) A description of the drama facilities and activities in each school

(c) A description of the art facilities and activities in each school

(d) A description of any other extra-curricular cultural or educational activities provided by each school.

Interrogatory #XIV

(a) The hours of extra-curricular activity as described in Interrogatory XIII above.

(b) The hours of classes in each school and a description of the split shifts or any other unusual class hours.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DEMETRIO P. RODRIGUEZ, ET AL

vs.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

CIVIL ACTION NO. 68-175-SA

ANSWERS TO INTERROGATORIES

I. Please supply any information on the interrogatories formally propounded to you that were not answered at such time, but of which you have answers to at the present time.

ANSWER: No information is available to answer interrogatories not previously answered in the other set of interrogatories.

II. Please add any supplemental, new, or changed information relative to any of the interrogatories you answered heretofore in this cause, supplying information available to you since the time of answering said interrogatories.

ANSWER: The Texas Education Agency has attempted to bring up to date to the extent possible interrogatories previously answered. See attached memorandum from Jerry T. Barton addressed to Leon R. Graham and computer printout exhibits. All computer printout exhibits can be related to interrogatories of November, 1969. Procedure for identifying school districts by county district number of such printout exhibits was included in previous response to interrogatories. The appropriate numbers related to interrogatories dated November 12, 1969 and the respective supplemental, new, or changed information is as follows:

(Set 1—I. Series of interrogatories relating to school funds provided each school district)

(d) The tax rate of each district

1968-69
(Exhibit 1-a)

School District	Maintenance Bond (D-M)	Bond Rate (D-B)
Edgewood	.50	.90
North East	1.02	.48
Alamo Heights	1.25	.36
SAISD	1.25	.36
Harlandale	1.06	.41
Northside	.82	.68
South San	.90	.50

1969-70
(Exhibit 1-b)

School District	Maintenance Bond (D-M)	Bond Rate (D-B)
Edgewood	.55	.95
North East	1.10	.40
Alamo Heights	1.40	.35
SAISD	1.38	.36
Harlandale	.99	.48
Northside	.82	.68
South San	1.00	.50

PLAINTIFFS' EXHIBIT XII

(Set 1—I. Series of interrogatories relating to school funds provided each school district)

(e) Amount of tax income each district receives from its ad valorem taxes.

1968-69 (Exhibit 1-d)

School District	Maintenance Dollars (E-M)	Bond Dollars (E-B)
Edgewood	227,000	374,320
North East	3,976,222	1,870,736

Alamo Heights	1,514,762	435,996
SAISD	8,771,043	2,554,536
Harlandale	855,605	342,750
Northside	1,314,011	1,068,992
South San	457,825	254,410

1969-70 (Exhibit 1-e)

School District	Maintenance Dollars (E-M)	Bond Dollars (E-B)
Edgewood	324,643	549,253
North East	4,907,882	1,794,827
Alamo Heights	1,723,815	430,954
SAISD	10,004,017	2,627,763
Harlandale	1,014,751	489,693
Northside	1,603,485	1,328,233
South San	568,052	283,985

(f) Amount of funds received by each district under the Minimum Foundation Program.

1968-69 (Exhibit 1-d)

School District	Per Capita Dollars (F-PC)	Other Dollars in Minimum Foundation (MFP)
Edgewood	2,476,420	2,685,658
North East	2,785,421	3,327,263
Alamo Heights	606,409	573,338
SAISD	9,137,589	8,227,147
Harlandale	1,882,321	2,423,426
Northside	1,754,699	2,548,330
South San	802,664	1,008,218

1969-70 (Exhibit 1-e)

School District	Per Capita Dollars (F-PC)	Other Dollars in Minimum Foundation (MFP)
Edgewood	2,270,516	3,364,671
North East	2,864,870	4,335,225

Alamo Heights	557,176	749,957
SAISD	8,193,507	11,044,521
Harlandale	1,743,529	3,029,536
Northside	1,772,823	3,455,434
South San	775,733	1,394,449

(Set 1—I. Series of interrogatories relating to school funds provided each school district)

(g) Amount of funds received by each district from the State, not derived from either the Minimum Foundation Program or ad valorem taxes collected by the district.

1968-69 (Exhibit 1d)

School District	Other State Funds, i.e., supplemental salary and Incentive Aid (G)
Edgewood	19,675
North East	24,194
Alamo Heights	5,225
SAISD	70,725
Harlandale	15,619
Northside	—0—
South San	6,900

1969-70 (Exhibit 1-e)

School District	Other State Funds, i.e., supplemental salary and Incentive Aid (G)
Edgewood	61,558
North East	80,135
Alamo Heights	20,444
SAISD	141,925
Harlandale	49,956
Northside	24,150
South San	21,409

(h) Amount of funds received by each district from the federal government basis for such funds.

Amount of Funds Received from Federal Agencies
(Exhibits 2-e and f)

School District	1968-69	1969-70
Edgewood	1,885,277	2,757,153
North East	1,777,326	1,505,785
Alamo Heights	299,639	245,937
SAISD	3,991,851	6,681,104
Harlandale	1,155,237	970,762
Northside	1,003,317	2,211,268
South San	725,314	632,984

(i) Amount of funds received by each district from private sources and please state the sources.

Amount of Funds Received from Private Sources,
i.e., gifts, etc.

(Exhibits 2-e and f)

School District	1968-69	1969-70
Edgewood	63,751	126,514
North East	812,926	643,590
Alamo Heights	296,238	245,511
SAISD	950,803	1,019,189
Harlandale	120,859	182,094
Northside	253,017	278,929
South San	105,289	111,832

(j) Amount of funds received by each district from other sources and please designate the sources.

(Set 1—I. Series of interrogatories relating to school funds provided each school district)

(j) Amount of funds received by each district from other sources

Amount of Funds Received from Other Sources;
County Available, County Equalization, etc.
(Exhibits 2-e, f)

School District	1968-69	1969-70
Edgewood	205	217
North East	231	245
Alamo Heights	54	53
SAISD	809	608
Harlandale	164	165
Northside	137	154
South San	66	71

(k) Each school district's expenditure per pupil and please provide the formula used to arrive at such expenditure.

School Districts' Expenditures Per Pupil
(Exhibits 3-c, d)

School District	1968-69
Edgewood	332.48
North East	479.51
Alamo Heights	602.67
SAISD	456.23
Harlandale	383.38
Northside	415.89
South San	411.89

(m) Breakdown of each school district's expenditures in the following categories:

1. annual payment of bonded indebtedness
2. operation expenses
3. other expenses

1969-1970

School District	Annual Payments of Bonded Indebtedness	Operation Expenses	Other Expenses
Edgewood	477,980	8,283,082	955,397
North East	2,108,419	13,815,982	1,855,888

Alamo Heights	475,253	3,360,936	1,179,404
SAISD	2,636,186	34,607,492	923,961
Harlandale	512,973	7,017,538	1,099,207
Northside	1,309,458	8,303,925	3,365,867
South San	302,846	3,410,808	1,017,056

(Set 1—II. Series of interrogatories related to general population and school population in each district.

(d) A breakdown of the student population, showing the number of students in each grade.

Enrollment by Grade (1969-70)

District	1	2	3	4	5	6	7	8	9	10	11	12	Sp. Ed.
Edgewood	2471	2360	2201	2210	2241	2001	2310	1863	1631	1418	1159	1003	329
North East	1992	2251	2228	2349	2342	2313	2492	2376	2524	2613	2209	1969	302
Alamo Hts.	361	374	385	385	433	388	487	429	483	497	480	435	82
SAISD	7084	6900	6983	6690	6651	6472	6817	6427	6333	6638	5589	4902	1014
Harlandale	1613	1629	1570	1657	1590	1558	1577	1537	1499	1265	1012	872	444
Northside	1774	1900	1968	1826	1937	1805	1868	1735	1681	1299	1172	928	363
South San	913	919	948	903	830	808	708	672	625	535	380	266	186

Enrollment by Grade (1970-71)

Data not available.

(Set 1—IV. This series of interrogatories relates to teacher characteristics in each school district)

(a) Total number of teachers in each district.

Total Number of Teachers (Exhibits 7-a, b, c, and d)

School District	1969-70	1970-71
Edgewood	874	876
North East	1,216	1,312
Alamo Heights	269	286
SAISD	2,875	3,025
Harlandale	693	736
Northside	794	909
South San	314	368

(d) The percent of teachers with college degrees

Percent of Teachers with College Degrees (Exhibits 7-a, b, c, and d)

School District	1969-70	1970-71
Edgewood	81.57	90.41
North East	100.00	100.00
Alamo Heights	100.00	99.65
SAISD	99.40	99.50
Harlandale	97.83	99.18
Northside	99.74	99.77
South San	97.45	99.45

(Set 1—IV. This series of interrogatories relates to teacher characteristics in each school district.

(f) The percent of teachers with Masters Degrees.

School District	1969-1970	1970-1971
Edgewood	12.58	11.30
North East	23.93	26.52

Alamo Heights	36.80	34.61
SAISD	26.95	26.41
Harlandale	21.64	18.61
Northside	17.75	16.50
South San	12.73	10.05

(g) The percent of teachers with Doctorate Degrees

School District	1969-1970	1970-1971
Edgewood	.00	.00
North East	.00	.00
Alamo Heights	.37	.34
SAISD	.06	.03
Harlandale	.00	.00
Northside	.00	.00
South San	.00	.00

(o) The salary expenditure for teachers per student

Salary Expenditures for Teachers Per Student
(Exhibits 9-a, b, c, and d)

School District	1969-70
Edgewood	240.94
North East	324.97
Alamo Heights	414.47
SAISD	280.28
Harlandale	275.18
Northside	283.70
South San	254.98

(Set 1—V. This series of interrogatories relates to student characteristics.)

(i) The average daily class attendance in each district.

Average Daily Class Attendance
(Exhibits 9-a, b, c, and d)

School District	1969-70
Edgewood	92.96
North East	95.02
Alamo Heights	93.84
SAISD	90.58
Harlandale	92.18
Northside	94.20
South San	93.18

(Set 1—VII. This series of interrogatories relates to the administrative and advisory personnel in each district.)

(d) The Counselor-student ratio

Counselor-Student Ratio
(Exhibit 9-a, b, c, and d)

School District	1969-70
Edgewood	5,480
North East	1,077
Alamo Heights	1,254
SAISD	2,265
Harlandale	1,566
Northside	1,742
South San	1,626

Number and Percent of Anglo-American, Spanish Surname,
and Negro Students in Each School and in Each District

(Exhibit 10)
(d), (e) and (f)

School District and Campus	No. of Anglo- Ameri- can		No. of Negro		No. of Mexican- Ameri- can		Total Number of Students
	Students	%	Students	%	Students	%	
Edgewood 001	42	2.5	213	12.6	1,428	84.7	1,685
002	125	6.0	74	3.5	1,889	90.3	2,092
003	49	3.3	64	4.4	1,357	92.3	1,470
041	38	6.4	29	4.9	530	88.8	597
042	4	0.5	3	0.4	809	99.1	816
043	9	1.0	3	0.3	893	98.7	905
044	0	0.0	225	46.8	256	53.2	481
045	18	1.8	9	0.9	998	97.3	1,026
101	55	6.5	2	0.2	788	93.3	845
102	0	0.0	2	0.3	622	99.7	624
103	0	0.0	0	0.0	246	100.0	246
104	15	1.9	2	0.2	789	97.9	806
105	18	2.2	0	0.0	797	97.8	815
106	15	1.5	4	0.4	951	98.0	970
107	20	1.9	6	0.6	1,025	97.5	1,051
108	2	0.2	12	1.1	1,074	98.7	1,088
109	0	0.0	344	63.6	197	36.4	541
110	12	1.4	11	1.3	830	97.3	853
111	5	0.9	195	36.0	342	63.1	542
112	18	1.4	2	0.2	1,266	98.4	1,286
113	7	1.0	0	0.0	684	99.0	691
114	29	2.7	9	0.8	1,041	96.5	1,079
115	19	1.8	2	0.2	1,051	98.0	1,072
116	327	44.6	189	25.7	215	29.3	734
117	9	2.4	73	19.5	292	78.1	374
Edgewood District Totals	836	3.7	1,473	6.5	20,370	89.8	22,689

North	001	2,265	88.0	0	0.0	299	11.6	2,574
East	002	2,225	96.2	6	0.3	79	3.4	2,313
	003	2,238	97.2	0	0.0	63	2.7	2,303
	004	2,212	91.2	19	0.8	174	7.2	2,425
	041	1,363	95.6	0	0.0	58	4.1	1,426
	042	1,240	94.3	5	0.4	67	5.1	1,325
	043	996	87.0	13	1.1	128	11.2	1,145
	044	1,291	85.2	2	0.1	217	14.3	1,515
	045	754	91.0	8	1.0	64	7.7	829
	046	911	86.7	0	0.0	137	13.0	1,051
	101	297	90.0	3	0.9	30	9.1	330
	102	538	94.6	0	0.0	30	5.3	569
	103	505	88.9	0	0.0	61	10.7	568
	104	469	79.2	1	0.2	122	20.6	592
	105	569	86.5	2	0.3	73	11.1	658
	106	756	92.9	1	0.1	56	6.9	814
	107	450	90.9	2	0.4	36	7.3	495
	108	363	96.3	0	0.0	14	3.7	377
	109	316	95.8	0	0.0	10	3.0	330
	110	554	96.9	2	0.3	12	2.1	572
	111	528	80.9	0	0.0	125	19.1	653
	112	503	85.0	0	0.0	84	14.2	592
	113	514	86.5	0	0.0	80	13.5	594
	114	481	83.9	11	1.9	79	13.8	573
	115	493	77.2	0	0.0	144	22.5	639
	116	529	88.6	17	2.8	49	8.2	597
	117	457	97.2	2	0.4	9	1.9	470
	118	569	86.9	12	1.8	56	8.5	655
	119	444	79.9	1	0.2	111	20.0	556
	120	399	92.6	0	0.0	30	7.0	431
North East								
District Totals		25,229	90.2	107	0.4	2,497	8.9	27,961
Alamo	001	1,162	87.1	8	0.4	224	12.1	1,850
Heights	041	737	83.4	8	0.9	138	15.6	884
	101	755	94.4	7	0.9	35	4.4	800

	102	439 64.7	8 1.2	230 33.9	679
	103	284 48.9	0 0.0	297 51.1	581
	104	453 94.0	2 0.4	26 5.4	482
Alamo Heights					
Totals		4,280 81.1	33 0.6	950 18.0	5,276
SAISD	001	167 9.6	330 19.0	1,243 71.4	1,740
	002	291 14.3	12 0.6	1,737 85.1	2,041
	003	972 54.1	41 2.3	768 42.7	1,798
	004	19 1.0	455 22.9	1,510 76.1	1,985
	005	1,740 58.4	676 22.7	558 18.7	2,978
	006	996 44.9	988 44.5	218 9.8	2,218
	007	1,254 42.4	259 8.8	1,417 47.9	2,956
	008	68 3.0	5 0.2	2,167 96.7	2,240
	041	660 69.3	7 0.7	285 29.9	952
	042	13 1.3	0 0.0	971 98.7	984
	043	413 35.7	507 43.9	232 20.1	1,156
	046	9 1.1	663 77.5	184 21.5	856
	047	57 6.7	0 0.0	787 92.8	848
	048	121 18.6	150 23.1	371 57.1	650
	049	45 3.8	192 16.4	935 79.7	1,173
	050	592 50.5	3 0.3	570 48.6	1,173
	051	110 12.9	21 2.3	724 84.6	856
	052	234 22.5	83 8.0	717 68.9	1,040
	053	128 12.2	232 22.1	692 65.8	1,052
	054	61 8.8	309 44.7	321 46.5	691
	055	21 1.9	9 0.8	1,066 97.0	1,099
	056	232 21.9	731 69.2	87 8.2	1,057
	057	892 80.1	19 1.7	199 17.9	1,113
	058	256 28.4	51 5.7	589 65.4	901
	059	546 51.2	3 0.3	517 48.5	1,066
	061	17 1.3	11 0.9	1,246 97.8	1,274
	101	269 67.6	2 0.5	124 31.2	398
	102	42 11.3	10 2.7	316 84.7	373
	103	339 55.0	9 1.5	266 43.2	616
	104	8 1.3	0 0.0	621 98.7	629

105	308	74.4	2	0.5	98	23.7	414
106	82	15.6	10	1.9	432	82.3	525
107	43	8.8	10	2.1	431	88.5	487
108	23	3.0	20	2.6	713	94.3	756
110	12	0.9	13	1.0	1,277	98.1	1,302
111	6	0.6	3	0.3	949	99.1	958
112	23	3.8	0	0.0	579	95.9	604
113	56	7.7	163	22.5	505	69.8	724
114	38	17.3	160	72.7	22	10.0	220
115	10	1.3	4	0.5	757	98.2	771
116	72	8.2	0	0.0	808	91.7	881
117	115	23.6	3	0.6	367	75.2	488
118	33	3.2	1	0.1	992	96.6	1,027
121	7	1.0	0	0.0	695	99.0	702
122	0	0.0	272	70.5	114	29.5	386
123	52	11.0	10	2.1	412	86.9	474
124	207	47.2	17	3.9	215	49.0	439
125	454	75.7	12	2.0	132	22.0	600
126	197	48.5	0	0.0	209	51.5	406
127	9	0.9	978	96.2	30	2.9	1,017
128	29	17.9	3	1.9	130	80.2	162
129	122	11.1	2	0.2	970	88.6	1,095
130	13	1.7	338	45.4	393	52.8	744
131	50	18.1	0	0.0	227	81.9	277
132	13	3.7	186	52.7	154	43.6	353
134	524	67.8	14	1.8	233	30.1	773
135	142	23.5	55	9.1	400	66.3	603
136	47	5.5	0	0.0	802	94.5	849
137	501	71.2	92	13.1	108	15.3	704
138	4	0.9	7	1.6	415	97.4	426
139	126	18.9	0	0.0	539	81.1	665
140	14	2.1	0	0.0	659	97.3	677
141	54	33.1	17	10.4	92	56.4	163
142	19	3.7	0	0.0	501	96.3	520
143	128	22.0	6	1.0	447	76.9	581
144	57	5.5	8	0.8	967	93.4	1,035

145	8	2.8	2	0.7	275	46.5	285
146	106	55.2	22	11.5	63	32.8	192
147	12	2.3	195	37.6	311	60.0	518
148	220	35.0	2	0.3	402	63.9	629
150	281	56.9	1	0.2	207	41.9	494
151	28	19.4	6	4.2	110	76.4	144
152	70	18.4	12	3.1	292	76.6	381
153	2	0.3	629	90.1	67	9.6	698
154	13	2.9	8	1.8	423	95.3	444
155	223	47.5	2	0.4	242	51.6	469
156	13	3.0	188	43.4	232	53.6	433
157	23	2.3	40	4.1	919	93.6	982
158	25	3.8	400	61.2	229	35.0	654
159	120	57.7	14	6.7	72	34.6	208
160	92	16.8	2	0.4	454	82.8	548
161	201	23.5	64	7.5	587	68.5	857
162	22	3.8	0	0.0	552	96.2	574
164	798	82.3	9	0.9	161	16.6	970
165	12	1.4	435	50.9	408	47.7	855
167	209	54.9	3	0.8	169	44.4	381
168	123	18.1	196	28.8	358	52.6	680
169	40	3.8	4	0.4	1,013	95.8	1,057
170	133	25.5	8	1.5	373	71.6	521
171	0	0.0	418	97.4	11	2.6	429
172	0	0.0	620	94.8	34	5.2	654
173	297	53.1	170	30.4	87	15.6	559
174	139	28.7	0	0.0	345	71.2	484
175	127	21.7	1	0.2	457	78.0	586
176	133	35.3	4	1.1	239	63.4	377
177	27	7.4	208	57.3	128	63.4	372
178	45	42.5	6	5.7	55	51.9	106

SAISD

Totals	17,704	22.9	11,853	15.3	47,487	61.5	77,253
Harlandale 001	469	17.2	3	0.1	2,249	82.7	2,721
002	1,300	66.1	0	0.0	667	33.9	1,967
041	385	29.2	6	0.5	929	70.4	1,320

042	40	3.0	5	0.4	1,306	96.7	1,351
043	798	57.6	0	0.0	586	52.3	1,385
044	365	57.5	0	0.0	270	42.5	635
101	178	40.9	0	0.0	257	59.1	435
102	478	66.1	3	0.4	240	33.2	723
103	24	4.0	0	0.0	579	96.0	603
104	28	3.0	3	0.3	897	96.6	929
105	15	3.3	0	0.0	440	96.7	461
106	124	16.2	0	0.0	640	83.8	764
107	284	52.8	0	0.0	252	46.8	538
108	351	45.3	0	0.0	424	54.7	775
109	91	17.8	0	0.0	419	82.0	511
110	173	28.6	0	0.0	432	71.4	605
111	286	79.0	2	0.6	74	20.4	362
112	10	1.8	1	0.2	541	98.0	552
113	144	25.3	0	0.0	426	74.7	570
114	262	43.8	16	2.7	320	53.5	598
115	66	44.0	0	0.0	83	55.3	150

Harlandale

Totals	5,871	32.7	39	0.2	12,037	67.0	17,955
--------	-------	------	----	-----	--------	------	--------

Northside

001	1,113	74.3	28	1.9	344	23.0	1,497
002	2,039	83.1	92	3.7	298	12.1	2,455
003	1,579	92.2	5	0.3	123	7.2	1,712
041	1,204	88.4	2	0.1	155	11.4	1,362
042	834	80.6	40	3.9	145	14.0	1,035
043	278	55.0	17	3.4	209	41.4	505
044	681	74.2	50	5.4	104	17.9	918
101	231	33.1	10	1.4	457	65.5	698
102	595	79.3	33	4.4	117	15.6	750
103	392	92.7	1	0.2	24	5.7	423
104	295	79.3	2	0.5	73	19.6	372
105	662	75.4	26	3.0	180	20.5	878
106	622	78.7	50	6.3	103	13.0	790
108	382	77.3	0	0.0	109	22.1	494
109	322	78.3	0	0.0	89	21.7	411
110	42	68.9	0	0.0	19	31.1	61

111	388	72.0	0	0.0	148	27.5	539	
112	444	64.7	7	1.0	234	34.1	686	
113	475	85.3	6	1.1	72	12.9	557	
114	674	73.3	37	4.0	206	22.4	919	
115	589	84.7	0	0.0	99	14.2	695	
116	281	28.4	41	4.1	664	67.2	988	
117	652	78.6	48	5.8	120	15.2	829	
118	546	92.2	2	0.3	44	7.4	592	
119	521	95.1	0	0.0	27	4.9	548	
120	2	1.8	6	5.3	105	92.9	113	
121	22	42.3	10	19.2	20	38.5	52	
122	233	62.8	49	13.2	85	22.9	371	
Northside Totals		16,098	75.8	562	2.6	4,439	20.9	21,250
South San 001	737	36.1	34	1.7	1,265	62.0	2,040	
041	553	36.8	38	2.5	906	60.4	1,501	
101	72	17.3	1	0.2	340	81.7	416	
103	136	22.1	2	0.3	476	77.5	614	
104	232	36.9	3	0.5	394	62.6	629	
105	61	6.1	3	0.3	938	93.6	1,002	
106	42	6.2	0	0.0	634	93.8	676	
107	97	16.6	19	3.3	467	80.1	583	
108	643	71.4	77	8.5	180	20.0	901	
109	316	87.5	23	6.4	20	5.5	361	
110	417	83.6	20	4.0	54	10.8	499	
South San Totals		3,306	35.8	220	2.4	5,674	61.5	9,222

III. State the dropout rate for the districts sampled by the Governor's Committee on Public School Education, and which data is now in the control of the Texas Education Agency in the following manner:

- (a) For the school district as a whole
- (b) For the various ethnic groups in the school district

(c) By grade; and

(d) By grade for each ethnic group

ANSWER: The Governor's Committee on Public School Education promised its sample school districts that it would not reveal certain data such as dropout rates by individual school districts. The Texas Education Agency accepted this same responsibility as custodian of the Governor's Committee on Public School Education research files. The Texas Education Agency, therefore, will release no data on individual school districts except that which may be contained in the published reports of the Governor's Committee, copies of which have been made available to counsel for the Plaintiffs, unless ordered to do so directly by the Court.

IV. State the achievement score for the districts sampled by the Governor's Committee on Public School Education, and which data is now in the control of the Texas Education Agency in the following manner:

(a) Average high school senior test scores; and

(b) Average eighth grade test score.

ANSWER: The Governor's Committee on Public school Education promised its sample school districts that it would not reveal certain data such as dropout rates by individual school districts. The Texas Education Agency accepted this same responsibility as custodian of the Governor's Committee on Public School Education research files. The Texas Education Agency, therefore, will release no data on individual school districts except that which may be contained in the published reports of the Governor's Committee, copies of which have been made available to counsel for the Plaintiffs, unless ordered to do so directly by the Court.

XVI. Do you agree with the figures shown in said table?

ANSWER: We neither agree nor disagree with the figures in Exhibit A, as mentioned in interrogatory No. VX. We certainly would not question the ability or integrity of the staff of the Municipal Advisory Council of Texas. We consider the Council's work to be excellent in every respect. We simply do not know how the data were obtained. If such data were obtained from school district reports or questionnaires, our experience has been that some school districts simply do not know the exact market value of all taxable property in the district within a reasonable percentage of error. Without such exact data on market value there can be no valid comparison of assessed value for tax purposes to market value. Further, the Texas Education Agency has no valid data of its own to compare with the market value data in Exhibit A (Table 5).

**AFFIDAVITS ATTACHED TO DEPOSITIONS OF
BERKE, WEBB, CARDENAS, AVENA AND
MORGAN.**

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DEMETRIO P. RODRIGUEZ, ET AL.,
Plaintiffs,

vs.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL.,
Defendants.

CIVIL ACTION NO. 68-175-SA

AFFIDAVIT

DISTRICT OF COLUMBIA, SS:

JOEL S. BERKE, being duly sworn, says:

I am the Director of the Educational Finance and Governance Program of the Policy Institute, Syracuse University Research Corporation, and Adjunct Professor of Political Science, Syracuse University.

The SURC Policy Institute is a not for profit research organization affiliated with but legally independent of Syracuse University. The research activities of the program I direct are closely interrelated with the research and teaching activities of the Maxwell Graduate School of Syracuse University, in particular with faculty and graduate students interested in the study of public finance as it bears upon American public education.

During the last two years, I have directed the following studies related to educational finance: first, a two year study supported by the Ford Foundation which

investigated the patterns of allocation of federal aid to education and the decision-making patterns which underlay those decisions in Washington, D. C. and in six states, of which Texas was one. A number of articles, monographs, and a forthcoming book have resulted from that research, *Federal Aid to Public Education: Who Benefits?* (a committee print of the United States Senate Committee on Equal Educational Opportunity, of which I am the principal author, is attached as Appendix A). Second, for the New York State Commission on the Quality Cost, and Financing of Education, I served as co-director of a study intended to evaluate New York's school finance program, devise alternatives, and through computer simulation demonstrate the financial impact of new aid formulas and distribution mechanisms. The report of that study is currently under consideration by two interested publishers. Third, I am executive director of a study for the United States President's Commission on School Finance intended to improve information available relating to educational finance. Fourth, I am at present a Guest Scholar at the Brookings Institution in Washington, D. C. under a grant from the Ford Foundation designed to permit me to conduct research and complete a manuscript on the political and economic aspects of equal educational opportunity. Fifth, I am co-author of a study for the United States Senate, Committee on Equal Educational Opportunity titled "Financial Aspects of Equality of Educational Opportunity".

In the conduct of this study of Texas school finance I have had the valuable assistance of a number of highly qualified colleagues. Most integrally involved in the conduct of the study which is the subject of this affidavit were Anthony Carnevale and Daniel Martin, candidates for the Ph.D. degree at Syracuse University. Professor Seymour Sacks, one of the nation's

leading scholars of the economics of education, gave invaluable advice and guidance at numerous points over the last few months and has served as principal consultant on several of the projects mentioned above which had direct relevance to this study of Texas school finance. Ronald D. White of the Policy Institute staff and Barrie L. Goldstein, now a student at George Washington University School of Law, provided assistance in the conduct of the research, as did Professor Robert Firestone of the University of Florida Urban Studies Program. While my debt to these individuals and to the organizational assistance of the Policy institute cannot be overstated, I am fully responsible for the contents of the materials prepared for this affidavit.

INTRODUCTION AND SUMMARY

This affidavit has been prepared as a result of a study of school finance in the State of Texas directed by researchers who have spent the last two years in the analysis of the official financial records of the Texas State Education Department and the Governor's Committee on Public School Education¹. On the basis of that analysis we conclude that the system of school finance in Texas makes the quality of education a direct function of the wealth of local school districts, providing consistently higher quality schooling in districts with higher property values per pupil and consistently lower quality education in school systems with less local resources available for taxation. Furthermore, our study demonstrates that the poorer districts tax themselves at consistently higher equalized tax rates yet realize far lower tax yields than is true in the richer districts.

¹For a description of the procedures and methodology used in this study, please see Appendix B.

Discrimination against the poor is not limited to poverty as measured by property valuation: school districts with lower median family incomes are disadvantaged in regard to the quality of school services. School systems with the highest average income have the highest school expenditures; districts with the lowest average incomes have the lowest school expenditures.

Racial discrimination is also readily apparent in Texas educational finance. There is a consistent pattern of higher quality education in districts with higher proportions of Anglo-Americans, and lower quality education in districts with lower proportions of Anglos. In short, the more Negroes and Mexican-Americans in the school population of a district, the lower its revenues for education.

The effects of these financial patterns have direct impact on the quality of education offered to Texas school children. Both the average salary levels, which are reflective of the quality of teachers, and the number of professional personnel per pupil vary directly and markedly with the revenues available per pupil. Thus, in general, the higher the revenues for the schools, the higher the quality of education in the district.

Our study also shows that responsibility for bringing about this invidious pattern of educational resource allocation rests squarely with the state for two reasons. First, the creation by the state of local districts with unequal taxable resources plays the primary part in establishing a system biased in favor of richer districts. Second, by adopting a state aid system that is insufficiently equalizing to offset the disparities among districts, discrimination against the poor in the provision of school services is assured. In the eyes of the experts who participated in our study a system more effectively designed to assure inequality of edu-

cational opportunity would be difficult to design. Yet as the data which follows will indicate, just such a system currently exists in the State of Texas as a whole and in Bexar County in particular.

DISTRICT WEALTH, INCOME, RACE AND SCHOOL REVENUES

The basic measure of district wealth employed in this study is the value of equalized taxable property¹ per pupil in average daily attendance. While from an economic standpoint there are questions as to whether property value is itself an appropriate criteria of a community's ability to raise revenue, we employ that basic measure because property taxation provides virtually all locally raised revenues for education. In addition, as Table I (see page 6) indicates, there is a rough but important correlation between relative levels of property value and relative levels of average income in school districts: districts high in property value per pupil are high in average income; those that are moderate in property value are moderate in income level, and those low in property valuation are also low in income.

District Wealth and School Revenue

For purposes of analysis, we have grouped the 110 districts into categories of descending amounts of equalized property per pupil, or in other words, descending order of community wealth. If we compare the average state and local revenues per pupil as shown on Table I (see page 6) with those district wealth categories, a clear and consistent relationship emerges: the richer the district, the higher the revenues available for each pupil's education. Graph I (see page 7) demonstrates the relationship visually, and shows how very

¹See Appendix C for an explanation of "equalized taxable property".

direct and regular it is. Note also the extreme range in both wealth and expenditure categories, from well over \$100,000 to well below \$10,000 in valuation, and from \$815 to \$305 in expenditures, ratios approaching 20:1 in property value and 2:1 in expenditures. The expenditure range in our sample is an average, and is therefore a particularly compelling statistic, indicating that a regular pattern exists in which children in poor communities consistently receive an education two and one half times less costly than children who live in wealthier places. (For the state as a whole, the ratio of the highest expenditure district to the lowest is \$5,334 to \$264 or 20:1.)

TABLE I
 THE RELATIONSHIP BETWEEN DISTRICT
 WEALTH, INCOME, RACE, AND SCHOOL
 REVENUES
 TEXAS SCHOOL DISTRICTS

Categorized by Equalized Property Values,
 Median Family Income, and State-Local Revenue

Market Value of Taxable Property Per Pupil ¹	Median Family Income From 1960 ²	Per Cent Minority Pupils ³	State & Local Revenues Per Pupil ⁴
Above \$100,000 (10 Districts)	\$5,900	8%	\$815
\$100,000-\$50,000 (26 Districts)	\$4,425	32%	\$544

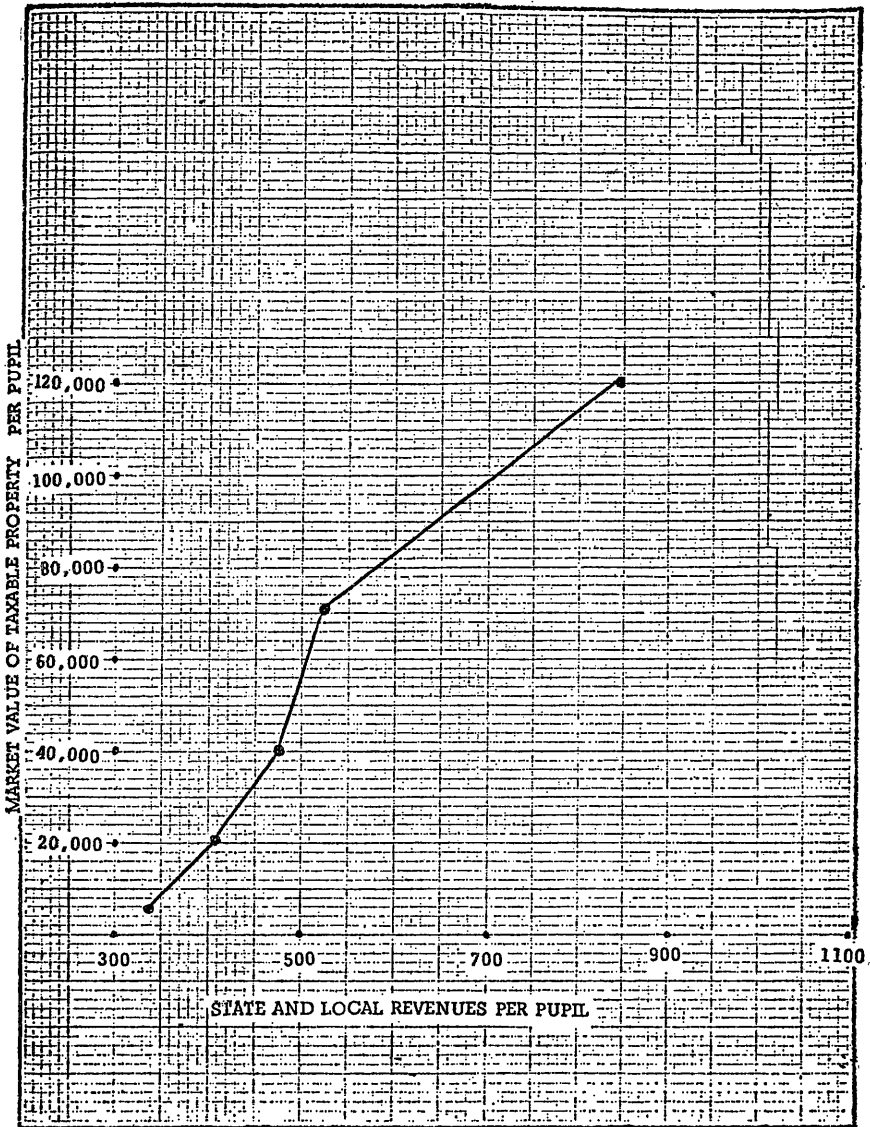
¹Policy Institute, Syracuse University Research Corporation, Syracuse, N. Y.

²1960 U.S. Census data. 1970 Census data on income levels is not yet available from the U.S. Department of Commerce; however, when it is available, it can readily be supplied to the Court. The projected availability date is late 1971 or early 1972.

³Directory of Public Elementary and Secondary Schools in Selected Districts, Office of Education, HEW.

⁴Op. Cit., SURC.

GRAPH I
**THE RELATIONSHIP BETWEEN DISTRICT WEALTH
 AND STATE-LOCAL REVENUES***



* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

\$50,000-\$30,000 (30 Districts)	\$4,900	23%	\$483
\$30,000-\$10,000 (40 Districts)	\$5,050	31%	\$462
Below \$10,000 (4 Districts)	\$3,325	79%	\$305

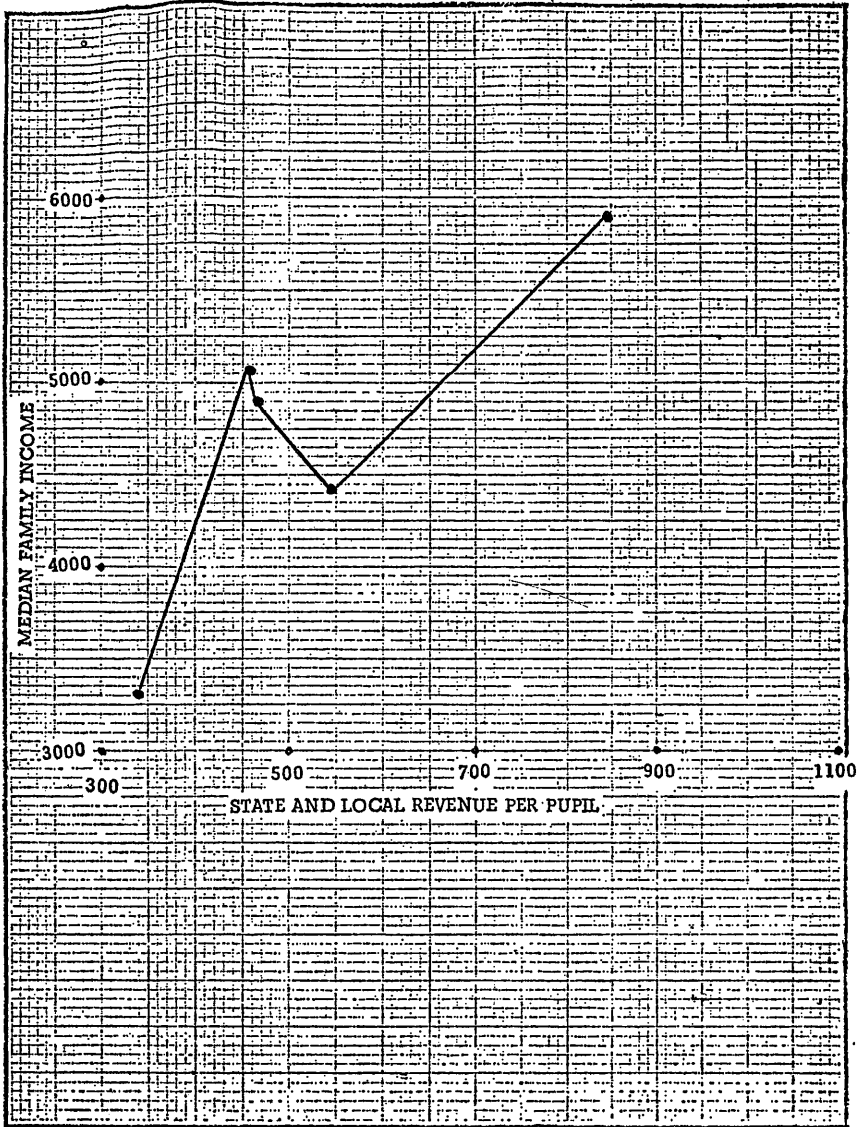
Median Family Income and School Revenue

The relationship between income and revenues is also an important one. It shows that it is not simply governmental or jurisdictional poverty that is inversely correlated with school quality, but personal poverty as well. Table I (page 6) indicates that districts in the highest category of income (\$5,900) receive the most costly education and, those in the lowest income category (\$3,325) receive the least expensive school services. While the relationship near the average are somewhat mixed, they do not work against the prevailing pattern because the range (only \$600 in income) is too small to be meaningful. In short, as Graph II (page 9) demonstrates, the directness of the association between income and school quality is clear.

Race and School Revenue

The correlation between the proportion of Mexican-Americans and Negroes in the schools and the quality of school services is precisely the reverse of the income-school services relationship. That is, the lower the proportion of Mexican-Americans and Negroes, the higher the school expenditures; the higher the proportion of minority group enrollment, the lower the resources devoted to education. Again, as in the income relationship, the Table I (page 6) and Graph III (page 12) show some small inconsistency in the three middle categories, but the direction of the numbers and of the line on the graph tell an eloquent and vivid story of denial of equal educational opportunity.

GRAPH II
THE RELATIONSHIP BETWEEN MEDIAN FAMILY INCOME
AND STATE-LOCAL REVENUES*



* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

A similar relationship was found between the percentage of Mexican-American pupils and school expenditures in a study conducted by the U. S. Commission on Civil Rights (see Chart I, page 11). Their examination of Texas school systems with at least 10% Mexican-American enrollment showed that with a minor anomaly in the category of districts with the lowest proportion of Mexican-Americans, school expenditures declined as the proportion of Mexican-Americans increased.

DISTRICT WEALTH AND TAX EFFORT

One of the cruel ironies in the current approach to supporting schools in Texas is that the communities which have the least money for their schools are the very districts which tax themselves most heavily to raise school revenues. Using equalized tax rates which permit comparisons among districts, Table II (page 13) shows an unbroken and consistent inverse relationship between equalized district wealth and effort. The richer a district is, the less severely it need tax itself—and as the third column on the table shows—the more it realizes in locally raised revenues. In short, as tax rates increase the amount realized decreases.

DISTRICT WEALTH AND HIGHEST TAX EFFORT AND YIELD

Table III (page 16) takes the relationship between district wealth and tax effort a step further. The table assumes a similar tax effort—effort made by the district with the highest tax rate in the sample—throughout all districts, and examines the resultant differences in yield. The table clearly shows that increased tax effort only magnifies the differences in possible return between wealthier and poorer districts.

CHART I
EXPENDITURES PER PUPIL IN ADA IN
TEXAS

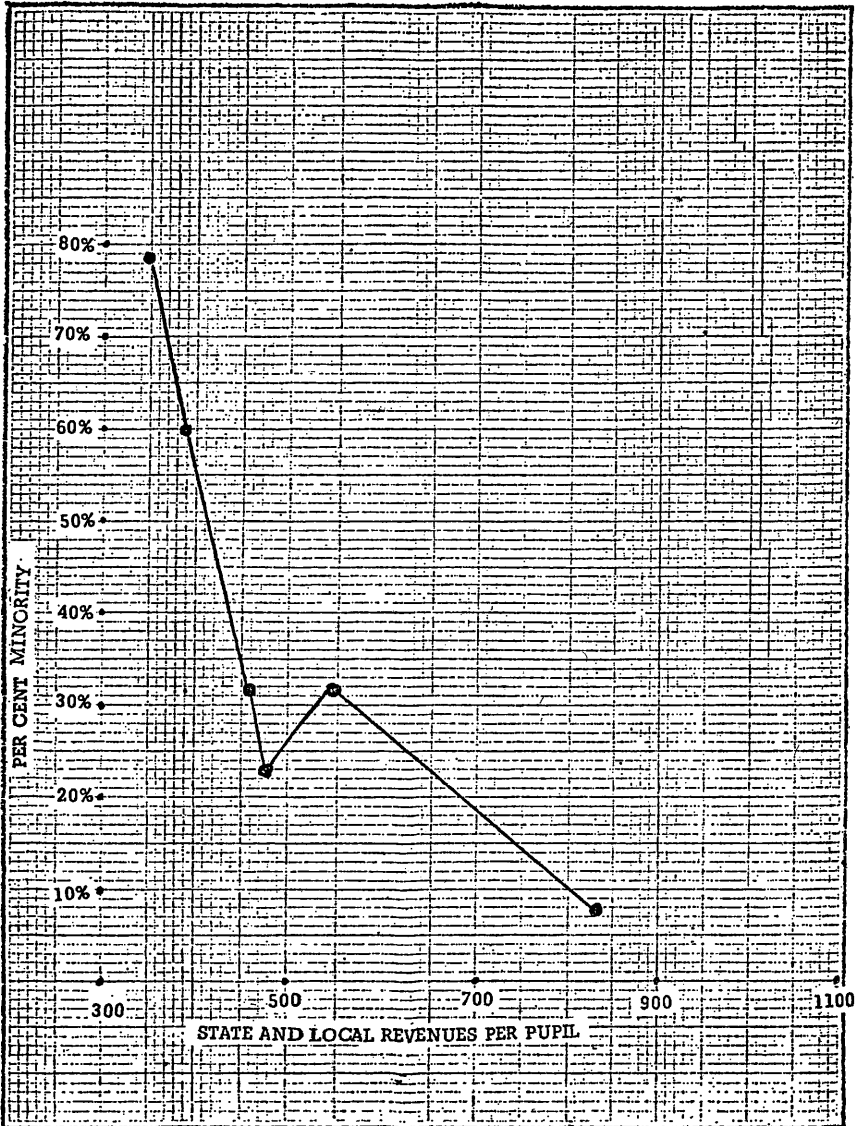
Districts 10 per cent or more Mexican-American
with total enrollment 300 pupils or more*

(Expenditures are from State and local revenue only.)

Percent Mexican- American of District Enrollment	DISTRICTS IN SAMPLE		ESTIMATES FOR ALL DISTRICTS	
	Number of Districts	Per Pupil Expenditures	Number of Districts	Per Pupil Expenditures
10-19.9	55	\$457	85	\$444
20-29.9	38	484	59	477
30-49.9	32	444	49	444
50-79.9	39	377	60	382
80-100	23	292	30	297

* Source: U. S. Commission on Civil Rights study encompassing a random sample of districts in Texas. For the raw data, upon which the study was based, see Appendix D. For an explanation of the sampling techniques utilized for the Commission study, see United States Commission on Civil Rights, *Mexican-American Education Study, Report I: Ethnic: Isolation in the Public Schools of the Southwest*, p. 7-8 (1971). A copy of the report is attached as Appendix E.

GRAPH III
THE RELATIONSHIP BETWEEN PER CENT MINORITY
AND STATE-LOCAL REVENUES*



* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

TABLE II
 THE RELATIONSHIP OF DISTRICT WEALTH
 TO
 TAX EFFORT AND TAX YIELD*
 TEXAS SCHOOL DISTRICTS CATEGORIZED
 BY EQUALIZED PROPERTY VALUES,
 EQUALIZED TAX RATES**, AND
 YIELD OF RATES

CATEGORIES Market Value of Taxable Property Per Pupil	EQUALIZED TAX RATES ON \$100	YIELD PER PUPIL (Equalized Rate Applied to District Market Value)
Above \$100,000 (10 Districts)	\$.31	\$585
\$100,000-\$50,000 (26 Districts)	.38	262
\$50,000-\$30,000 (30 Districts)	.55	213
\$30,000-\$10,000 (40 Districts)	.72	162
Below \$10,000 (4 Districts)	.70	60

Table IV (page 17) concludes our analysis of the relationship between wealth and effort. It points up that increased effort is not only a futile exercise, as is apparent in Table III (page 16), but that the resulting burden increases at a much greater rate for poorer districts than for richer if they both seek to realize the highest return in our sample.

THE RELATIONSHIP BETWEEN DISTRICT
 WEALTH AND STATE AND FEDERAL AID

Given these disparities in local revenue raising ability, how effectively is the Texas equalization aid system

*Source: Policy Institute, Syracuse University Research Corporation, Syracuse, N. Y.

**See Appendix C for an explanation of the equalized tax rate.

working? The answer may be found in Table V (page 18). While there appears to be a mild equalizing direction in the state aid system, its equalizing effect fails to operate in favor of the poorest districts. In other words, wealthier districts receive less aid than poorer ones in four of the five wealth categories, but the system provides more aid to the three categories clustered around the average than it does to the poorest class of school districts.

Possibly more important than its failure to aid adequately the neediest districts is the mildness of its equalizing tendencies. In a state where state aid provides more money for education than do local revenues, steeply equalizing financial program could redress the imbalances among districts in local revenue capacity. In Texas that does not happen. State aid provides only \$52 more to the second richest category than to the highest despite a local revenue gap of over \$320. Between the next two categories state aid provides virtually no equalization despite a local gap of more than \$60. As local revenue falls off most steeply, state aid, as already noted, fails to equalize.

TABLE III
THE RELATIONSHIP BETWEEN DISTRICT WEALTH AND HIGHEST TAX EFFORT*
TEXAS SCHOOL DISTRICTS CATEGORIZED BY EQUALIZED PROPERTY VALUE AND YIELD GENERATED IF HIGHEST TAX RATE IS APPLIED TO ALL DISTRICTS

CATEGORIES Market Value of Taxable Property Per Pupil	Hypothetical Yield of Highest Tax Rate Per Pupil
Above \$100,000 (10 Districts)	\$2,356

* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, N. Y.

\$100,000-\$50,000 (26 Districts)	918
\$50,000-\$30,000 (30 Districts)	519
\$30,000-\$10,000 (40 Districts)	292
Below \$10,000 (4 Districts)	108

TABLE IV

THE RELATIONSHIP BETWEEN DISTRICT WEALTH AND HIGHEST TAX EFFORT*

TEXAS SCHOOL DISTRICTS CATEGORIZED BY EQUALIZED PROPERTY VALUE AND TAX RATE REQUIRED TO GENERATE HIGHEST YIELD IN ALL DISTRICTS

CATEGORIES Market Value of Taxable Property Per Pupil	Tax Rate Needed to Equal Highest Yield
Above \$100,000 (10 Districts)	\$.64 per \$100
\$100,000-\$50,000 (26 Districts)	1.49 per \$100
\$50,000-\$30,000 (30 Districts)	2.58 per \$100
\$30,000-\$10,000 (40 Districts)	4.88 per \$100
Below \$10,000 (4 Districts)	12.83 per \$100

* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, N. Y.

TABLE V

THE RELATIONSHIP BETWEEN DISTRICT WEALTH AND SCHOOL REVENUES
 REVENUES OF TEXAS SCHOOL DISTRICTS*
 CATEGORIZED BY EQUALIZED PROPERTY VALUES AND SOURCE OF FUNDS

CATEGORIES	Local Revenues Per Pupil	State Revenues Per Pupil	State & Local Revenues Per Pupil (Columns 1 and 2)	Federal Revenues Per Pupil	Total Revenues Per Pupil (State-Local- Federal, Columns 1, 2 and 4)
Market Value of Taxable Property Per Pupil					
Above \$100,000 (10 Districts)	\$610	\$205	\$815	\$ 41	\$856
\$100,000-\$50,000 (26 Districts)	287	257	544	66	610
\$50,000-\$30,000 (30 Districts)	224	260	484	45	529
\$30,000-\$10,000 (40 Districts)	166	295	461	85	546
Below \$10,000 (4 Districts)	63	243	305	135	441

* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, N. Y.

State action, then, has created a system of financing the public schools of Texas that is characterized by marked disparities in educational expenditures. Those disparities have arisen because the state has created local districts with unequal sources of revenue and then has adopted a state aid system that fails to overcome those inequities. Federal aid, on the other hand, indicates how an equalizing system can operate. Although the amounts of federal aid are too small to compensate for the disparities that arise from state action, with the exception of the middle category of districts in Table V (page 17) federal aid flows in greater magnitudes to poorer school systems.

THE RELATIONSHIP OF DISTRICT WEALTH TO EDUCATIONAL QUALITY

In the preceding discussion we have demonstrated the inequities and disparities that characterize school support in Texas. That analysis has been conducted in terms of revenues, tax rates, equalized property value and the like. But what is most pressing about the problems we have uncovered is that they have a direct and ascertainable impact on the quality of education afforded youngsters by the State of Texas. While a variety of indicators might be used, we have selected two as examples of the differences in educational quality that exist among school districts.

The first indicator is related to the quality of professional personnel (teachers, guidance counselors, administrators, etc.) in the district. It takes the average cost per pupil for professional personnel, thus subsuming a number of factors including professional training, length of tenure, pupil teacher ratio, and other less tangible factors. While in individual cases no one would argue that a particular higher salaried professional is more skilled or valuable than one earning

slightly less, in aggregate terms and over large numbers of individuals, research suggests that the more a system pays for its staff in comparison with other districts, the better the quality of its personnel. Table VI (page 20) and Graph V (page 21) show the relationship. Without exception, the wealthier the district the higher the professional cost per pupil.

The second indicator of quality tells virtually the same story. When the ratio of professional personnel to pupils is examined, with the slight exception that the bottom two categories exchange places, the richer the district, the higher the ratio of teachers per 100 pupils. (See Table VI (page 20) and Graph VI (page 22).)

In short, higher revenues for education are important because they purchase higher quality education. As we have shown, richer districts not only have the higher revenues but do spend them for more and higher quality teachers, administrators, and guidance counselors.

BEXAR COUNTY

Besides examining Texas school finance through the representative sample of 110 school districts, we have also studied a subsample composed of the six districts in Bexar County which happened to be a part of our larger sample. For a few criteria, we have been able to locate reliable data, and in those instances we have shown relationships for the entire county. In either situation, the six or the twelve district Bexar County subsample, patterns emerge almost as clearly as they have for the statewide study. However, exceptions and anomalies crop up due to the small number of districts within Bexar county. Yet despite some statistical muddiness, when we conducted an analysis that was paral-

led to that conducted on the 110 district sample, the conclusions we reached were essentially identical with those we find in the larger study.

TABLE VI
THE RELATIONSHIP OF DISTRICT WEALTH
TO EDUCATIONAL QUALITY*

TEXAS SCHOOL DISTRICTS CATEGORIZED
BY EQUALIZED PROPERTY VALUATION,
AND SELECTED INDICATORS OF
SCHOOL QUALITY

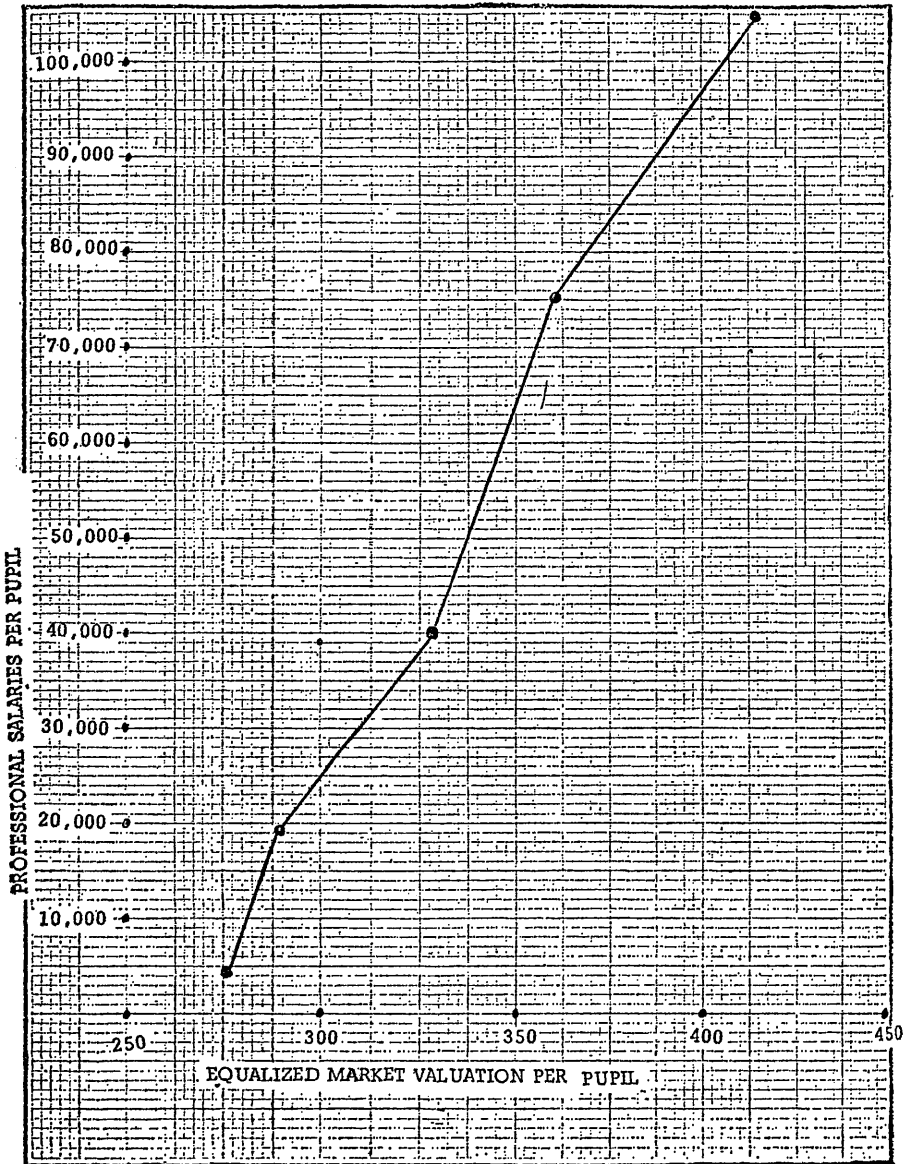
CATEGORIES	Market Value of Taxable Property Per Pupil	Professional Salaries Per Pupil	Professional Personnel Per 100 Pupils
Above \$100,000 (10 Districts)	413.12	5.57	
\$100,000-\$50,000 (26 Districts)	359.72	5.17	
\$50,000-\$30,000 (30 Districts)	327.66	4.84	
\$30,000-\$10,000 (40 Districts)	290.16	4.37	
Below \$10,000 (4 Districts)	276.65	4.54	

DISTRICT WEALTH, INCOME, RACE AND
STATE-LOCAL REVENUE

The relationship of district wealth, income, race, and school expenditures in Bexar County holds no surprise to readers of this study. As district wealth as measured by property value declines, so do per pupil expenditures from state and local revenues. Again, as in the state as a whole, we find a wide range of variations, nearly 10:1 in property values, and better than 2:1 in

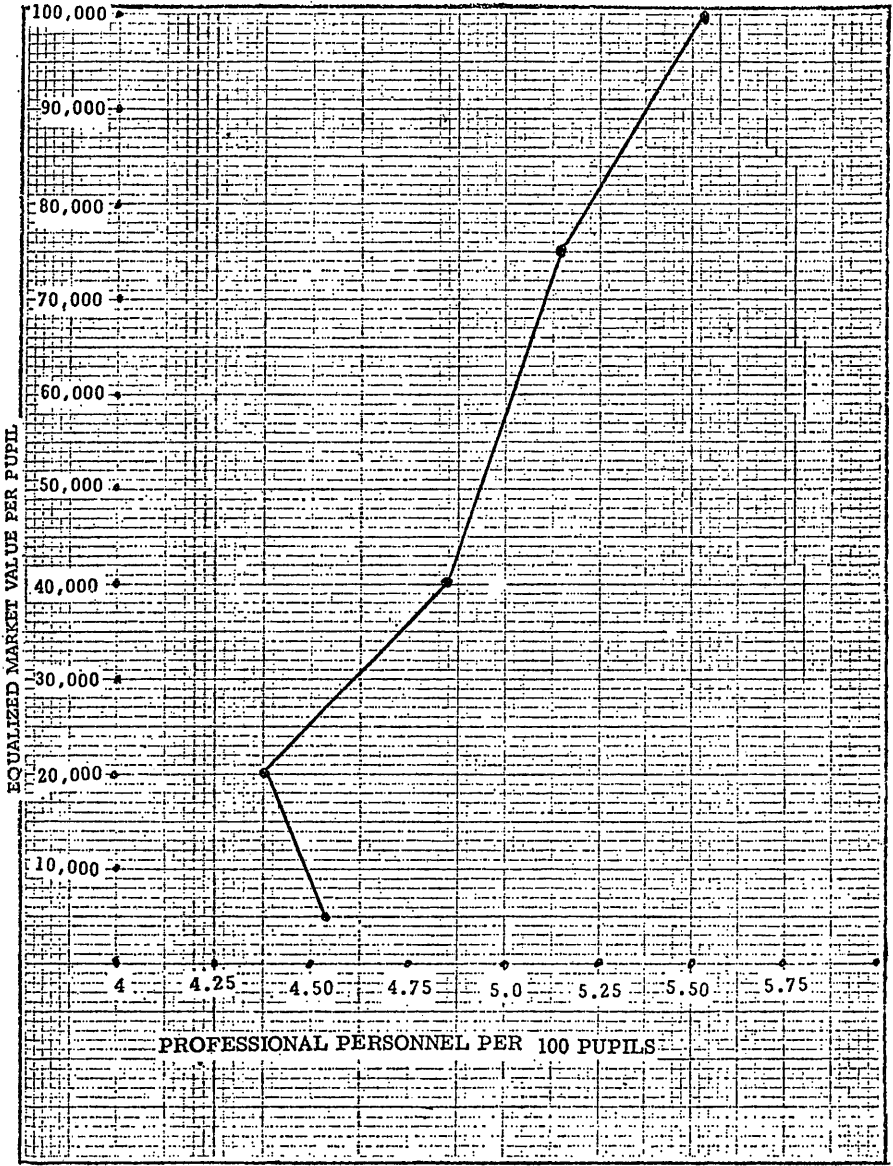
* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, N. Y.

GRAPH V
 RELATIONSHIP BETWEEN PROFESSIONAL SALARIES
 PER PUPIL AND EQUALIZED VALUATION PER PUPIL *



*Source: Policy Institute, Syracuse University Research Corporation, Syracuse New York.

GRAPH VI
 THE RELATIONSHIP OF PROFESSIONAL PERSONNEL TO
 EQUALIZED MARKET VALUE PER PUPIL .*



* Source: Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

expenditures. While these variations are somewhat smaller than those we found in the state 110 district sample, the fact that variations of that magnitude exist within a single county is remarkable. For the districts on the short end of those discrepancies, the effects are particularly difficult, since they are often in direct competition with their more favored neighbors for personnel and other school resources.

Income variations are both wide and strongly correlated with school expenditures. Table VII (page 25) shows the familiar Texas pattern: more affluent districts provide consistently more expensive school services. Similarly the relationship between race and revenues is as readily apparent in Bexar County as it is in Texas generally. While, as noted above, there are more anomalies in the middle range of wealth in this small sample than we found in the larger, the nature of small, nonrepresentative samples would suggest no other outcome.

DISTRICT WEALTH AND TAX EFFORT

Perhaps the greatest deviation from statewide patterns appears in tax effort. Although the phenomenon of poorer districts exerting higher tax effort yet realizing lower yields, does not emerge as a consistent pattern, (see Table VIII, page 26), it is clear that at best only a minor part of low spending in poorer districts, like Edgewood, can be attributed to a lower level of effort than some of their more fortunate Bexar County neighbors.

District Wealth and Highest Tax Effort and Yield

Employing the same analytical technique as we did for the larger sample, however, we find that even if the poorer districts were to expend tax effort equal to the highest effort of any district in the county, the resultant differences in yield would consistently favor the

wealthy. Thus, in order to realize a yield equal to the highest district in the county, poorer districts would have to expend consistently greater effort than would those with higher property valuation per pupil. This phenomenon is demonstrated in Table IX (see page 27).

RELATIONSHIP OF DISTRICT WEALTH TO STATE AND FEDERAL AID

When we examine the relationships among different sources of funding in Table X (see page 29) a crucial effect emerges once again. State aid is unable to offset inequities in relative capacities to finance education that grow out of differences in local taxable resources. Ranging from \$225 for Alamo Heights, the wealthiest district, to \$250 in Harlandale, the next to the poorest (whose property value per pupil is but one fifth of that in the wealthiest) is about as mild a pattern of equalization as one could devise. When the fact that Edgewood with less than one twelfth the valuation per pupil of Alamo Heights gets only \$3.00 more in state aid, it would appear that there is no meaningful equalization through state resources in Bexar County.

TABLE VII
RELATIONSHIP BETWEEN DISTRICT
WEALTH INCOME, RACE, AND STATE-
LOCAL REVENUE

SELECTED BEXAR COUNTY SCHOOL DIS-
TRICTS RANKED BY MARKET VALUATION
MEDIAN FAMILY INCOME, PROPORTION OF
MINORITY PUPILS, AND STATE-LOCAL
REVENUE

School Districts Ranked from High to Low by Market Value Per Pupil ¹	Median Family Income from 1960 Census ²	Per Cent Minority Pupils ³	State-Local Revenue Per Pupil ⁴
ALAMO HEIGHTS (49,478 Market Value Per Pupil)	\$8,184	14%	\$558
NORTH EAST (28,202 Market Value Per Pupil)	\$5,900	7%	\$415
SAN ANTONIO (21,944 Market Value Per Pupil)	\$4,691	72%	\$353
NORTH SIDE (20,794 Market Value Per Pupil)	\$4,600	18%	\$362
HARLANDALE (11,345 Market Value Per Pupil)	\$4,436	62%	\$323
EDGEWOOD (5,960 Market Value Per Pupil)	\$3,405	75%	\$248

¹Policy Institute, Syracuse University Research Corpora-
tion, Syracuse, N. Y.

²*Ibid.*

³Director of Public Elementary and Secondary Schools in
Selected Districts, O.E., HEW.

⁴*Op. cit.*, Syracuse University Research Corporation.

TABLE VIII
THE RELATIONSHIP OF DISTRICT
WEALTH TO TAX EFFORT AND
TAX YIELD

BEXAR COUNTY SCHOOL DISTRICTS
RANKED BY PROPERTY VALUES, EQUAL-
IZED TAX RATES, AND YIELD OF RATES

Districts Ranked High to Low by Market Valuation Per Pupil	Equalized Tax Rates on \$100 ¹	Yield Per Pupil Equalized Rate Applied to District Market Value) ²
ALAMO HEIGHTS	\$.68	\$343.00
JUDSON	.27	106.00
EAST CENTRAL	.35	109.65
NORTH EAST	.56	173.46
SOMERSET	.33	87.61
SAN ANTONIO	.62	136.05
NORTH SIDE	.52	108.13
SOUTH WEST	.27	60.19
SOUTH SIDE	.39	64.61
HARLANDALE	.51	59.13
SOUTH		
SAN ANTONIO	.61	101.73
EDGEWOOD	.42	26.28

¹Computed from Market Valuations and Assessed Valuation in *The Governors Committee on Public Education: The Challenge and the Chance*, 1968 and Actual Tax Rates from the *Public School Directory*, Texas Education Agency, 1967-68.

²Computed from *op. cit.*, the *Governors Committee on Public Education: The Challenge and the Chance*, 1968, and *op. cit.*, SURC Data.

TABLE IX

RELATIONSHIP BETWEEN DISTRICT WEALTH AND HIGHEST TAX EFFORT

BEXAR COUNTY DISTRICTS RANKED BY EQUALIZED PROPERTY VALUE AND TAX RATE REQUIRED TO GENERATE HIGHEST YIELD IN ALL DISTRICTS

Districts Ranked from High to Low Market Valuation Per Pupil	Tax Rate Per \$100 Needed to Equal Highest Yield ¹
ALAMO HEIGHTS	\$.68
JUDSON	1.04
EAST CENTRAL	1.17
NORTH EAST	1.21
SOMERSET	1.32
SAN ANTONIO	1.56
NORTH SIDE	1.65
SOUTH WEST	2.10
SOUTH SIDE	3.03
HARLANDALE	3.20
SOUTH SAN ANTONIO	5.77
EDGEWOOD	5.76

Indeed, what equalization there is among school districts in the area is a function of federal aid, with Edgewood receiving better than three times the allotment of Alamo Heights. Greater amounts of federal aid are virtually perfectly aligned with increasing poverty in the County.

¹Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

TABLE X

THE RELATIONSHIP BETWEEN DISTRICT WEALTH
AND SCHOOL REVENUESREVENUES OF SELECTED BEXAR COUNTY SCHOOL
DISTRICTS RANKED BY PROPERTY VALUES AND
SOURCE OF FUNDS

Selected Districts From High to Low By Market Valuation Per Pupil	Local Revenues Per Pupil ¹	State Revenues Per Pupil ²	State & Local Revenues Per Pupil ³	Federal Revenues Per Pupil ⁴	Total Revenues Per Pupil (State-Local- Federal) ⁵
Alamo Heights	\$333	\$225	\$558	\$ 36	\$594
North East	182	233	415	53	468
San Antonio	134	219	353	69	422
North Side	114	248	362	81	443
Harlandale	73	250	323	71	394
Edgewood	26	222	248	108	356

SCHOOL EXPENDITURES AND SCHOOL
QUALITY

Table XI (page 31) displays the striking relationship of district wealth and school quality in Bexar County. Utilizing a wider series of indicators than we did for the larger sample, we find fairly clear patterns of direct correlations between wealth and school quality. In Bexar County as in the State as a whole, the richer school districts appear to be purchasing better quality education for their pupils.

¹Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

²*Ibid.*

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*

TABLE XI

THE RELATIONSHIP BETWEEN DISTRICT WEALTH AND EDUCATIONAL QUALITY

TEXAS SCHOOL DISTRICTS CATEGORIZED BY EQUALIZED PROPERTY VALUATION AND SELECTED INDICATORS OF EDUCATIONAL QUALITY

Selected Districts From High to Low by Market Valuation ¹ Per Pupil	Professional Salaries Per Pupil ² Per Cent	Teachers With ³ College Degrees	Masters Degrees	Per Cent of Total Staff With Emergen- cy Permits ⁴	A Student Counselor Ratios ⁵	Professional Personnel Per 100 Pupils
ALAMO HEIGHTS	\$372.00	100%	40%	11%	645	4.80
NORTH EAST	288.00	99	24	7	1516	4.50
SAN ANTONIO	251.00	98	29	17	2320	4.0
NORTH SIDE	258.00	99	20	17	1493	4.30
HARLANDALE	243.00	94	21	22	1800	4.00
EDGEWOOD	209.00	96	15	47	3098	4.06

¹Policy Institute, Syracuse University Research Corporation, Syracuse, New York.

²*Ibid.*

³U. S. District Court, Western District of Texas, San Antonio Division, *Answers to Interrogatories*, Civil Action No. 68-175-SA.

⁴*Ibid.*

⁵*Ibid.*

Respectfully submitted,

JOEL S. BERKE
Director
Educational Finance &
Governance Program of the
Policy Institute
Syracuse Univ. Research Corp
Syracuse, New York

Sworn to before me this 1st day of October, 1971.

HELEN P. MARION
Notary Public

My commission expires: June 1, 1975.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL

v.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

AFFIDAVIT

My name is Don Webb. I am Associate Professor of Economics, Trinity University. I hold a B.A. Degree from Austin College and a Masters of Arts and Ph.D. in Economics from Southern Methodist University. For the past seven years I have taught Economics at Trinity University. One of my fields of specialization is Urban Government Fiscal Issues and Public Finance. I have given particular study to the use of local property taxes in financing Texas public schools.

Initially, in attempting to analyze the financing of Texas public schools, one must consider that, although the costs of education (i.e., the cost of buildings, supplies and personnel) vary slightly throughout the state, it remains generally the same within a single metropolitan area. In the present suit, at least part of each school district named is located within the city of San Antonio. The named districts, which have 93% of the public school students in Bexar County, are all located in the San Antonio metropolitan complex (a single urban economic area whose citizens reside and work within it).

Since all the districts are within this single metropolitan area, the inequities of their fiscal capacity to raise and collect tax revenues for the maintenance and

operation of their schools can be clearly demonstrated. Costs are the same, and they utilize the same employment pool.

Imagine first that each district has on its tax rolls an equal value of taxable property. Attached herewith is Chart 1 which assumes market value of property in each district at \$100. The ratio at which each district assesses is then noted (shown also as "Assessed Value"). Following is the tax rate per \$100 of assessed value, (shown also is tax per \$100 of assessed value). Finally, each district's tax is shown as a percent of the market value of its taxable property—"tax effort". Significantly, Edgewood, is taxing at 1.05% of market value while both Northeast and Alamo Heights are each making a lesser tax effort.

Not reflected in such tax effort figures, however, are the differences in family income. Dr. Charles Feldstone of the Trinity University Urban Data Bank has furnished me with the figures that I have attached to this affidavit as Chart 2, showing median per capita income and median per household income in each of the named districts.

Using an annual income of \$4000 for a family of four living in an urban area as the line of demarcation between poverty and non-poverty (the figure established by the Social Security Administration in 1962 and adjusted for today's inflation), it is clear that the median income in Edgewood and other poor districts in Bexar County falls very close to the poverty level. And, at that level, the Social Security Administration estimates families must spend all of their income for necessities—approximately one-third of total income going for food, approximately one-fourth for rent, and the remaining income (roughly \$117 per month) must

cover costs of clothing, transportation, house furnishings, medical and personal needs and insurance.

The ability of these poor, therefore, to pay taxes is almost non-existent, and as income increases above the poverty level, "ability to pay" taxes also increases. Other conditions being equal, a family with an income of \$4000 per annum and paying \$100 per annum in school taxes is making a greater tax effort than a family whose income is \$8000 per annum and is paying \$200 per annum in school taxes. The Federal tax structure recognizes this disparity in "ability to pay" between taxpayers by placing minimal tax liability upon those whose income is below \$4000 per year.

Consequently, the willingness of the poor to make a strong tax effort for education as reflected in the high tax efforts of some of the poorest districts merely underscores the strong motivation of all citizens, regardless of income, to provide quality education for their children.

Looking only at tax effort one might expect to find those districts making the greatest effort are able to maintain the highest expenditure levels per student. This, however, is not the case. Chart 3 shows the amount of state funds spent per student by each of the named districts. Without exception, every school district with high property values per student spends substantially more per student for education than those districts with low property values per student (see Chart 4). The conclusion is obvious: it is those school districts with high tax bases that are able to support high expenditure school programs with tax rates and efforts that are relatively low, while school districts with low tax bases are unable to support such programs—even with tax rates and efforts that are substantially higher.

The impossibility of poor school districts raising their levels of income and expenditures to the wealthier districts' levels is illustrated by Chart 5. The only available means Edgewood has to raise its income and expenditures to the other districts as shown in Chart 3 is to increase its local ad valorem taxes to raise funds per student comparable to those raised by the other districts. To reach Northeast's level, Edgewood taxes must be increased almost eight times, and to reach Alamo Heights' level, Edgewood taxes would have to be increased nearly six times.

DON WEBB

STATE OF TEXAS :
COUNTY OF BEXAR :

BEFORE ME, the undersigned authority, on this day personally appeared Don Webb, who, being by me first duly sworn, on his oath deposes and says:

I am the Affiant in the above entitled and numbered cause, and that the matters stated in the above and foregoing Affidavit are true and correct.

DON WEBB

SUBSCRIBED and SWORN to before me under my official hand and seal this 30th day of Sept., 1971.

MARY MYERS
Notary Public in and for
Bexar County, Texas.

CHART NO. 1

1970

BASIS OF TAXATION FOR BEXAR COUNTY
SCHOOL DISTRICTS^a

School District	Market Value (MV)	Assessed Ratio (AR)	Assessed Value (AV)	Tax Rate per \$100 of AV	Tax per \$100 of AV	Tax as percent of MV
Alamo Heights	\$100	0.486	48.6	\$1.75	\$0.85	0.85
East Central	\$100	0.50	50.0	\$1.88	\$0.94	0.94
Edgewood	\$100	0.70	70.0	\$1.50	\$1.05	1.05
Harlandale	\$100	0.588	58.8	\$1.52	\$0.89	0.89
Judson	\$100	0.644	64.4	\$1.20	\$0.77	0.77
Northeast	\$100	0.60	60.0	\$1.50	\$0.90	0.90
Northside	\$100	0.571	57.1	\$1.79	\$1.02	1.02
San Antonio ISD	\$100	0.435	43.5	\$1.74	\$0.76	0.76
Somerset	\$100	0.328	32.8	\$1.20	\$0.39	0.39
South San Antonio	\$100	0.627	62.7	\$1.60	\$1.00	1.00
Southside	\$100	0.90	90.0	\$1.89	\$1.70	1.70
Southwest	\$100	0.80	80.0	\$1.60	\$1.00	1.00

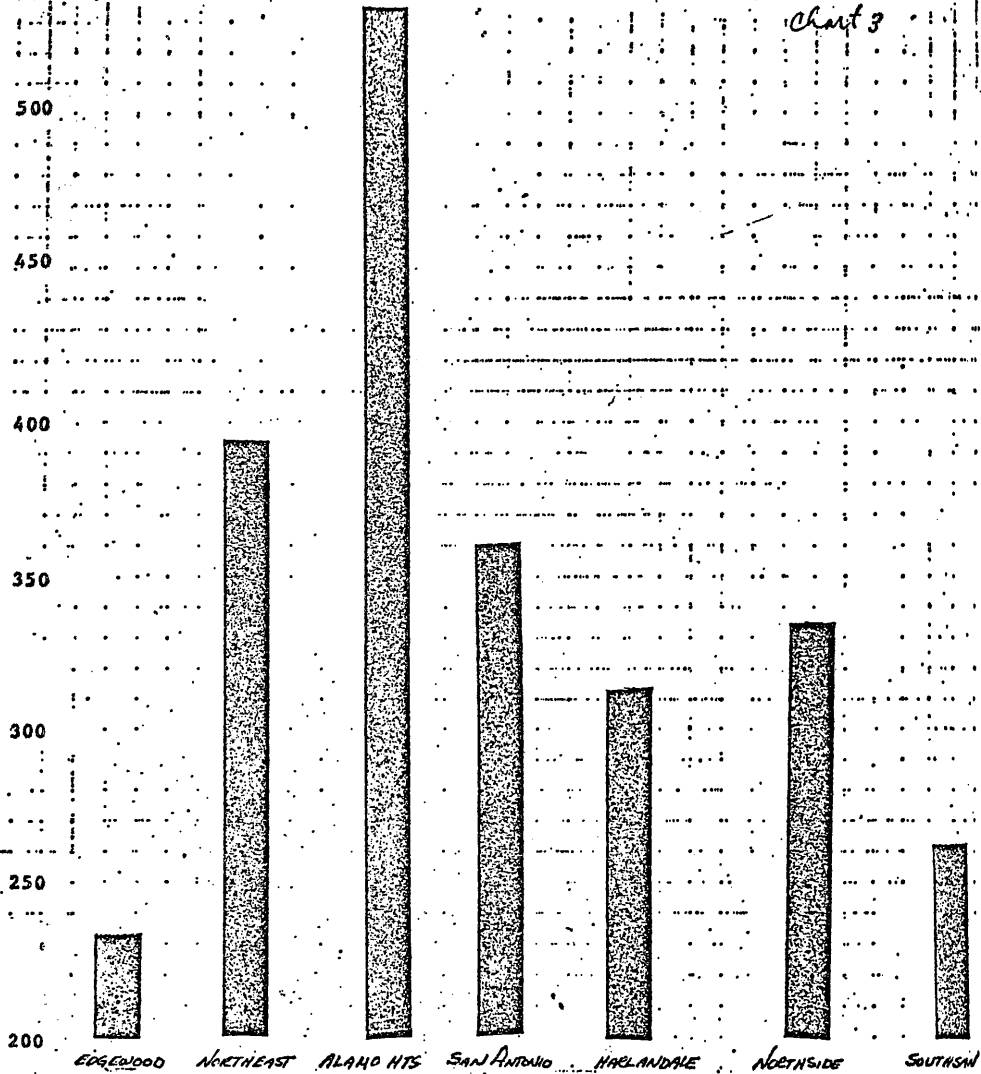
^adata obtained from *Texas Municipal Reports* (Austin: Municipal Advisory Council of Texas, 1971).

CHART NO. 2

School District	Median Per Capita Income	Median Income Per Household
Alamo Heights	\$2,807.59	\$8,001.64
Edgewood	995.01	4,686.53
Harlandale	1,453.70	5,553.16
Northeast	2,618.05	8,927.56
Northside	2,042.75	7,313.07
San Antonio Independent School District	1,493.33	4,928.87
South San Antonio	1,357.62	5,091.09

1967-1968 CALCULATED FROM FIGURES FURNISHED BY TEXAS EDUCATION AGENCY

Chart 3



EDGEWOOD	\$231
NORTH EAST	\$393
ALAMO HTS.	\$543
SAISD	\$360
HARLANDALE	\$313
NORTHSIDE	\$335
SOUTH SAN	\$272

CHART NO. 3

Chart #4

MARKET VALUE OF PROPERTY PER STUDENT FOR NAMED DISTRICTS - CALCULATED BY DIVIDING 1967-1968 MKT. VALUES AS PROVIDED IN GOVERNOR'S REPORT BY 1967-1968 ENROLLMENT AS ANSWERED BY TEXAS EDUCATION AGENCY IN INTERROGATORY II (b), Set I.

EDGEWOOD	\$ 5,429.
NORTHEAST	\$28,317.
ALAMO HTS.	\$45,095.
SAISD	\$19,659.
HARLANDALE	\$10,463.
NORTHSIDE	\$20,330.
SOUTH SAN	\$ 9,974.

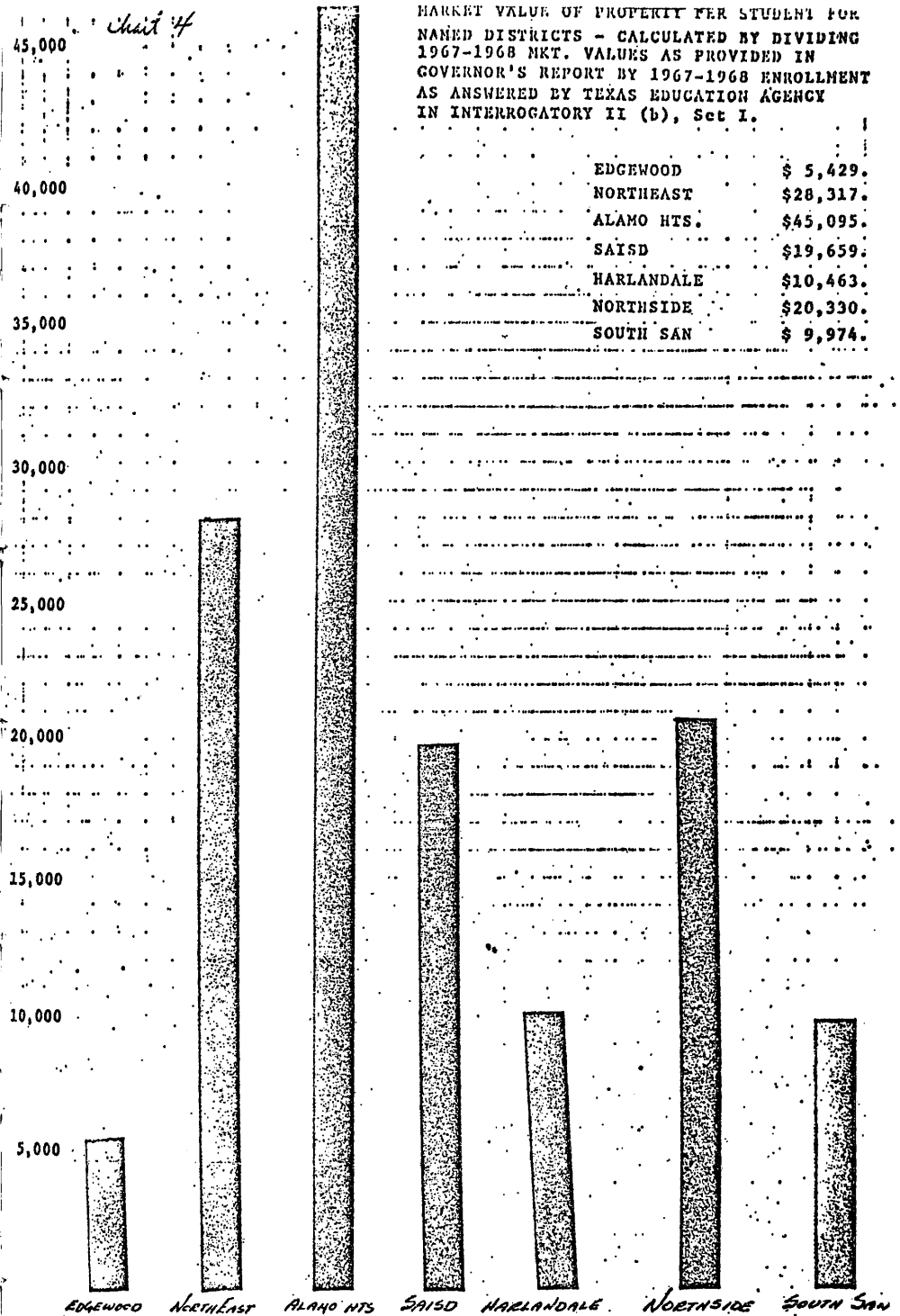
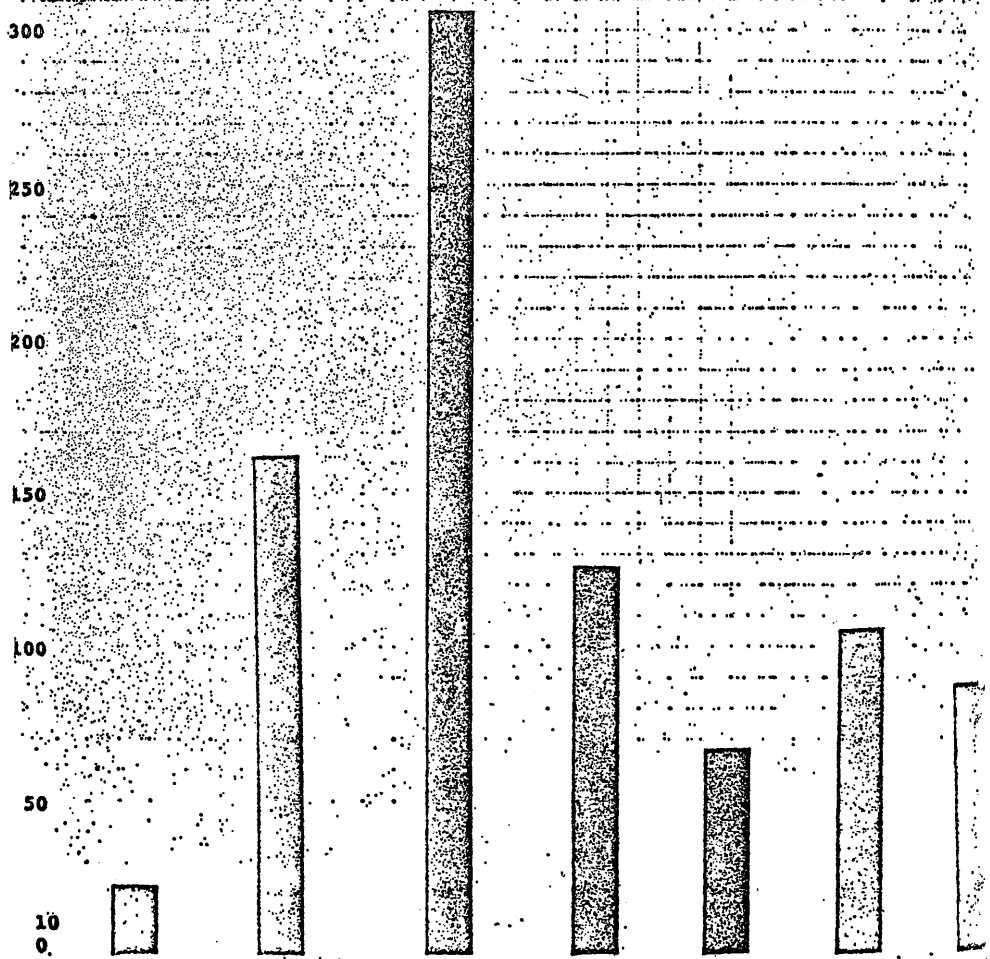


CHART NO. 4

Chart 5

FUNDS PROVIDED PER PUPIL FROM LOCAL AD VALOREM TAXES
1967-1968 CALCULATED FROM FIGURES FURNISHED BY TEXAS EDUCATION AGENCY



EDGWOOD
EDGWOOD \$ 21.
NORTHEAST \$161.
ALAMO HTS. \$307.
SAISD \$125.
HARLANDALE \$ 67.
NORTHSIDE \$106.
SOUTH SAN \$ 88.

CHART NO. 5

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL

v.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

AFFIDAVIT

My name is J. Richard Avena. I am the Director of the Southwestern Field Office for the United States Commission on Civil Rights. I have been employed by the Commission for approximately four years. Prior to this, I was a Researcher and Translator for the Legislative Reference Service of the Library of Congress in Washington, D. C. The United States Commission on Civil Rights is an independent bipartisan factfinding agency established by the United States Congress under the Civil Rights Act of 1957 as part of the Executive Branch of government. It is the duty of the Commission to:

1. Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion or national origin, and, in the case of Federal elections, by fraudulent practices.
2. Appraise the laws and policies of the Federal Government with respect to denial of equal protection of the laws under the United States Constitution.
3. Collect and study information concerning legal developments constituting a denial of equal protection of the laws under the United States Constitution.

4. Serve as a national clearinghouse for civil rights information.

5. Submit reports of its activities, findings and recommendations to the President and the United States Congress.

6. Analyze past and present patterns of discrimination.

In furtherance of its duties, the Commission on Civil Rights investigates charges of discrimination against Mexican-Americans, conducts hearings, collects evidence and publishes findings. These reports (such as that issued after a 6-day hearing in San Antonio) clearly document a pattern of discrimination against Mexican-Americans in Texas and in other southwestern states having a common border with Mexico. This pattern of discrimination includes discrimination in education, housing and employment.

In the field of education, in the past, there have been segregated schools for Mexican-Americans in Texas. Wherever Mexican-Americans have lived in large numbers in Texas, there have been discriminatory practices in housing. At the time the school district lines which we are concerned with were being drawn, Texas courts were enforcing deed restrictions that barred Mexican-Americans from any but the poorest neighborhoods. And, in the field of employment, in Texas and throughout the Southwest, Mexican-Americans have been purposefully excluded from the better paying jobs in professional, technical, managerial and craft occupations.

This discrimination has resulted in a generally poorer education, more substandard housing, more limited job opportunities, smaller incomes and more deprivation of civil and political rights for Mexican-

Americans (and more specifically for those Mexican-Americans who reside within the Edgewood District) than for other white Americans in Texas.

J. RICHARD AVENA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL

v.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

AFFIDAVIT

I am Dr. Jose Cardenas, Superintendent of Schools, Edgewood Independent School District, a core city school district in Bexar County, Texas. Situated in the western section of the City of San Antonio, it covers an area of 14 square miles and includes some 25,000 school age children. The property in the district is mostly residential. There is an absence of industry and little business and commercial property. Edgewood is a poor district with a low tax base. As a result, its ad valorem tax revenues fall far short of the monies available in other Bexar County school districts. With this inequitable financing of its schools, Edgewood cannot hire sufficient qualified personnel, nor provide the physical facilities, library books, equipment and supplies afforded by other Bexar County districts. In short, all the school districts named in this lawsuit, except Edgewood, collect and spend substantially more money per student than Edgewood and as a consequence are able to provide a higher quality of education for their students than Edgewood is able to provide.

The State financing system of numerous independent school districts in the same geographic metropolitan area, providing for separate and independent taxing units, taxing rates, and resultant tax income, allows for

the condition that exists in which there are such vast differences in educational facilities and money spent for each student's education. Certainly that part of the State financing system which requires independent school districts to retain and expend, within their respective boundaries all of the school taxes collected for the educational purposes of such respective districts and the use of a "school district" as a unit for varying allocation of educational funds accomplishes no educational objectives.

Three years ago the Governor's Committee on Public Education described these inequities in "A Tale of Two Districts", (See Appendix A), the comparison of a core city district and a suburban district in Bexar County. One district had 91 professional personnel beyond the Minimum Foundation program. The other had 45 less than that prescribed by the Minimum Foundation program. One district had 5% of its teachers on emergency permits; the other had 52% on emergency permits. One district received \$221 in state aid per ADA; the other received \$217 in state aid per ADA. One district had \$29,650 in full property value per ADA; the other had \$5,875. The deprived district in this comparison was Edgewood. But I would like to go further and relate the tale of two school children, one residing in the Edgewood District and the other a resident of the Northeast District.

To begin with, the student in the Edgewood district is of substantially the same age, aptitude, motivation and ability as the student in the other district named in this suit. Their parents, as well, I can assure you are at least as highly motivated to provide the highest possible education for their children as are parents in the other districts.

To illustrate the Edgewood residents are making a high tax effort, have burdened themselves with one of the highest proportions of bonded indebtedness in the county to pay for capital improvements and, never, in the history of the district have they failed to approve a bond issue. The desire of the Edgewood residents for quality education for their children might best be evidenced by the choosing of priorities under the Model Cities program. A large portion of the Edgewood district is in the Model Cities area and the residents of this area have made education the first priority. At the outset of the program, they established education as the primary goal, willing to postpone the solution of health and housing problems, if necessary, until that goal was achieved.

Yet despite this desire of the Edgewood residents, the Edgewood youngster finds himself without adequate classroom space. One study estimated that the Northeast School District child was being provided with 70.36 square feet as compared to the 50.4 square feet for the Edgewood child. In addition, too few janitors result in poorly kept and maintained buildings. And, the Edgewood child may find himself in one of the school buildings in the Edgewood District with a leaky roof because the district does not have the funds to repair them.

Further, even though the Edgewood student is provided with a classroom text by the State of Texas, the local district is unable to provide him with supplemental text books nor with adequate library books. Approximately 3.9 library books per child are available for the Edgewood student, where in contrast, the Northeast Independent School District provides approximately 9.42 library books per child.

Inadequate funding also directly results in a limited curriculum. Any subject which requires a small teacher child ratio is out for the Edgewood students, or if offered, results in unusually large classes elsewhere. Subjects such as homemaking, conversational language, shorthand, and experimental sciences courses all depend on small classes and individual attention. Such courses are available to the Northeast school child, where the teacher-pupil ratio is 1/19, but cannot be paid for by the resources of the Edgewood district, where the average ratio is 1/28.

Since one third of the work force every year is new in the Edgewood District, the Edgewood child has long learned to do without experienced teachers. Edgewood does receive qualified applicants for its positions, but those same applicants apply in the other Bexar County Districts as well, and Edgewood cannot compete with the salaries such districts offer. In some areas the failure of the Edgewood District to successfully compete for personnel is particularly acute. For example, there are 5,672 children for every counselor in the Edgewood District; Alamo Heights is able to provide a counselor for every 1,319 children, and the Northeast district has 1 counselor for every 1,553 children with the other named districts falling between those extremes. Clearly, there is no chance for the Edgewood youngster to receive the counseling available to his Northeast counterpart.

Because of the Edgewood district's lack of financial capabilities, the Edgewood youngster yearly loses the benefits of those State and Federal programs which are awarded on the basis of matching funds from the individual school district. This directly results in the Edgewood youngster being without an adequate amount of guidance materials and testing supplies that are made

available under these programs. If the Edgewood youth of our example is handicapped, he is also unable to benefit from film and other instructional aids because the media service costs the school district \$1.00 per ADA and Edgewood School District cannot afford the additional \$23,000 per year from local sources. The same is true of the services of educational television stations. Although the Northeast youngster can take advantage of the programs offered by education channels such as KLRN, the Edgewood youngster does not find these services available because the school district cannot afford one-half of the \$30,000 required to participate in such programs.

The bottom lines of Appendix A, showing a Tale of Two Districts vividly reflects two results of the present state financing system. It first shows 32% of Edgewood students leaving school between grades seven and twelve, while in the same period only 8% of the Northeast students dropped out and failed to receive their high school diploma. If all grade levels are examined, my own figures show that the drop out rate for Edgewood is close to 50%. Second, the average senior test score for the Edgewood youngster was 12.1; for the Northeast district senior 19.1.

Edgewood must have greater income per student, so that it will be able to hire better qualified teachers, more counselors, provide better building facilities, scientific equipment, libraries, equipment and supplies, and maintain a broader and better curriculum. Only then will we be able to prevent the irreparable injury to our children that is the result of the present inequitable system.

DR. JOSE CARDENAS

THE STATE OF TEXAS
COUNTY OF BEXAR

Before me, the undersigned authority, on this day personally appeared Dr. Jose Cardenas, who, being by me first duly sworn, on his oath deposes and says:

I am the Affiant in the above entitled and numbered cause, and that the matters stated in the above and foregoing Affidavit are true and correct.

DR. JOSE CARDENAS

Sworn to and Subscribed before me under my official hand and seal this 30th day of September, 1971.

CARLOS R. CONTRERAS
Notary Public in and for
Bexar County, Texas

APPENDIX A
 TALE OF TWO DISTRICTS

District Characteristics	Core City District	Suburban District
Enrollment -----	22,000	23,000
Family Income (Annual) -----	\$ 3,300	\$ 7,400
Extra Professional Personnel beyond -----	(45)	91
Percent of Teachers on Emergency Permits -----	52%	5%
State Aid Per ADA -----	\$ 217	\$ 221
Full Property Value Per ADA--	5,875	29,650
Performance Measures		
Dropout Rate (Grades 7-12) ----	32%	8%
Average Senior Test Score ----	12.1	19.5

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL

v.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

AFFIDAVIT

I am Dr. Daniel C. Morgan, Jr., Associate Professor of Economics, University of Texas at Austin. Attached as Appendix A is a summary of my professional education, professional work and professional qualifications.

The present Texas system of financing public education deprives poor children, children living in poor districts and racial minorities of an equal educational opportunity. Among the 1300 school districts in Texas there are immense disparities in taxable property per student, and this has resulted in widely varying expenditures for education. This variance cannot be explained by differing municipal policy decisions; rather poor districts are systemically incapable of raising as many education dollars as rich districts—despite the higher tax effort in the former districts. The result of this discrimination is that children in poor districts suffer in any comparison of indicators of educational quality; e.g., academic achievement, functional literacy, numbers of years in school.

These inequities are recognized so far as *local* school revenues are concerned, but there is a too-prevalent impression that the State government's system of education aid overcomes much of this difficulty, or perhaps can overcome much of it. This mistaken belief is that

the *State* government's "Minimal Foundation Program" ("MFP") assures some *minimal* level of education for all children; that it achieves some *equal* level of either education per child or money expenditure per child; that it equalizes the capacity of school districts to support education; and that "MFP" places a much lower effective tax burden on the poorer school districts, thereby offsetting their inherently heavier burdens.

But the present Minimum Foundation Program of Texas does *not* do any of these things. Clearly it does not do them in actual practice, and the system is presently structured so that it is most unlikely ever to do them. This was demonstrated in Morgan and Hayden, *Elementary and Secondary Education Aid: Toward an Optimal Program for Texas* (Austin: The Institute of Public Affairs of the University of Texas). See Appendix B.

When one comes to understand the State government's "Minimum Foundation Program" one recognizes that it is actually closer in its nature to an "incentive matching grant" approach to State aid than it is to a true Strayer-Haig "foundation program." Since the classic work by George Strayer and Robert Haig in 1923 most education finance authorities and economists have not advocated the incentive matching grant approach to educational financing. Increasingly, these experts recognize that in practice a pure incentive matching grant system is more apt to increase inequalities than to reduce them, and, second, that the incentive approach assures no minimum and/or equal level of performance or aid. To illustrate these deficiencies, consider the following simple example:

Assume that Rich District has a tax base of \$10,000 per pupil and that Poor District has a tax

base of only \$1,000 per pupil (by no means an extreme assumption in Texas today). Suppose that the State government in Austin has established a matching index of one-to-one, meaning that the State will match each dollar's spending by a district with a dollar of aid from the State. Now suppose that Rich District and Poor District make what we will assume to be an equal tax effort: each taxes itself 10 per cent of its tax base in order to provide revenue for education. Rich District then raises \$1,000 per pupil while Poor District raises only \$100 per pupil. The State government then grants Rich District \$1,000 per pupil in State aid while it grants Poor District only \$100 per pupil. Or, suppose instead that both districts make whatever tax effort is required of them in order to provide their children with an equal, desirable level of education per pupil. Say that this is \$1,000 per student. Then Rich District can achieve it with a 5 per cent tax effort; a 5 per cent rate applied to the \$10,000 tax base will yield \$500, which the State matches "one-for-one", yielding \$1,000 to Rich District. But Poor District will require a 50 per cent tax rate to achieve such level; a 50 per cent rate applied to its \$1,000 base will yield \$500, which the State will match with \$500, thus providing the total \$1,000.

When we understand this example and recognize the enormous disparities among Texas' 1300 school districts, we see why the "incentive matching grant" approach to State aid fails to provide equal educational opportunity or even minimal opportunity—while at the same time that it fails to equalize tax effort or wealth among the state's school districts.

Many observers do not see that the present system operating in Texas is a disguised incentive matching grant system. The salary schedule of the misnamed "Minimum Foundation Program", however, illustrates this point; for the salary portion constitutes about

four-fifths of the State government's outlay to its school districts. The salary schedule of MFP causes the State government to provide money to the school districts in accordance with the qualifications of the teachers employed by the school districts: (1) the degree attainments of the teacher; and (2) the number of years of teaching experience of the teacher. The State pays a portion of the teacher's salary: its portion depends on the above qualifications. The following example presents an MFP-type of teacher-salary schedule:

Suppose that the State government formulates the following schedule for aiding the salaries of five categories of teachers in ascending order of qualifications:

Category	State Aid to District
I (lowest)	\$1,000
II	2,000
III	3,000
IV	4,000
V (highest)	6,000

Assume that a one-to-one State formula is operative. And suppose that a given district hires ten teachers. If it is willing and able to hire all ten teachers of lowest quality, it will receive \$10,000 from the State, i.e., 10 teachers at \$1,000 per teacher. Suppose, by extreme contrast that the district is able to hire all ten teachers of highest quality: it will receive \$60,000 from the State, i.e., 10 teachers at \$6,000. While the salary schedule may provide an incentive for rich districts to employ higher quality teachers, poor districts are unable to raise the absolute number of dollars required to employ the higher quality teachers. Indeed, a lower tax effort yields the richer districts the revenues required to employ the higher quality teachers.

Thus, the Texas MFP system enables the wealthier districts to gain the most in State aid per pupil with a

minimal tax effort. Moreover, the MFP system grants no aid whatever to Texas school districts for capital expenditures. This forces poorer districts to expend higher percentages of their economic capacities on essentials like school buildings and equipment before utilizing these capacities on the quality and numbers of teachers they employ. Further, in our present context, it is helpful to remind ourselves of "sacrifice theory" in taxation. Under "sacrifice theory"—well formulated in the nineteenth century—an equal percentage of resources taxed away from low "income" families constitutes a greater sacrifice than that same percentage taxed away from higher "income" families.

Thus, despite the nomenclature which is employed in describing the Texas financing scheme, and notwithstanding popular illusions as to its efficacy, the *impact* of that system is clear: the State of Texas has created a class of children which it deems less deserving of education because they are poor or living in poor school districts.

DANIEL C. MORGAN, JR.

STATE OF TEXAS :
COUNTY OF BEXAR :

BEFORE ME, the undersigned authority, on this day personally appeared Dr. Daniel C. Morgan, Jr., who, being by me first duly sworn, on his oath deposes and says:

I am the Affiant in the above entitled and numbered cause, and that the matters stated in the above and foregoing Affidavit are true and correct.

DANIEL C. MORGAN, JR.

SWORN TO AND SUBSCRIBED before me under
my official hand and seal this 5th day of October, 1971.

MARY MYERS
Notary Public in and for
Bexar County, Texas.

APPENDIX A

DANIEL C. MORGAN, JR.

I. Degrees:

B.B.A.: University of Texas, 1953 (Finance)

M.A.: University of Texas, 1955 (Economics)

Ph.D.: University of Wisconsin, 1961 (Economics)

II. Titles and Committees, Economics Dept., University of Texas—Austin:

Associate Professor; Full Member, Graduate Faculty; Graduate Advisor, Head Economics 302-303 (Beginner's Courses); Personnel Committee; Welfare Committee; Ad Hoc Committee to Review English Requirements for the Bachelor of Arts Degree, Plan I.

III. Membership in Learned Societies

American Economic Association, National Tax Association, Associate Member Brookings Institution

IV. Selected Publications

Books:

Retail Sales Taxation: An Appraisal of New Issues. University of Wisconsin Press, 1964.

Financing Higher Education in Texas: Needs and Methods. Austin: University of Texas Press, 1965.

Elementary and Secondary Education Aid: Toward an Optimal Program for Texas. Austin: Institute of Public Affairs of the University of Texas, 1970.

Articles:

"Reappraisal of Sales Taxation: Some Recent Arguments," *National Tax Journal*, XVI, No. 1 (1963).

- “The Kefauver Drug Hearings in Perspective” *Social Science Quarterly*, June, 1964.
- “A Comment on ‘A Further Reappraisal of Sales Taxation’,” *National Tax Journal*, XVII, No. 3 (1964).
- “The Report of the Governor’s Committee on Higher Education: Fiscal Aspects,” *Public Affairs Comment*, X, No. 6 (1964).
- “Equity Considerations of Retail Sales Taxation,” in *1965 Proceedings of the Fifty-Eighth Annual Conference on Taxation*,” National Taxation Association.
- “The Family Assistance Plan: Background and Relationship to Texas,” *Public Affairs Comment*, September, 1970.
- “Does the State Government ‘Exploit’ Its Urban Centers?” *National Tax Journal*, (forthcoming).

V. Honors:

Ford Foundation Fellowship; UT President, Texas Association of College Teachers; Book Review editor, *Journal of Economic Issues*; Liberal Arts Fellow, Harvard; Chairman, Lt. Governor’s Advisory Committee on Revenue and Taxation; Member of Citizens Tax Advisory Commission, City of Austin.

APPENDIX B

The actual Texas Minimum Foundation Program determines its payments to its school districts on the basis of "units of need." These units of need are determined by the number of "classroom-teacher units" and "professional units", which are allocated by the State on the basis of the school districts' respective "average daily attendance" during the preceding school year. The allocation of classroom teacher units is derived from Article 2922-13 of *Vernon's Annotated Revised Civil Statutes of the State of Texas*. One classroom teacher unit is allotted for each certain number of pupils in average daily attendance, with one unit being allotted for lower number of pupils in small districts than in large districts. (The number of pupils required for one unit has varied over the years.) There are also units given for "special-service teachers," such as librarians and nurses; and there are also supervisor or counselor units, exceptional children units, principal units, and superintendent units. The bulk of the cost of the Foundation Program—usually averaging about 80 per cent of the total—derives from the "Salaries" portion. Article 2922-14 of "*Vernon's Statutes*" establishes the State's minimum salary schedule. The funds allocated depend on both the "education" and the "experience" of the employed personnel. "Education" refers to the categories such as "Master's Degree," "Bachelor's Degree," "Three Years College," "Two Years College," "One Year College," "Non-certificate," etc. "Experience" refers to 0 years, 1 year, etc., through 12 years or more for most of the categories of "education," and from 0 years through 26 years or more for the Master's Degree. In addition to "Salaries," the computed cost to the State for a school district is constituted by "Operating Costs" plus "Transportation Costs." "Op-

erating costs" are established in Article 2922-15 of *Vernon's Statutes*. They are based on the number of approved classroom teacher units and exceptional-teacher units employed in a district, with smaller districts receiving a bit more for each approved unit. "Transportation Aid" is established by a formula for its computation in Article 2922-15 of *Vernon's*.

The "Local Fund Assignment" is the portion of the Foundation Program that must be raised by the local school districts themselves. The percentage can be altered but has generally been 20 per cent in recent decades. The presumed aim is for the districts themselves to pay 20 per cent of the MFP bill in accordance with their respective fiscal capacities. (Actually, the districts are charged with the specified percentage, like 20 per cent, of the MFP for the immediately preceding year.) In actual practice the computation of the Local Fund Assignment has been quite complicated and has failed to achieve any "equalization" among districts of varying fiscal capacity. (For an explanation of what the complexities of the system are and why it fails, see *Elementary and Education Aid, op. cit.*, pp. 62-66.)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 69-175-SA

(Title Omitted in Printing)

**NOTICE OF APPEAL TO THE
SUPREME COURT OF THE UNITED STATES**

I.

Notice is hereby given that the State Board of Education and Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Kock, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, Herbert O. Willborn, J. W. Edgar, Commissioner of Education, and Crawford C. Martin, Attorney General of Texas, the Defendants above named, hereby appeal to the Supreme Court of the United States from the following portion of the judgment entered in this action on the 23rd day of December, 1971, and the clarification of such judgment entered on the 26th day of January, 1972:

“(1) The defendants and each of them be preliminarily and permanently restrained and enjoined from giving any force and effect to said Article 7, sec. 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation School Program Act (Ch. 16), and that defendants, the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school

system, including, without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

“(2) The mandate in this cause shall be stayed, and this Court shall retain jurisdiction in this action for a period of two years in order to afford the defendants and the Legislature an opportunity to take all steps reasonably feasible to make the school system comply with the applicable law; and without limiting the generality of the foregoing, to reallocate the school funds, and to otherwise restructure the taxing and financing system so that the educational opportunities afforded the children attending Edgewood Independent School District, and the other children of the State of Texas, are not made a function of wealth, other than the wealth of the State as a whole, as required by the equal protection clause of the Fourteenth Amendment to the United States Constitution. In the event the legislature fails to act within the time stated, the Court is authorized to and will take such further steps as may be necessary to implement both the purpose and the spirit of this order. See *Swann v. Adams*, 263 F.Supp. 225 (S.D. Fla. 1967); *Klahr v. Goddard*, 254 F.Supp. 997 (D. Ariz. 1966). Needless to say, the Court hopes that this latter action will be unnecessary.” (December 23, 1971, Judgment).

“(1) The defendants and each of them be preliminarily and permanently restrained and enjoined from giving any force and effect to the operation of said Article 7, sec. 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation School Program Act, insofar as they discriminate against Plaintiffs and others on the basis of wealth other than the wealth of the State as a whole, and that defendants

the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school system, including, without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

“(2) The mandate in this cause shall be stayed for a period of two years in order to afford the defendants and the Legislature an opportunity to take all steps reasonably feasible to make the school system comply with the applicable law; and without limiting the generality of the foregoing, to reallocate the school funds, and to otherwise restructure the taxing and financing system so that the educational opportunities afforded the children attending Edgewood Independent School District, and the other children of the State of Texas, are not made a function of wealth other than the wealth of the State as a whole, as required by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Our holding that the plaintiffs have been denied equal protection of the laws under the Fourteenth Amendment to the United States Constitution by the operation of Article 7, sec. 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation Program, shall have prospective application only, and shall not become effective until after the expiration of two years from December 23, 1971. This order shall in no way affect the validity, incontestability, obligation to pay, source of payment or enforceability of any presently outstanding bond, note or other security issued, or contractual obligation incurred by a school district in Texas for public school purposes, nor the validity or enforceability of any tax or other source of payment of any such bond, note, security or obligation; nor shall this judgment in

any way affect the validity, incontestability, obligation of payment, source of payment or enforceability of any bond, note or other security to be issued and delivered, or contractual obligation incurred by Texas school districts, for authorized purposes, during the period of two years from December 23, 1971, nor shall the validity or enforceability of any tax or other source of payment for any such bond, note or other security issued and delivered, or any contractual obligation incurred during such two year period be affected hereby; it being the intention of this Court that this judgment should be construed in such a way as to permit an orderly transition during said two year period from an unconstitutional to a constitutional system of school financing. The Court retains jurisdiction of this action to take such further steps as may be necessary to implement both the purpose and spirit of this order, in the event the Legislature fails to act within the time stated, but, as we understand the law, this constitutes no impediment with respect to the finality of this judgment for the purpose of appeal, and none is intended. See *Swann v. Adams*, 385 U.S. 440 (1967), 263 F.Supp. 225 (S.D. Fla. 1967); *Reynolds v. Sims*, 377 U.S. 533 (1964); *Gunn v. Committee to End the War in Vietnam*, 399 U.S. 383 (1970); and *Klahr v. Goddard*, 254 F.Supp. 997 (D. Ariz. 1966). Needless to say, we hope that no further action by this Court will be necessary." (January 26, 1972, clarification of judgment.)

II.

This appeal is taken pursuant to 27 U.S.C. § 1253.

III.

The Clerk will please prepare and certify a transcript of the entire record in this cause for transmission to the Clerk of the Supreme Court of the United States in accordance with Rule 12 of the Rules of the United States Supreme Court.

IV.

The following questions are presented by this appeal:

(1) Whether Section 3 of Article VII of the Constitution of the State of Texas and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation School Program Act, chapter 16, are in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

(2) Whether the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States requires equal dollar expenditures or "fiscal neutrality" in the financing plans of the public schools by the State of Texas.

(3) Whether there exists any judicially manageable standards in connection with public school financing by the State of Texas.

(4) Whether the Court has applied the proper test in passing upon the validity of public school financing in the State of Texas.

(5) Whether the Court has the authority to grant affirmative relief in connection with reallocating public funds for financial support of the public schools of the State of Texas.

Respectfully submitted,

CRAWFORD C. MARTIN
Attorney General of Texas

(Signature)

PAT BAILEY
Assistant Attorney General

Box 12548, Capitol Station
Austin, Texas 78711

Attorneys for Defendants

(Proof of Services Omitted)

TEXAS CONSTITUTIONAL AND STATUTORY PROVISIONS

Section 3 of Article VII of the Constitution of the State of Texas provides as follows:

Sec. 3. One-fourth of the revenue derived from the State occupation taxes and poll tax of one dollar on every inhabitant of the State, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred (\$100.00) dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out the said tax to provide free text books for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State and the Legislature may also provide for the formation of school district by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties, and the Legislature may authorize an

additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified property tax-paying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one (\$1.00) dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law.

OPINIONS AND JUDGMENTS BELOW

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CIVIL ACTION NO. 68-175-SA

**DEMETRIO P. RODRIGUEZ, ET AL.,
v.
SAN ANTONIO INDEPENDENT SCHOOL
DISTRICT, ET AL.,**

Before GOLDBERG, Circuit Judge; SPEARS, Chief District Judge; and ROBERTS, District Judge.

PER CURIAM:

Pursuant to Rule 23, Federal Rules of Civil Procedure, plaintiffs bring this action on behalf of Mexican American school children and their parents who live in the Edgewood Independent School District, and on behalf of all other children throughout Texas who live in school districts with low property valuations. Jurisdiction of this matter is proper under 28 U.S.C. §§ 1331, 1343. This Court finds merit in plaintiffs' claim that the current method of state financing for public elementary and secondary education deprives their class of equal opportunity of the laws under the Fourteenth Amendment to the United States Constitution.¹

¹See *Serrano v. Priest*, 5 Cal. 3d 584, — P. 2d — (1971); and *Van Duzart v. Hatfield*, — F. Supp. — (D. Minn. 1971). *Serrano* convincingly analyzes discussions regarding the suspect nature of classifications based on wealth, and *Van*

Edgewood and six other school districts lie wholly or partly within the city of San Antonio, Texas. Five additional districts are located within rural Bexar County. All of these districts and their counterparts throughout the State are dependent upon federal, state, and local sources of financing. Since the federal government contributes only about ten percent of the overall public school expenditures, most revenue is derived from local sources and from two state programs—the Available School Fund and the Minimum Foundation Program. In accordance with the Texas Constitution, the \$296 million in the Available School Fund for the 1970-1971 school year was allocated on a per capita basis determined by the average daily attendance within a district for the prior school year.

Costing in excess of one billion dollars for the 1970-1971 school year, the Minimum Foundation Program provides grants for the costs of salaries, school maintenance and transportation. Eighty percent of the cost of this program is financed from general State revenue with the remainder apportioned to the school districts in “the Local Fund Assignment.” TEX. EDUC. CODE ANN. arts. 16.71-16.73 (1969). Although generally measuring the variations in taxpaying ability, the Economic Index employed by the State to determine each district’s share of “the Local Fund Assignment” (TEX. EDUC. CODE ANN. arts 16.74-16.78) has come under increasing criticism.³

Dusartz points out that in this type case “the variations in wealth are state created. This is not the simple instance in which the poor man is injured by his lack of funds. Here the poverty is that of a governmental unit that the state itself has defined and commissioned.”

³See THE CHALLENGE AND THE CHANCE, RPT. OF THE GOVERNOR’S COMM. ON PUBLIC SCHOOL EDUC.

To provide their share of the Minimum Foundation Program, to satisfy bonded indebtedness for capital expenditures, and to finance all expenditures above the state minimum, local school districts are empowered within statutory or constitutional limits to levy and collect ad valorem property taxes. TEX. CONST. art. 7, §§ 3, 3a; TEX. EDUC. CODE ANN. art. 20.01, et seq. Since additional tax levies must be approved by a majority of the property-taxpaying voters within the individual districts, these statutory and constitutional provisions require as a practical matter that all tax revenues be expended solely within the district in which they are collected.

Within this ad valorem taxation system lies the defect which plaintiffs challenge. This system assumes that the value of property within the various districts will be sufficiently equal to sustain comparable expenditures from one district to another. It makes education a function of the local property tax base. The adverse effects of this erroneous assumption have been vividly demonstrated at trial through the testimony and exhibits adduced by plaintiffs. In this connection, a survey of 110 school districts²² throughout Texas demonstrated that while the ten districts with a market value of taxable property per pupil above \$100,000 enjoyed an equalized tax rate per \$100 of only thirty-one cents, the poorest four districts, with less than \$10,000 in property per pupil, were burdened with a rate of seventy cents. Nevertheless, the low rate of the

58-68 (1968). The accuracy of the Economic Index is the subject of separate litigation in Fort Worth Ind. School Dist. v. J. W. Edgar, (N.D. Tex., Fort Worth Div.).

²²The total number of districts in the state is approximately 1200.

rich districts yielded \$585 per pupil, while the high rate of the poor districts yielded only \$60 per pupil. As might be expected, those districts most rich in property also have the highest median family income and the lowest percentage of minority pupils, while the poor property districts are poor in income and predominantly minority in composition.³

Data for 1967-1968 show that the seven San Antonio school districts follow the statewide pattern. Market value of property per student varied from a low of \$5,429 in Edgewood, to a high of \$45,095 in Alamo Heights. Accordingly, taxes as a percent of the property's market value were the highest in Edgewood and the lowest in Alamo Heights. Despite its high rate, Edgewood produced a meager twenty-one dollars per pupil from local ad valorem taxes, while the lower rate of Alamo Heights provided \$307 per pupil.

Nor does State financial assistance serve to equalize these great disparities. Funds provided from the combined local-state system of financing in 1967-1968 ranged from \$231 per pupil in Edgewood to \$543 per pupil in Alamo Heights. There was expert testimony to the effect that the current system tends to subsidize the rich at the expense of the poor, rather than the other way around. Any mild equalizing effects that state aid may have do not benefit the poorest districts.

For poor school districts educational financing in Texas is, thus, a tax more, spend less system. The constitutional and statutory framework employed by

³Plaintiffs' Exhibit VIII shows 1960 median family income of \$5,900 in the top ten districts and \$3,325 in the bottom four. The rich districts had eight per cent minority pupils while the poor districts were seventy-nine percent minority.

the State in providing education draws distinction between groups of citizens depending upon the wealth of the district in which they live. Defendants urge this Court to find that there is a reasonable or rational relationship between these distinctions or classifications and a legitimate state purpose. This rational basis test is normally applied by the courts in reviewing state commercial or economic regulation. *See, e.g., McCowan v. Maryland*, 366 U.S. 420 (1961); *Williamson v. Lee Optical of Oklahoma*, 348 U.S. 483 (1955). More than mere rationality is required, however, to maintain a state classification which affects a "fundamental interest," or which is based upon wealth. Here both factors are involved.

These two characteristics of state classification, in the financing of public education, were recognized in *Hargrave v. McKinney*, 413 F. 2d 320, 324 (5th Cir. 1969), *on remand, Hargrave v. Kirk*, 313 F. Supp. 944 (M.D. Fla. 1970), vacated on other grounds sub nom., *Askeew v. Hargrave*, 401 U.S. 476 (1971). Among the authorities relied upon to support the *Hargrave* conclusion "that lines drawn on wealth are suspect" is *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 668. (1965).⁴ In striking down a poll tax requirement because of the possible effect upon indigent voting, the Supreme Court concluded that "(l)ines drawn on the basis of wealth or property, like those of race . . . are traditionally disfavored. . . . To introduce wealth or payment of a fee as a measure of a voter's qualifica-

⁴In addition, the court relied upon *Douglas v. California*, 372 U.S. 353 (1963), and *Griffin v. Illinois*, 351 U.S. 12 (1956), which are decisions invalidating state laws that discriminated against criminal defendants because of their poverty.

tions is to introduce a capricious or irrelevant factor.” Likewise *McDonald v. Bd. of Elections Comm’rs of Chicago*, 394 U.S. 802, 807 (1969), noted that “a careful examination on our part is especially warranted where lines are drawn on the basis of wealth . . . which would independently render a classification highly suspect and thereby demand a more exacting judicial scrutiny.”

Further justification for the very demanding test which this Court applies to defendants’ classifications is the very great significance of education to the individual. The crucial nature of education for the citizenry lies at the heart of almost twenty years of school desegregation litigation. The oft repeated declaration of *Brown v. Bd. of Education*, 347 U.S. 483, 493 (1954), continues to ring true:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Because of the grave significance of education both to the individual and to our society, the defendants

must demonstrate a compelling state interest that is promoted by the current classifications created under the financing scheme.

Defendants insist that the Court is bound by the opinions in *McInnis v. Shapiro*, 293 F. Supp 327 (N. D. Ill. 1968), aff'd mem. sub nom., 394 U.S. 322 (1969); and *Burrus v. Wilkerson*, 310 F. Supp. 572 (W.D. Va. 1969), aff'd mem. sub nom., 397 U.S. 44 (1970). However, we disagree.

The development of judicially manageable standards is imperative when reviewing the complexities of a state educational financing scheme. Plaintiffs in *McInnis* sought to require that educational expenditures in Illinois be made solely on the basis of the "pupils' educational needs." Defining and applying the nebulous concept "educational needs" would have involved the court in the type of endless research and evaluation for which the judiciary is ill-suited.⁵ Accordingly, the court refused the claim that the equal protection clause of the Fourteenth Amendment demands such an unworkable standard. The subsequent affirmance, without opinion, by the Supreme Court would not, in our opinion, bar consideration of plaintiffs' claim that lines in Texas have been drawn on the basis of wealth. The same situation prevails with respect to *Burrus* where the Court, in referring to the "varying needs" of the students, found the circumstances "scarcely distinguishable" from *McInnis*.

In the instant case plaintiffs have not advocated that

⁵Difficulties in defining the term are discussed at note 4, 293 F. Supp. 329.

educational expenditures be equal for each child.⁶ Rather, they have recommended the application of the principle of “fiscal neutrality.” Briefly summarized, this standard requires that the quality of public education may not be a function of wealth, other than the wealth of the state as a whole. Unlike the measure offered in *McInnis*, this proposal does not involve the Court in the intricacies of affirmatively requiring that expenditures be made in a certain manner or amount. On the contrary, the state may adopt the financial scheme desired so long as the variations in wealth among the governmentally chosen units do not affect spending for the education of any child.

Considered against this principle of “fiscal neutrality,” defendants arguments for the present system are rendered insubstantial. Not only are defendants unable to demonstrate compelling state interests for their classifications based upon wealth, they fail even to establish a reasonable basis for these classifications. They urge the advantages of the present system in granting decisionmaking power to individual districts, and in permitting local parents to determine how much they desire to spend on their children’s schooling. However, they lose sight of the fact that the state has, in truth and in fact, limited the choice of financing by guaranteeing that “some districts will spend low (with high taxes) while others will spend high (with low taxes).”⁷ Hence, the present system does not serve to

⁶Indeed, it is difficult to see how the defendants reach a contrary conclusion since even the *McInnis* plaintiffs did not request precisely equal expenditures per child.

⁷As the Court said in *Van Duzart v. Hatfield*, *supra*, note 1: “By its own acts, the State has indicated that it is not primarily interested in local choice in school matters. In fact, rather than reposing in each school district the eco-

promote one of the very interests which defendants assert.

Indicative of the character of defendants' other arguments is the statement that plaintiffs are calling for "socialized education." Education like the postal service has been socialized, or publicly financed and operated almost from its origin. The *type* of socialized education, not the question of its existence, is the only matter currently in dispute. One final contention of the defendants however calls for further analysis. In essence, they argue that the state may discriminate as it desires so long as federal financing equalizes the differences. Initially, the Court notes that plaintiffs have successfully controverted the contention that federal funds do in fact compensate for state discrimination.⁸ More importantly, defendants have not adequately explained why the acts of other governmental units should excuse them from the discriminatory consequences of state law. *Hobson v. Hansen, supra*, 269 F. Supp. at 496, countered defendants' view by finding that the federal aid to education statutes⁹

conomic power to fix its own level of per pupil expenditure, the State has so arranged the structure as to guarantee that some districts will spend low (with high taxes) while others will spend high (with low taxes). To promote such an erratic dispersal of privilege and burden on a theory of local control of spending would be quite impossible."

⁸Plaintiffs' Exhibit 8, Table X, indicates that while Edgewood receives the highest federal revenues per pupil of any district in San Antonio, \$108, and Alamo Heights, the lowest, \$36, the former still has the lowest combined local-state-federal revenues per pupil, \$356, and the latter the highest, \$594.

⁹The statutes involved were the Economic Opportunity Act, 42 U.S.C. §§ 2781-2791 (1964); the Elementary and Secondary Education Act, 20 U.S.C. §§ 241a-411 (1970 Supp.), and federally impacted areas aid, 20 U.S.C. §§ 236-244 (1964), *as amended*, (1970 Supp.).

. . . are manifestly intended to provide extraordinary services at the slum schools, not merely to compensate for inequalities produced by local school boards in favor of their middle-income schools. Thus, they cannot be regarded as curing any inequalities for which the Board is otherwise responsible.

Since they were designed primarily to meet special needs in disadvantaged schools, these funds cannot be employed as a substitute for state aid without violating the Congressional will. Further support for this view is offered by a series of decisions prohibiting deductions from state aid for districts receiving "impacted areas" aid.¹⁰ Performance of its constitutional obligations must be judged by the state's own behavior, not by the actions of the federal government.

While defendants are correct in their suggestion that this Court cannot act as a "super-legislature," the judiciary can always determine that an act of the legislature is violative of the Constitution. Having determined that the current system of financing public education in Texas discriminates on the basis of wealth

¹⁰These cases have held that the statute clearly provides that the aid is intended as special assistance to local educational agencies, and that to permit a reduction in state aid would violate the Congressional intent. *Douglas Ind. School Dist. No. 3 v. Jorgenson*, 293 F. Supp. 849 (D. S.D. 1968); *Hergenreter v. Hayden*, 295 F. Supp. 251 (D. Kan. 1968); *Shepherd v. Godwin*, 280 F. Supp. 869 (E.D. Va. 1968); *Carlsbad Union School Dist. v. Rafferty*, 300 F. Supp. 434 (S.D. Cal. 1969), *aff'd*, 429 F. 2d 337 (9th Cir. 1970), and *Triplett v. Tiemann*, 302 F. Supp. 1244 (D. Neb. 1969). After these action arose, the statute was amended to prohibit aid to schools in any state which has "taken into consideration payments under this subchapter in determining the eligibility of any local educational agency in that State for State aid . . ." 20 U.S.C. §§ 240 (d) (2) (1969).

by permitting citizens of affluent districts to provide a higher quality education for their children, while paying lower taxes, this Court concludes, as a matter of law, that the plaintiffs have been denied equal protection of the laws under the Fourteenth Amendment to the United States Constitution by the operation of Article 7, § 3 of the Texas Constitution and the sections of the Education Code relating to the financing of education, including the Minimum Foundation Program.

Now it is incumbent upon the defendants and the Texas Legislature to determine what new form of financing should be utilized to support public education.¹¹ The selection may be made from a wide variety of financing plans so long as the program adopted does not make the quality of public education a function of wealth other than the wealth of the state as a whole.

¹¹On October 15, 1969 this Court indicated its awareness of the fact that the Legislature of Texas, on its own initiative, had authorized the appointment of a committee to study the public school system of Texas and to recommend "a specific formula or formulae to establish a fair and equitable basis for the division of the financial responsibility between the State and the various school districts of Texas." It was then felt that ample time remained for the committee to "explore all facets and all possibilities in relation to the problem area," in order for appropriate legislation to be enacted not later than the adjournment of the 62nd Legislature, and since the Legislature appeared ready to grapple with the problems involved, the trial of this cause was held in abeyance pending further developments. Unfortunately, however, no action was taken during the 62nd Session which has adjourned. Hopefully, the Governor will see fit to submit this matter to one or more special sessions so that members of the Legislature can give these complex and complicated problems their undivided attention.

Accordingly, IT IS ORDERED that:

(1) The defendants and each of them be preliminarily and permanently restrained and enjoined from giving any force and effect to said Article 7, § 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation School Program Act (Ch. 16), and that defendants, the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school system, including, without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

(2) The mandate in this cause shall be stayed, and this Court shall retain jurisdiction in this action for a period of two years in order to afford the defendants and the Legislature an opportunity to take all steps reasonably feasible to make the school system comply with the applicable law; and without limiting the generality of the foregoing, to reallocate the school funds, and to otherwise restructure the taxing and financing system so that the educational opportunities afforded the children attending Edgewood Independent School District, and the other children of the State of Texas, are not made a function of wealth, other than the wealth of the State as a whole, as required by the equal protection clause of the Fourteenth Amendment to the United States Constitution. In the event the legislature fails to act within the time stated, the Court

is authorized to and will take further steps as may be necessary to implement both the purpose and the spirit of this order. See *Swann v. Adams*, 263 F. Supp. 225 (S.D. Fla. 1967); *Klahr v. Goddard*, 254 F. Supp. 997 (D. Ariz. 1966). Needless to say, the Court hopes that this latter action will be unnecessary.

Dated December 23, 1971.

IRVING L. GOLDBERG
United States Circuit Judge

ADRIAN A. SPEARS
Chief United States District Judge

JACK ROBERTS
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL.,
v.
SAN ANTONIO INDEPENDENT SCHOOL
DISTRICT, ET AL.,

Before GOLDBERG, Circuit Judge; SPEARS, Chief
District Judge; and ROBERTS, District Judge.

CLARIFICATION OF ORIGINAL OPINION

PER CURIAM:

Having fully considered defendants' motion for clarification of judgment and the plaintiffs' response thereto, as well as the amicus curiae briefs submitted, the Court is of the opinion that the requests in said motion constituting nothing more than "clarifications" are already implicit in the full context of the language contained in our original opinion; nevertheless, in an attempt to dispell all possible doubt as to what was intended, prevent disruptions in the operation of the public school system in Texas, and avoid further delay on the final disposition of this litigation, it is **ORDERED** that paragraphs (1) and (2) on pages 8 and 9 of the opinion of this Court entered on December 23, 1971, be and they are hereby amended to read as follows:

- (1) The defendants and each of them be preliminarily and permanently restrained and enjoined

from giving any force and effect to the operation of said Article 7, § 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation School Program Act, insofar as they discriminate against plaintiffs and others on the basis of wealth other than the wealth of the State as a whole, and that defendants, the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school system, including, without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

(2) The mandate in this cause shall be stayed for a period of two years in order to afford the defendants and the Legislature an opportunity to take all steps reasonably feasible to make the school system comply with the applicable law; and without limiting the generality of the foregoing, to reallocate the school funds, and to otherwise restructure the taxing and financing system so that the educational opportunities afforded the children attending Edgewood Independent School District, and the other children of the State of Texas, are not made a function of wealth other than the wealth of the State as a whole, as required by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Our holding that the plaintiffs have been denied

equal protection of the laws under the Fourteenth Amendment to the United States Constitution by the operation of Articles 7, § 3 of the Texas Constitution, and the sections of the Texas Education Code relating to the financing of education, including the Minimum Foundation Program, shall have prospective application only, and shall not become effective until after the expiration of two years from December 23, 1971. This order shall in no way affect the validity, incontestibility, obligation to pay, source of payment or enforceability of any presently outstanding bond, note or other security issued, or contractual obligation incurred by a school district in Texas for public school purposes, nor the validity or enforceability of any tax or other source of payment of any such bond, note, security or obligation; nor shall this judgment in any way affect the validity, incontestibility, obligation of payment, source of payment or enforceability of any bond, note or other security to be issued and delivered, or contractual obligation incurred by Texas school districts, for authorized purposes, during the period of two years from December 23, 1971, nor shall the validity or enforceability of any tax or other source of payment for any such bond, note or other security issued and delivered, or any contractual obligation incurred during such two year period be affected hereby; it being the intention of this Court that this judgment should be construed in such a way as to permit an orderly transition during said two year period from an unconstitutional to a constitutional system of school financing. The Court retains jurisdiction of this action to take such further steps as

may be necessary to implement both the purpose and spirit of this order, in the event the Legislature fails to act within the time stated, but, as we understand the law, this constitutes no impediment with respect to the finality of this judgment for the purpose of appeal, and none is intended. See *Swann v. Adams*, 385 U.S. 440 (1967, 263 F. Supp. 225 (S.D. Fla. 1967)); *Reynolds v. Sims*, 377 U.S. 533 (1964); *Gunn v. Committee to End the War in Vietnam*, 399 U.S. 383 (1970); and *Klahr v. Goddard*, 254 F. Supp. 997 (D. Ariz. 1966). Needless to say, we hope that no further action by this Court will be necessary.

Dated January 26, 1972.

ADRIAN A. SPEARS,
Chief United States District Judge, acting for and on behalf of all three judges designated to hear and determine this cause, with full authority from each such judge to so act.

Texas CONSTITUTIONAL AND STATUTORY PROVISIONS

Section 3 of Article VII of the Constitution of the State of Texas provides as follows:

Sec. 3. One-fourth of the revenue derived from the State occupation taxes and poll tax of one dollar on every inhabitant of the State, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed thirty-five cents on the one hundred (\$100.00) dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out the said tax to provide free text books for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State and the Legislature may also provide for the formation of school district by general laws; and all such school districts may embrace parts of two or more counties, and the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties, and the Legislature may authorize an

additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided that a majority of the qualified property tax-paying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one (\$1.00) dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law.

CHAPTER 16. FOUNDATION SCHOOL PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Section

- 16.01. Purpose.
- 16.02. Disposition of Money Appropriated.
- 16.03. Status of Private and Parochial Schools.
- 16.04. Program Eligibility.

[Sections 16.05 to 16.06 reserved for expansion]

SUBCHAPTER B. CLASSIFICATION OF PROFESSIONAL POSITIONS AND SERVICES

- 16.07. Classification.
- 16.08. Duties of Public School Principals.

[Sections 16.09 to 16.10 reserved for expansion]

SUBCHAPTER C. PROFESSIONAL UNITS

- 16.11. Professional Units—Allotment—General Rules.
- 16.12. Professional Units—Allotment Formulas.
- 16.13. Classroom Teacher Units.
- 16.14. Vocational Teacher Units.
- 16.15. Special Service Teacher Units.
- 16.16. Comprehensive Special Education Program for Exceptional Children.
- 16.17. Supervisor and/or Counselor Units.
- 16.18. Principal Units.
- 16.19. Superintendent Unit.
- 16.20. Repealed.
- 16.21. Allocation of Units in Certain Districts.
- 16.22. Administration—Office Assignments.

[Sections 16.23 to 16.30 reserved for expansion]

SUBCHAPTER D. SALARIES

- 16.301. Minimum Salary Rules.
- 16.302. Classroom Teachers: 1969–1970.
- 16.303. Classroom Teachers: 1970–1971.
- 16.304. Vocational Teachers, Counselors, Supervisors: 1969–1971.
- 16.305. Special Service Teachers: 1969–1971.
- 16.306. Teachers of Exceptional Children: 1969–1971.
- 16.307. Supervisors and/or Counselors: 1969–1971.
- 16.308. Principals: 1969–1971.
- 16.309. Superintendents: 1969–1971.
- 16.310. 10-Month Year.
- 16.311. Professional Salaries: Total Cost.
- 16.312. Salaries: Beginning 1971–1972.

PUBLIC SCHOOLS

Section

- 16.313. Promotions, Demotions, Etc.
- 16.314. Increases in 1974 and 1978.
- 16.315. Teachers Aides.
- 16.316. Certified Teachers Holding Law Degree.

[Sections 16.317 to 16.44 reserved for expansion]

SUBCHAPTER E. CURRENT OPERATING COST

- 16.45. Current Operating Cost.

[Sections 16.46 to 16.50 reserved for expansion]

SUBCHAPTER F. TRANSPORTATION SERVICES

- 16.51. Transportation Services.
- 16.52. Public Schools Transportation System.
- 16.53. County and District Transportation Funds.
- 16.54. Use of Buses for Extracurricular Activities, Etc.
- 16.55. Approved School Bus Routes.
- 16.56. Calculation of Allotment.
- 16.57. Routes and Systems: Evaluation and Approval.
- 16.58. Use of Transportation Funds for Other Purposes.
- 16.59. Rules of Commissioner.
- 16.60. Appeals.
- 16.61. Purchase of Vehicles.
- 16.62. Transportation Allotment for Exceptional Children Progr
- 16.63. Contract with Public Transportation Company.

[Sections 16.64 to 16.70 reserved for expansion]

SUBCHAPTER G. FINANCING THE PROGRAM

- 16.71. Financing—General Rule.
- 16.711. Committee to Study Financing of Program.
- 16.72. Total Amount Chargeable to Districts.
- 16.73. Estimate of Total Cost of Program; Local Assignment.
- 16.74. County Economic Index.
- 16.741. Livestock Sales From Feedlots.
- 16.75. County Assignment.
- 16.76. School District Assignment.
- 16.77. Notification of Local Fund Assignment.
- 16.78. Excess of Local Funds Over Amount Assigned.
- 16.79. Administration of Foundation School Program.
- 16.80. Dormant School Districts.
- 16.81. Territory Not in School District.
- 16.82. Cumulative Effect.
- 16.83. Falsification of Records, Report.

[Sections 16.84 to 16.860 reserved for expansion]

FOUNDATION SCHOOL PROGRAM

SUBCHAPTER G-1. FOUR-QUARTER SCHOOL YEAR

Section

- 16.861. Transition to Four-Quarter System; Curriculum Revision.
- 16.862. Operation on Quarter Basis.
- 16.863. Foundation School Program Credit.
- 16.864. Four-Quarter Operation Authorized.

[Sections 16.865 to 16.90 reserved for expansion]

SUBCHAPTER H. QUARTERLY SEMESTER PILOT PROGRAMS

- 16.91. Pilot Program.
- 16.92. Limitation.
- 16.93. Cost Basis.
- 16.94. Calculation of Costs.
- 16.95. State's Share of Cost.

[Sections 16.96 to 16.970 reserved for expansion]

SUBCHAPTER H-1. THREE-SEMESTER PILOT PROGRAMS

- 16.971. Pilot Program.
- 16.972. Limitation.
- 16.973. Cost Basis.
- 16.974. Calculation of Costs.
- 16.975. State's Share of Cost.

[Sections 16.976 to 16.979 reserved for expansion]

SUBCHAPTER I. SUPPLEMENTAL STATE SALARY AID TO SCHOOL DISTRICTS

- 16.98. Supplemental State Salary Aid.

Acts 1971, 62nd Leg., p. 1449, ch. 405, which by sections 1 to 53 incorporated the provisions of certain acts passed during the regular and second called sessions of the 61st Legislature into the Education Code, and which by section 54 repealed the acts so incorporated, provided in sections 55 and 56:

"Sec. 55. Nothing in this Act is intended to make any change in the substantive law, but this Act is merely intended to be a recodification of the present law.

"Sec. 56. If any other Act passed at the same session of the Legislature conflicts with any provision of this Act, the other Act prevails."

Special acts:

Counties of 19,500 to 19,680—Acts 1971,
62nd Leg., p. 1910, ch. 574.

SUBCHAPTER A. GENERAL PROVISIONS

Section 16.01. Purpose

The purpose of the Foundation School Program is to guarantee to each child of school age in Texas the availability of a Minimum Foundation School Program for nine full months of the year and to establish the eligibility requirements for the public school districts of Texas in connection therewith.

§ 16.02. Disposition of Money Appropriated

Appropriations enacted by the legislature for the promotion of the educational opportunities afforded by this state under this Foundational School Program shall be paid in accordance with the requirements and in the manner provided in this chapter.

§ 16.03. Status of Private and Parochial Schools

No provision of this chapter shall be interpreted inimically to the status previously enjoyed by the private or parochial schools operating in this state.

§ 16.04. Program Eligibility

(a) Beginning with the school year 1977-1978, any child in this state over 5 and under 21 years of age at the beginning of the school year, who has not yet graduated from high school, shall be entitled to the benefits of the Basic Foundation School Program for the ensuing school year. Such eligible child shall be admitted tuition-free to the public schools of the district in which he, his parents or legal guardian, resides. Provided, however, that for the school years 1969-1970 through 1976-1977, the qualifying age limits at the beginning of each school year shall be in accord with the following table:

QUALIFYING AGE LIMITS AS OF BEGINNING
OF SCHOOL YEAR:

	1969-1970 through 1972-1973	1973-1974 and 1974-1975	1975-1976 and 1976-1977
Beginning Age:			
Years	6	5	5
Months	0	7	4
Highest Age:			
Years	20	20	20

(b) Notwithstanding the provisions of Subsection (a) of this section, the program of preschool education shall be extended first to “educationally handicapped” children as preparation for the regular school program in which such children will participate in subsequent years. For purposes of this section, a child is “educationally handicapped” if he cannot speak, read, and comprehend the English language or if he is from a family whose income, according to standards promulgated by the State Board of Education, is at or below a subsistence level. The program shall include an appreciation for the cultural and familial traditions of the child’s parents and also an awareness and appreciation of the broader world in which the child must live; assist the child in developing appropriate language skills; prepare the child to participate in the world of his peers and the broader cultural stream into which he will progressively move as he matures; begin the development of the mental and physical skills and cooperative attitudes needed for adequate performance in a school setting; and begin the development of his unique character and personality traits.

(c) The benefits of this program for preschool education shall be extended on a first priority basis to “educationally handicapped” children below existing age limits as shown in the following table:

QUALIFYING AGE LIMITS AS OF BEGINNING OF SCHOOL YEAR:

	1970-1971	1971-1972	1972-1973 and Thereafter
Beginning Age:			
Years	5	5	5
Months	5	2	0
Highest Age:			
Years	21	21	21

(d) A scholastic is a student in average daily attendance within the age limits prescribed in this section.

Added by Acts 1971, 62nd Leg., p. 1507, ch. 405, § 29, eff. May 26, 1971.

[Sections 16.05 and 16.06 reserved for expansion]

SUBCHAPTER B. CLASSIFICATION OF PROFESSIONAL POSITIONS AND SERVICES

§ 16.07. Classification

To effectuate the Foundation School Program here guaranteed, school districts are authorized to utilize the following professional positions, or units, and services :

- (1) professional positions ;
 - (A) classroom teachers ;
 - (B) vocational teachers ;
 - (C) special service teachers, among which shall be included librarians, school nurses, school physicians, visiting teachers, and itinerant teachers ;
 - (D) teachers of exceptional children ;
 - (E) supervisors and/or counselors ;
 - (F) principals, part-time ;
 - (G) principals, full-time ;
 - (H) superintendents ; and
- (2) services ;
 - (A) current operating cost other than professional salaries and transportation ; and
 - (B) transportation.

§ 16.08. Duties of Public School Principals

Public school principals, who shall hold valid administrative certificates, shall be responsible for :

- (a) assuming administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline, and the planning, operation, supervision, and evaluation of the educational program of the attendance area in which he is assigned ;
- (b) submitting recommendations to the superintendent concerning assignment, evaluation, promotion, and dismissal of all personnel assigned to the attendance center ; and
- (c) performing any other duties assigned by the superintendent pursuant to school board policy.
- (d) Nothing herein shall be construed as a limitation on the powers, responsibilities and obligations of the school board as now prescribed by law.

Added by Acts 1971, 62nd Leg., p. 81, ch. 44, § 1, eff. April 1, 1971.

[Sections 16.09 and 16.10 reserved for expansion]

SUBCHAPTER C. PROFESSIONAL UNITS

§ 16.11. Professional Units—Allotment—General Rules

(a) The total number of professional units allotted to each district shall be the sum of the professional units, hereinafter prescribed, for classroom teachers, vocational teachers, special service teachers, teachers of exceptional children, supervisors and/or counselors, full-time and/or part-time principals, and superintendents.

(b) Such professional unit allotments shall be contingent upon the employment of qualified personnel and upon the payment of not less than the minimum salary as prescribed in this chapter.

(c) No district will be required to employ professional personnel for the full number of professional units for which it is eligible, but where a fewer number are employed, grants shall be based upon the number actually employed during the current school year; and

(d) All personnel allotted under the Foundation School Program shall be allocated to school districts on the basis of current average daily attendance without regard to race, creed, or color of students.

(e) In addition to the method of allocating professional units under the Minimum Foundation Program on the basis of current average daily attendance, any school district may choose to utilize the preceding year's average daily attendance to establish the basis for allocation of professional units in compliance with the formulas in this chapter.

(f) Where a school district is consolidated or contracted with another district, or annexed in whole or part to another district or districts, or where the number of grades taught has been reduced, or where the scholastics are transferred to another district, or where there is an annual fluctuation in the attendance in the district, or where for any reason there is a marked increase or decrease in the attendance of any school district, adjustments in professional allotments shall be made by the state commissioner of education subject to the applicable rules and regulations of the State Board of Education.

(g) Attendance in grades not classified to be taught by the county school board shall not be included in determining professional unit eligibility.

(h) Attendance of non-resident scholastics whose grades are taught in their home districts shall not count for teacher eligibility, unless the transfer of such scholastics has been approved by the county school board and the state commissioner of education.

(i) Any school district which is not dormant as defined in Section 16.80 of this code may, with approval of the boards of trustees of the districts concerned, the county school superintendent, and the state

§ 16.11

PUBLIC SCHOOLS

commissioner of education, contract for a period of one year to transfer its entire scholastic enrollment, both white and colored, to a contiguous district. The scholastic census rolls of both districts shall be combined, the per capita apportionment paid directly to the receiving district, and the combined average daily attendance used in determining the number of professional units for which the receiving district shall be eligible.

(j) Any school district containing 100 square miles or more and having fewer than one pupil per square mile, and which operates and maintains a four-year accredited high school, may be allotted by the state commissioner of education the number of professional units determinable as earned by the application of a sparse-area formula approved by the State Board of Education. The state commissioner of education shall consider in making such allotments the density and distribution of population in the district, road conditions, and the proximity of the school to another four-year accredited high school.

(k) In determining the number of professional units allotted to each school district in the foundation school program, the attendance of orphan, dependents, or neglected children who are wards of the state shall be considered eligible average daily attendance in the receiving school district or districts to which these children are transferred after approval by the county school board and the state commissioner of education.

Subsecs. (d), (e) amended by Acts 1971, 62nd Leg., p. 1510, ch. 405, § 34, eff. May 26, 1971.

§ 16.12. Professional Units—Allotment Formulas

(a) Subject to the general rules set out in Section 16.11 of this code, the number of professional units for each district shall be determined as prescribed in the succeeding sections of this subchapter.

§ 16.13. Classroom Teacher Units

Classroom teacher professional units for each school district shall be determined, and teachers allotted in the following manner:

(1) to school districts having fewer than 15 pupils in average daily attendance, no classroom teacher unit, except that in cases of extreme hardship, such districts may be allotted on a year-to-year basis one classroom teacher unit if so recommended by the county school board and approved by the state commissioner of education;

(2) to school districts having from 15 to 25 pupils, inclusive, in average daily attendance, one classroom teacher unit;

(3) to school districts having from 26 to 109 pupils, inclusive, in average daily attendance, two classroom teacher units for the first 26 pupils and one classroom teacher unit for each additional 21 pupils (no credit to be given for fractions) ;

(4) to school districts having from 110 to 156 pupils, inclusive, in average daily attendance, six classroom teacher units ;

(5) to school districts having from 157 to 444 pupils, inclusive, in average daily attendance, one classroom teacher unit for each 24 pupils, or fractional part thereof in excess of one-half ;

(6) to school districts having from 445 pupils to 487 pupils, inclusive, in average daily attendance, 19 classroom teacher units ; and

(7) to school districts having from 488 or more pupils in average daily attendance, one classroom teacher unit for each 25 pupils, or fractional part thereof in excess of one-half.

Amended by Acts 1971, 62nd Leg., p. 1506, ch. 405, § 27, eff. May 26, 1971.

§ 16.14. Vocational Teacher Units

(a) Vocational teacher professional units, vocational supervisor professional units, and vocational counselor professional units for each school district shall be determined and allotted as prescribed by this section.

(b) Each school district having a four-year accredited high school shall be eligible, under rules and regulations of the State Board of Education, for two vocational teacher units to teach one or more vocational programs provided there is a need thereof, and provided the programs shall have been approved by the commissioner of education.

(c) Additional vocational teacher units for four-year accredited high schools may be allotted according to needs determined by a survey of the community and approved by the commissioner of education.

(d) A district having an accredited high school which qualifies, according to the rules and regulations of the State Board of Education, for less than one vocational teacher unit, may be allotted by the commissioner of education a fractional part of a vocational teacher professional unit. A fractional part of a vocational teacher professional unit shall entitle a district to employ a part-time vocational teacher or assign a classroom teacher to serve as part-time vocational teacher.

(e) Each school district having a four-year accredited high school shall be eligible, under rules and regulations as approved by the State Board of Education, for such specialized vocational supervisor units

§ 16.14

PUBLIC SCHOOLS

and vocational counselor units as there is a need thereof, and in the number determined by application of formulas adopted by the State Board of Education and subject to approval by the commissioner of education.

(f) Vocational professional unit allotments, except classroom teachers who also served as part-time vocational teachers, shall be made in addition to other professional unit allotments. Vocational teacher units shall be included in determining the total current operating cost for each district. In addition to this allowance, there shall be an additional allocation of \$400 for each vocational teacher unit.

(g) School districts which, because of limited enrollments, tax resources, or facilities are unable to offer appropriate vocational education in all occupational areas needed may enter into contracts with post-secondary public institutions, as defined by the State Board of Education, to provide for such appropriate vocational education instruction provided the instructors and instructional materials and equipment utilized meet secondary school program requirements.

(h) Such contracts shall be executed pursuant to rules and regulations of the State Board for Vocational Education (State Board of Education) and the cost to the state shall not exceed the cost that would result if said programs were operated by the respective school districts entering into such contracts.

Amended by Acts 1971, 62nd Leg., p. 1511, ch. 405, § 35, eff. May 26, 1971.

§ 16.15. Special Service Teacher Units

(a) Special service teacher professional units for each school district, which may be separate for whites and Negroes, shall be based upon the number of approved classroom teacher units, and shall be determined and teachers allotted, in addition to other professional unit allotments, in the manner prescribed by this section.

(b) Districts which have 20 or more approved classroom teacher units shall be eligible for one special service teacher unit for each 20 classroom teacher units, no credit to be given for fractions.

(c) Districts not eligible for a full special service teacher unit may enter by vote of their respective boards of trustees, into one cooperative agreement to provide special service teachers, as prescribed in subsection (b) of this section, to be recommended and supervised by the county school superintendent, and employed by the county school board. The state commissioner of education shall, upon the county superintendent's certification of such agreement, allot to each district party thereto a fractional part of a special service teacher unit, said

fraction to be not greater than the number of approved classroom teacher units for that district divided by 20.

(d) School districts may choose from the five types of special service teacher units listed in Section 16.07(1) (C) of this code the number of each classification that it desires, to the extent of total eligibility for such units, but the allocation of special service teacher units shall not preclude the assignment of classroom teachers to special service duties. The state commissioner of education shall establish qualifications for special service teachers which shall be subject to regulations made by the State Board of Education.

§ 16.16. Comprehensive Special Education Program for Exceptional Children

(a) It is the intention of this section to provide for a comprehensive special education program for exceptional children in Texas.

(b) As used in this section:

(1) "Exceptional children" means children between the ages of 3 and 21, inclusive, with educational handicaps (physical, retarded, emotionally disturbed, and/or children with language and/or learning disabilities) as hereinafter more specifically defined; and children leaving and not attending public school for a time because of pregnancy—which disabilities render regular services and classes of the public schools inconsistent with their educational needs.

(2) "Physically handicapped children" means children of educable mind whose body functions or members are so impaired from any cause that they cannot be adequately or safely educated in the regular classes of the public schools without the provision of special services.

(3) "Mentally retarded children" means children whose mental capacity is such that they cannot be adequately educated in the regular classes of the public schools without the provision of special services.

(4) "Emotionally disturbed children" means children whose emotional condition is medically and/or psychologically determined to be such that they cannot be adequately and safely educated in the regular classes of the public schools without the provision of special services.

(5) "Language and/or learning disabled children" means children who are so deficient in the acquisition of language and/or learning skills including, but not limited to, the ability to reason, think, speak, read, write, spell, or to make mathematical calcula-

tions, as identified by educational and/or psychological and/or medical diagnosis that they must be provided special services for educational progress. The term "language and/or learning disabled children" shall also apply to children diagnosed as having specific developmental dyslexia.

(6) "Special services" required for the instruction of or program for exceptional children means special teaching in the public school curriculum within and/or without the regular classroom; corrective teaching, such as lipreading, speech correction, sight conservation, corrective health habits; transportation, special seats, books, instructional media and supplies; professional counseling with students and parents; supervision of professional services and pupil evaluation services; established teaching techniques for children with language and/or learning disabilities.

(c) Under rules, regulations and/or formulae adopted by the State Board of Education subject to the provisions of this section, exceptional children teacher units, in addition to other professional and paraprofessional unit allotments herein authorized, shall be allotted to any eligible school district in the number determinable thereunder. Exceptional children teacher units for pupils who are both severely physically handicapped and mentally retarded shall be allocated on a separate formula from other type units.

(d) Professional personnel for the operation and maintenance of a program of special education shall be:

- (1) exceptional children teachers;
- (2) special education supervisors;
- (3) special education counselors;
- (4) special service teachers, such as itinerant teachers of the homebound and visiting teachers, whose duties may or may not be performed in whole or in part on the campus of any school; and

(5) psychologists and other pupil evaluation specialists. The minimum salary for such specialist to be used in computing salary allotment for purposes of this section shall be established by the commissioner of education.

(e) Paraprofessional personnel for the operation and maintenance of a program of special education shall consist of persons engaged as teacher aides, who may or may not hold a teacher certificate. The qualifications and minimum salary levels of paraprofessional personnel for salary allotment purposes of this section shall be established by the commissioner of education.

(f) Quantitative bases for the allotment of all special education unit personnel under Subsection (c) of this section shall be established by the commissioner of education under rules adopted by the State Board of Education. Any school district, at its expense, may employ any special education personnel in excess of its state allotment, may supplement the minimum salary allotted by the state for any special education personnel, and any district is authorized at local expense to pay for all or part of further or continuing training or education of its special education personnel.

(g) Special education unit personnel may be employed and/or utilized on a full-time, part-time, or upon a consultative basis, or may be allotted by the commissioner of education, pursuant to cooperative districts' agreement, jointly to serve two or more school districts. Two or more school districts may operate jointly their special education program and any school district may contract where feasible with any other school district for all or any part of the program of special education for the children of either district, under rules and regulations established by the commissioner of education.

(h) To each school district operating an approved special education program there shall also be allotted a special service allowance in an amount to be determined by the commissioner of education for pupil evaluation, special seats, books, instructional media and other supplies required for quality instruction.

(i) To each school district operating an approved special education program, there shall be allotted also a transportation allowance for transporting of children in special education programs who are unable to attend the special education program for exceptional children in public school unless such special transportation is provided. The annual transportation allotment shall be \$150 per exceptional child pupil receiving such transportation. Such allocated transportation funds shall be used only for transportation purposes for children who are enrolled in a program of special education or who are eligible for such enrollment.

(j) The minimum monthly base pay and increments for teaching experience for an exceptional children teacher or a special service teacher conducting a 9, 10, 11, or 12 months special education program approved by the commissioner of education shall be the same as that of a classroom teacher as provided in the Foundation Program Act; provided that special education teachers shall have qualifications approved by the commissioner of education. The annual salary of special education teachers shall be the monthly base salary, plus increments, multiplied by 9, 10, 11, or 12, as applicable.

(k) The minimum monthly base pay and increments for teaching experience for special education counselors and supervisors engaged

§ 16.16

PUBLIC SCHOOLS

in a 9, 10, 11, or 12 months special education program approved by the commissioner of education shall be the same as that of a counselor and/or supervisor as provided in the Foundation Program Act; provided that such counselors and supervisors shall have qualifications approved by the commissioner of education. The annual salary of special education counselors and supervisors shall be the monthly base salary, plus increments, multiplied by 9, 10, 11, or 12, as applicable.

(l) The salary costs of special education teacher units, other professional and paraprofessional units authorized in Subsections (c), (d), and (e) of this section, operating costs as provided in Subsection (h), and transportation costs as provided in Subsection (i), computed as other costs of the Foundation School Program Act for local fund assignment purposes thereof, shall be paid from the Foundation Program School Fund. Provided further, that any school district may supplement any part of the comprehensive special education program it operates or participates in with funds or sources available to it from local source, public and/or private.

(m) Under rules and regulations of the State Board of Education, eligible school districts may contract with nonprofit community mental health and/or mental retardation centers, public or private, or any other nonprofit organization, institution, or agency approved by the State Board of Education, for the provision of services to exceptional children as defined by this section, who reside with their parents or guardians.

(n) Special education program units shall be included in determining the total current operating cost for each district.

(o) The Foundation School Fund Budget Committee shall compute all amounts required for comprehensive special education program purposes to be included in the amounts to be placed in the Foundation School Fund for the ensuing biennium at the same time that certifications are made for other Foundation School Fund purposes.

Amended by Acts 1971, 62nd Leg., p. 1491, ch. 405, § 19, eff. May 26, 1971.

§ 16.17. Supervisor and/or Counselor Units

(a) The state commissioner of education shall establish, subject to regulations by the State Board of Education, qualifications for supervisors and counselors. Supervisor and/or counselor professional units for each school district, which may be separate for whites and Negroes, shall be determined and supervisor and/or counselor units allotted, in addition to other professional unit allotments, as prescribed by this section.

(b) The basic allotment shall be one supervisor or counselor unit for the first 40 classroom teacher units and one supervisor or counselor unit for each additional 50 classroom teacher units; or major fractional part thereof. If a district is eligible for one such unit, the district may employ for such unit either a supervisor or a counselor, but not both. If a district is eligible for two or more such units, the district may employ supervisors only, counselors only, or a combination of the two to the extent of total eligibility.

(c) Districts having fewer than 40 classroom teacher units may enter, by vote of their respective governing boards, into one cooperative agreement to provide supervisors and/or counselors to be recommended and supervised by the county superintendent and employed by the county school board. Under such agreements the combined classroom teacher units of the cooperating districts shall be used in calculating eligibility for supervisor and/or counselor units, but if the county employs a supervisor from the county administrative funds, 40 classroom teacher units shall be deducted from the combined total. The state commissioner of education shall, upon the county superintendent's certification of such agreement, allot to each district party to such agreement a fractional part of a supervisor or counselor unit, said fraction to be not greater than the number of approved classroom teacher units for that district divided by 40.

§ 16.18. Principal Units

(a) Principal units shall be of two types: full-time principal units and part-time principal units. A part-time principal unit shall entitle a district to assign a classroom teacher to serve as a part-time principal and to receive an additional salary allowance as hereinafter provided in this chapter.

(b) The principal unit allotment as hereinafter provided shall be based upon the number of approved classroom teacher units and shall be made in addition to other professional unit allotments. Principal units for each school district, which may be separate for whites and Negroes, shall be determined and allotted as prescribed in this section.

(c) No district having fewer than three approved classroom teacher units shall be eligible for a principal allotment.

(d) To districts having from three to 19 classroom teacher units and not having an accredited four-year high school, one part-time principal unit shall be allotted.

(e) To districts having from nine to 19 classroom teacher units and having a four-year accredited high school, two part-time principal units shall be allotted. Additional part-time principal units shall be allotted. Additional part-time principal units shall be allotted, if nec-

§ 16.18

PUBLIC SCHOOLS

essary, to the extent that at least one part-time principal will be available for each campus on which a school with more than two classroom teachers is operated in the district.

(f) To districts having 20 or more approved classroom teacher units there shall be allotted one full-time principal unit for the first 20 classroom teacher units and one full-time principal unit for each additional 30 classroom teacher units, but fractions shall not be considered in computing principal allotments.

(g) Part-time principal units, in addition to full-time principal unit allowances provided above, shall be allowed as follows: one from the first 20 classroom teachers, and one from each additional 30 classroom teachers. Service as part-time principal shall be in addition to part-time classroom duties. Those so designated shall receive an additional allowance as hereinafter provided in this chapter. Additional part-time principal units shall be allotted, if necessary, to the extent that at least one full-time or part-time principal will be available for each campus on which a school with more than two classroom teachers is operated in the district.

§ 16.19. Superintendent Unit

(a) ¹ Superintendents shall serve the entire school district. Allotments for superintendent units as provided for herein shall be made in addition to other professional unit allotments. Superintendent units for each district shall be determined and allotted in the following manner: A district having one or more four-year accredited high schools shall be eligible for one superintendent allotment. A district which does not have a four-year accredited high school shall not be eligible for a superintendent allotment.

¹ There is no paragraph (b) in the enrolled bill.

§ 16.20. Repealed by Acts 1971, 62nd Leg., p. 1533, ch. 405, § 54 (1), eff. May 26, 1971

Section 16.20 provided for the determination of professional units allotment on a combined average daily attendance, and was derived from:

Acts 1965, 59th Leg., p. 1029, ch. 509.
Acts 1969, 61st Leg., p. 3024, ch. 889, § 2.
Vernon's Ann.Civ.St. art. 2922-13d.

§ 16.21. Allocation of Units in Certain Districts

Notwithstanding the provisions of Sections 16.11 and 16.13 of this code, the number of professional units allocated to school districts which operate and have operated for at least three consecutive years a four-year accredited high school and have an average daily attendance range between 84 and 156 pupils for the immediate preceding

year shall be based on the following formula: a school district having 84 to 106 pupils, inclusive, in average daily attendance shall be allotted six classroom teacher units and a superintendent unit. A school district having 107 to 156 pupils, inclusive, shall be allotted seven classroom teacher units and a superintendent unit.

Amended by Acts 1971, 62nd Leg., p. 1512, ch. 405, § 36, eff. May 26, 1971.

§ 16.22. Administration—Office Assignments

For utilization of classroom teacher unit allotment purposes, the Central Education Agency shall regard and recognize as classroom teacher(s) within the definition of ‘teacher’ as described in the Texas State Public Education Compensation Plan, teacher certificated personnel employed or assigned by any school district to teach, as classroom teachers, and/or to perform administration-office assignments or tasks. (S.B.No.990, 62nd Legis., Reg.Sess., 1971.)

Added by Acts 1971, 62nd Leg., p. 3362, ch. 1024, Art. 2, § 44, eff. Sept. 1, 1971.

[Sections 16.23 to 16.300 reserved for expansion]

SUBCHAPTER D. SALARIES

Subchapter D relating to Salaries, originally consisting of §§ 16.31 to 16.40, was amended by Acts 1971, 62nd Leg., p. 1449, ch. 405, § 26, effective May 26, 1971, to consist of §§ 16.301 to 16.316 relating to the same subject. See, also, the italicized note preceding § 16.01 of this chapter.

§ 16.301. Minimum Salary Rules

(a) The board of trustees of each and every school district in the State of Texas shall pay their teachers upon a salary schedule providing a minimum beginning base salary, plus increments above the minimum for additional experience in teaching as hereinafter prescribed. The salaries fixed herein shall be regarded as minimum salaries only and each district may supplement such salaries.

(b) All teachers and administrators shall have a valid Texas certificate. Salary increments for college training shall be based upon training received at a college recognized by the commissioner of education for the preparation of teachers.

(c) Payment of at least the minimum salary schedule provided herein shall be a condition precedent: (1) to a school’s participation in the Foundation School Fund; and (2) to its name being placed

§ 16.301

PUBLIC SCHOOLS

or continued upon the official list of affiliated or accredited schools. The annual salaries as provided herein may be paid in 12 equal payments at the discretion of the local school boards.

(d) The salary of each professional position shall be determined as provided by this subchapter.

§ 16.302. Classroom Teachers: 1969-1970

(a) For the 1969-1970 school year, the annual salary of classroom teachers shall be the monthly base salary, plus increments, multiplied by nine. For the 1970-1971 school year, the annual salary of classroom teachers shall be the monthly base salary plus increments multiplied by 10.

(b) Classroom teachers shall be paid for the school year 1969-1970 on the basis of the following salary schedules:

SALARY SCHEDULE 1969-1970
YEARS OF TEACHING EXPERIENCE

	Salary	0-1	2-3	4-5	6-8	9 or More		
Teacher, B.A. Month		600	630	662	695	730		
						16 or More		
Teacher, M.A. Month	Salary	0-3	4-5	6-7	8-10	11-13	14-15	More
		660	695	730	767	805	845	866

(c) The above schedule reduced by \$7 per month at each step shall apply to all teaching positions and special service positions authorized under the Minimum Foundation Program, with the provision that all teaching positions authorized for more than nine months shall receive the monthly salary multiplied by the number of months allowed.

(d) Non-degree teachers shall receive .80 of the monthly salary for B.A. degree teachers multiplied by the number of months allowed for the position in which they are employed.

(e) Salaries for the following positions shall be based on the monthly salaries for teachers with the same experience and degree and shall be computed as indicated below:

(1) Supervisors and counselors shall receive 1.06 of the monthly teacher salary multiplied by 10.

(2) Head teachers shall receive 1.08 of the monthly teacher salary multiplied by 9.

(3) Part-time principals shall receive 1.15 of the monthly teacher salary multiplied by 9½.

(4) Full-time principals shall receive 1.20 of the monthly teacher salary multiplied by 11.

(5) Superintendents in districts with 600 ADA or less shall receive 1.25 of the monthly teacher salary multiplied by 12. Superintendents in districts with 601–5,000 ADA shall receive 1.50 of the monthly teacher salary multiplied by 12. Superintendents in districts with 5,001 or more ADA shall receive 1.75 of the monthly salary multiplied by 12.

§ 16.303. Classroom Teachers: 1970–1971

(a) For the 1970–1971 school year, classroom teachers shall be paid on a monthly basis as provided in the schedule below:

SALARY SCHEDULE 1970–1971
SALARY BY STEPS ABOVE BASE

<u>Base Salary</u>		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>		
Teacher, B.A. Month	600	630	662	695	730	767		
<u>Base Salary</u>		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
Teacher, M.A. Month	660	695	730	767	805	845	866	888

(b) Beginning teachers shall be paid the base salary. Other teachers shall be placed at the monthly salary step immediately above the monthly salary step in the 1969–1970 salary schedule nearest the monthly salary received by the teacher in 1969–1970. The annual salary for each teacher shall be the appropriate monthly salary multiplied by 10. The above schedule shall apply to all teaching positions and special service positions authorized under the Minimum Foundation Program, with the provision that all teaching positions authorized for more than 10 months shall receive the monthly salary multiplied by the number of months allowed.

(c) Non-degree teachers shall receive .80 of the monthly salary for B.A. degree teachers multiplied by the number of months allowed for the position in which they are employed.

(d) Salaries for the following positions shall be based on the monthly salaries for teachers with the same experience and degree and shall be computed as indicated below:

(1) Supervisors and counselors shall receive 1.20 of the monthly teacher salary multiplied by 10.

(2) Head teachers shall receive 1.08 of the monthly teacher salary multiplied by 10.

(3) Part-time principals shall receive 1.15 of the monthly teacher salary multiplied by 10.

(4) Full-time principals shall receive 1.25 of the monthly teacher salary multiplied by 11.

(5) Superintendents in districts with 600 or less ADA shall receive 1.30 of the monthly teacher salary multiplied by 12. Superintendents in districts with 601–5,000 ADA shall receive 1.50 of the monthly teacher salary multiplied by 12. Superintendents in districts with 5,000–50,000 ADA shall receive 1.75 of the monthly teacher salary multiplied by 12. Superintendents in districts with 50,001 or more ADA shall receive 2.25 of the monthly teacher salary multiplied by 12.

§ 16.304. Vocational Teachers, Counselors, Supervisors: 1969–1971

(a) The minimum monthly base pay and increments for teaching experience for a vocational teacher conducting a 9, 10, or 12 months' vocational program approved by the commissioner of education shall be the same as that of a classroom teacher as provided herein; provided that vocational trade and industrial teachers having qualifications approved by the State Board of Vocational Education shall be eligible for the minimum monthly base pay for a classroom teacher who holds a recognized bachelor's degree and a valid teacher's certificate.

(b) The annual salary of vocational teachers shall be the monthly base salary, plus increments, multiplied by 9, 10, or 12, as applicable for 1969–1970, and by 10, 11, or 12 as applicable for 1970–1971.

(c) The minimum salaries hereinabove prescribed for vocational teachers mean total salaries of such teachers to be received for public school instruction, whether they be paid out of state and/or federal

(e) The minimum monthly base salary and increments for teachers in distributive adult education.

(d) Expenses where allowable shall be paid from a separate vocational fund. No such expense shall be counted as part of the cost of Minimum Foundation School Program.

(e) The minimum monthly base salary and increments for teaching experience for vocational supervisors and vocational counselors shall be the same as that prescribed in the Foundation Program salary schedule for supervisors and counselors. The annual salary for such vocational supervisors and vocational counselors shall be the monthly base salary plus increments multiplied by 10 in the case of vocational counselors and 11 in the case of vocational supervisors. This subsection expires at the end of the 1970–1971 school year.

§ 16.305. Special Service Teachers: 1969-1971

(a) The minimum monthly base salary and increments for teaching experience for special service teachers shall be the same as those provided herein for classroom teachers. The annual salary of such teachers shall be the monthly base salary, plus increments, multiplied by 9 for 1969-1970, and by 10 for 1970-1971.

(b) A registered nurse shall be considered, for the purpose of computing salaries, as having a bachelor's degree, and a librarian having a recognized certificate or degree based upon five years of recognized college training therefor shall be considered as having a master's degree.

§ 16.306. Teachers of Exceptional Children: 1969-1971

The minimum monthly base salary and increments for teaching experience for teachers of exceptional children shall be the same as that prescribed in this subchapter for classroom teachers. The annual salary of such teachers shall be the monthly base salary, plus increments, multiplied by 9 in 1969-1970, and by 10 in 1970-1971, except that in cases where the commissioner of education approves such a unit for more than nine months, the annual salary shall be the monthly base salary, plus increments, multiplied by the number of months approved by the commissioner of education.

§ 16.307. Supervisors and/or Counselors: 1969-1971

The minimum monthly base salary and increments for teaching experience for supervisors and counselors shall be that prescribed in the salary schedules as printed above for 1969-1970 and 1970-1971, respectively.

§ 16.308. Principals: 1969-1971

(a) The minimum monthly base salary and increments for teaching experience for full-time principals shall be in compliance with the provisions set out in the above printed salary schedules for 1969-1970 and 1970-1971, respectively.

(b) The classroom teacher who serves as part-time principal on a campus to which are assigned seven or more classroom teacher units shall receive the salary prescribed for a part-time principal in the 1969-1970 and 1970-1971 schedules for each of these respective years.

§ 16.308

PUBLIC SCHOOLS

(c) The classroom teacher who serves as a part-time principal on a campus to which are assigned three to six classroom teacher units shall receive the salary prescribed for the head teacher in the above-printed salary schedules for 1969-1970 and 1970-1971, respectively. In addition to the allotment of part-time principals as provided in Section 16.18 of this code, districts containing an accredited high school and having fewer than nine classroom teacher units shall be granted one head teacher.

§ 16.309. Superintendents: 1969-1971

The minimum monthly base salary increments for teaching experience for superintendents shall be as prescribed in the salary schedules for 1969-1970 and 1970-1971, respectively.

§ 16.310. 10-Month Year

Beginning with the school year 1970-1971, all classroom teaching positions and all other positions previously authorized for less than 10 months shall be paid at an annual rate calculated on the basis of 10 months' compensation for 10 months' service. Such service shall include the 180-day school term providing instruction for pupils plus not to exceed 10 days of inservice education and preparation for the beginning and ending of the school term.

§ 16.311. Professional Salaries: Total Cost

The total cost of professional salaries of positions allowable for purposes of this subchapter shall be determined by application of the salary schedule to the total number of approved professional units, provided that such professional units are serviced by approved professional position employments.

§ 16.312. Salaries: Beginning 1971-1972

(a) The annual salary of personnel authorized for employment under the Minimum Foundation Program for the school year 1971-1972 and for each year thereafter shall be the monthly base salary, plus increments, shown in the schedule (entitled "Texas State Public Education Compensation Plan") below, multiplied by the number of months prescribed in the position description herein for each respective position. The salaries fixed in this schedule are minimum salaries only, and each district may supplement such salaries.

(b) The following schedule constitutes the Texas State Public Education Compensation Plan effective 1971-1972, and thereafter:

SALARY BY STEPS ABOVE BASE

Pay Grade	Base Monthly Salary	1	2	3	4	5	6	7	8	9	10
1	\$ 300	\$ 315	\$ 331	\$ 348	\$ 365	\$ 383	\$ 402	\$ 422	\$ 443	\$ 465	\$ 488
2	360	378	397	417	438	460	483	507	532	559	587
3	450	473	497	522	548	575	604	634	666	699	734
4	480	504	529	555	583	612	643	675	709	744	781
5	540	567	595	625	656	689	723	759	797	837	879
6	570	599	629	660	693	728	764	802	842	884	928
7	600	630	662	695	730	767	805	845	887	931	978
8	660	695	730	767	805	845	887	931	978	1027	1078
9	690	725	761	799	839	881	925	971	1020	1071	1125
10	720	756	794	834	876	920	966	1014	1065	1118	1174
11	750	788	827	868	911	957	1005	1055	1108	1163	1221
12	780	819	860	903	948	995	1045	1097	1152	1210	1270
13	840	882	926	972	1021	1072	1126	1182	1241	1303	1368
14	900	945	992	1042	1094	1149	1206	1266	1329	1395	1465
15	1050	1103	1158	1216	1277	1341	1408	1478	1552	1630	1712
16	1200	1260	1323	1389	1458	1531	1608	1688	1772	1861	1954
17	1350	1418	1489	1563	1641	1723	1809	1899	1994	2094	2199
18	1500	1575	1654	1737	1824	1915	2011	2112	2218	2329	2445

Each individual will move to the step in this schedule immediately above the monthly rate received in 1970-1971 and shall advance thereafter one additional step with each added year of experience until the maximum is attained.

(c) The position descriptions, required preparation and education, and number of monthly payments authorized for each position under the Texas State Public Education Compensation Plan are as follows:

Pay Grade	No. Mos. Paid	Class Title	Description of Positions Assigned to Class Title	Required Preparation and Education
1	10	Aide I	Assist teacher by duplicating materials; performing clerical operations; supervising students in routine drills or in P.T. drills or lunchroom supervision. Assist in office procedures at file clerk level.	Some high school, community ties. High school graduate.
2	10	Aide II	Assist teacher in class drill exercises, in spotting student problems or problem students; perform functions of Aide I, as needed. Perform stenographic, book-keeping, and other clerical functions.	High school graduate. High school graduate and business college training.
3	10	Aide III	Relieve teacher of most routine drill of students; work in team teaching productively. Perform as an "Assistant Teacher" under direction of qualified teacher. Perform secretarial, high-level receptionist, junior accounting, personnel assistant, campus principal secretary, etc.	2 years college or experience equivalent. 2 years college plus business training.
4	10	* Teacher Trainee I	Emergency Permit Teacher without degree, but with personal traits needed to function in the classroom. Teaches students under frequent supervisory check by principal, grade-level or department head.	Minimum 2 years college, normally no less than 3 years college.
5	10	* Teacher Trainee II	Emergency Permit Teacher with college degree but deficiencies in educational preparation in professional or academic background. Teaches students under frequent supervisory check by principal, grade-level or department head.	College degree but certain educational deficiencies.
5	10	* Certified Non-degree Teacher	Teach at grade level or in teaching field for which prepared, under general supervision only.	Fully certified as teacher, but no college degree.

* These positions are presently authorized under the Minimum Foundation Program.

FOUNDATION SCHOOL PROGRAM § 16.312

Pay Grade	No. Mos. Paid	Class Title	Description of Positions Assigned to Class Title	Required Preparation and Education
6	10	* Nurse, R.N.	School nurse <i>without degree</i> .	R.N. (only)
7	10	* Teacher, B.A.	Teach at grade level or in teaching field for which prepared, under general supervision only.	Degree, no deficiency in professional education or in teaching field. Fully certified.
7	10	* Vocational Trades and Industries Teacher	Teach in an approved vocational trades and industries program.	Approved by State Board of Vocational Education.
7	10 11 12	* Vocational Teachers	Teach in approved vocational program.	Bachelor's degree; certified.
7	10	* Librarian I	Supervise school library or function as one of several librarians on a major campus.	Degree; certified.
7	10	* Visiting Teacher I	Works on personal, educational, family, and community problems with children, parents, school personnel, and community agencies.	Degree; certified.
7	10	* Nurse, B.A.	School nurse.	Degree; certified.
8	10	* Teacher, M.A.	Teach at grade level or in teaching field for which prepared, under general supervision only.	Master's degree; fully certified.
8	10 11 12	* Vocational Teacher	Teach in approved vocational program.	Master's degree; certified.
8	10	* Librarian II	Supervise school library or function as one of several librarians on a major campus.	Master's degree; fully certified.
8	10	* Physician	Serve as school physician.	M.D. degree.
8	10	* Visiting Teacher II	Works on personal, educational, family, and community problems with children, parents, school personnel, and community agencies.	Master's degree; certified.

* These positions are presently authorized under the Minimum Foundation Program.

Pay Grade	No. Mos. Paid	Class Title	Description of Positions Assigned to Class Title	Required Preparation and Education
9	10	Special Duty Teacher	Teach regular load at grade level or in teaching field for which prepared, under general supervision only, and perform special duty as sponsor of major student program; serve as cooperating teacher for student teacher; direct after-hour recreation or "lighted library"; serve as team leader in team teaching; direct band or major music group; serve as coach or assistant coach.	Fully certified as teacher and special training for special duty assignment and holder of master's degree.
10	10	* Counselor I	Provide educational and vocational guidance to students with limited personal guidance.	Fully certified.
10	10	* Supervisor I	Provide consultant services to teachers in a grade level or adjacent grades or in a teaching field or group of related fields.	Fully certified.
10	10	* Instructional Officer I	Serve as part-time principal on campus with 19 or fewer teachers.	Certified as administrator.
10	10	Administrative Officer I	Serve as principal functional assistant to superintendent in system of 5,000 ADA or less.	College degree with major or minor in assignment.
11	10	* Instructional Officer II	Serve as part-time principal on campus with 20 or more teachers.	Certified as administrator.
11	10	Administrative Officer II	Serve as principal functional assistant to superintendent in system of 5,001-12,500 ADA.	Same as Administrative Officer I plus experience in function.
12	10	Teacher Leader	(1) as grade-level head, department head, coordinate work of minimum of five teachers; or (2) as director of learning or resource center provide instructional leadership to minimum of 10 classroom teachers.	Fully certified as teacher; usually would have special training in assignment.
12	11	* Instructional Officer III	Serve as full-time principal on campus with 19 or fewer teachers.	Fully certified as administrator.
12	10	Administrative Officer III	Direct major administrative activity in a system of 12,501-25,000 ADA.	Same as Administrative Officer I plus minimum 2 years' related experience.

* These positions are presently authorized under the Minimum Foundation Program.

Pay Grade	No. Mos. Paid	Class Title	Description of Positions Assigned to Class Title	Required Preparation and Education
13	11	* Instructional Officer IV	Serve as full-time principal on campus with 20-49 teachers.	Fully certified as administrator.
13	11	Instructional Officer IV	Serve in a system of 12,501-25,000 ADA under an assistant superintendent as key specialist for major instructional program.	Fully certified as administrator or in suitable speciality.
13	12	Administrative Officer IV	Serve in capacity comparable to Instructional Officer IV above.	Same as Administrative Officer I plus 3 years' experience in function.
14	11	* Instructional Officer V	Serve as full-time principal on campus with 50-99 teachers.	Fully certified as administrator.
14	12	* Instructional Officer V	Serve as full-time principal on campus with 100 or more teachers.	Fully certified as administrator.
14	12	* Administrative Officer V	Serve as superintendent of system of 3,000 ADA or less.	Fully certified as administrator.
14	12	Instructional/Administrative Officer V	(1) Serve as assistant superintendent in system of 12,501-25,000 ADA or one of several in larger system; (2) serve in system of 25,001-50,000 ADA to direct (under an assistant superintendent) major instructional function.	Fully certified as administrator or in speciality.
14	12	Administrative Officer V	Serve in administrative capacity of comparable level as above in personnel, business, accounting, planning, research, etc.	Same as Administrative Officer I plus 5 years' related experience.
15	12	* Administrative Officer VI	Serve as superintendent in system of 3,001-5,000 ADA.	Fully certified as administrator.
15	12	Instructional/Administrative Officer VI	Serve as assistant superintendent or high-level director for major program (such as instruction, business manager, personnel director, research, planning) in system of 25,001-50,000 ADA.	Fully certified as administrator or in speciality.
16	12	* Administrative Officer VII	Serve as superintendent in system of 5,001-12,500 ADA.	Fully certified as administrator.
16	12	Instructional/Administrative Officer VII	Serve as assistant superintendent or equivalent status, coordinating group of major functions in system of more than 50,000 ADA.	Fully certified as administrator or in speciality.

* These positions are presently authorized under the Minimum Foundation Program.

§ 16.312

PUBLIC SCHOOLS

Pay Grade	No. Mos. Paid	Class Title	Description of Positions Assigned to Class Title	Required Preparation and Education
17	12	* Administrative Officer VIII	Serve as superintendent in system of 12,501-50,000 ADA.	Fully certified as administrator.
18	12	* Administrative Officer IX	Serve as superintendent in system of more than 50,000 ADA.	Fully certified as administrator.

* These positions are presently authorized under the Minimum Foundation Program.

§ 16.313. Promotions, Demotions, Etc.

The commissioner of education shall develop policies, subject to approval by the State Board of Education, to provide proper salary adjustments for promotions and demotions within grades provided in the compensation schedule, and for moving experienced teachers into the schedule who were not employed in 1969-1970 or 1970-1971.

§ 16.314. Increases in 1974 and 1978

To the salary of each person employed under the Texas Public Education Compensation Schedule as printed in Section 16.312(b) of this code there shall be added \$60 per month effective September 1, 1974, and continuing thereafter. An additional \$66 per month shall be added effective September 1, 1978, and continuing thereafter to each salary provided under the Compensation Schedule as adjusted in 1974.

§ 16.315. Teacher Aides

Effective for the school year 1970-1971 and for each school year thereafter, there shall be provided one teacher aide for each 20 classroom teacher units earned by a school district. For the school year 1970-1971, an aide shall be paid a monthly salary of \$300 and shall receive such salary for 10 months. For 1971-1972 and thereafter, the salary shall conform to the schedule provided for an Aide I in the Texas State Public Education Compensation Plan.

§ 16.316. Certified Teachers Holding Law Degree

Beginning with the school year 1967-1968, any person certified to teach in the public schools of Texas who holds a bachelor of laws or doctor of jurisprudence degree from an accredited law school shall have his minimum salary calculated on the basis of a master's degree.

[Sections 16.317 to 16.44 reserved for expansion]

SUBCHAPTER E. CURRENT OPERATING COST**§ 16.45. Current Operating Cost**

The total current operating cost for each school district, other than professional salaries and transportation, shall be determined by multiplying the number of approved classroom teacher units, exceptional children teacher units, and vocational teacher units by \$660, and grants therefor shall be allotted.

Amended by Acts 1971, 62nd Leg., p. 1507, ch. 405, § 28, eff. May 26, 1971.

[Sections 16.46 to 16.50 reserved for expansion]

SUBCHAPTER F. TRANSPORTATION SERVICES**§ 16.51. Transportation Services**

Transportation services shall be provided and allotments therefor shall be determined according to the provisions of this subchapter.

§ 16.52. Public School Transportation System

(a) The county school boards of the several counties of this state, subject to approval by the state commissioner of education, are authorized to establish and operate an economical public school transportation system within their respective counties.

(b) In establishing and operating such transportation systems, the county school boards shall:

- (1) requisition buses and supplies from the state board of control as provided for in this subchapter;
- (2) prior to June 1 of each year, with the commissioner's approval, establish school bus routes within their respective counties for the succeeding school year;
- (3) employ school bus drivers; and
- (4) be responsible for the maintenance and operation of school buses.

§ 16.53. County and District Transportation Funds

(a) State warrants for transportation, payable to the county school transportation fund in each county, shall be for the total amount of transportation funds for which the county is eligible under the provisions of this subchapter.

§ 16.53

PUBLIC SCHOOLS

(b) When requested by the board of trustees of an independent school district, the county school board shall authorize such independent district to:

(1) employ its school bus drivers;

(2) be responsible for the maintenance and operation of its school buses; and

(3) receive transportation payments directly from the state.

(c) When the county superintendent reports such authorization to the state commissioner of education, state warrants for transportation funds for which the district is eligible shall be made payable to the district transportation fund, which is hereby created.

§ 16.54. Use of Buses for Extracurricular Activities, Etc.

The county school boards and the state commissioner of education shall promulgate regulations in regard to the use of school buses, for other than transporting eligible children to and from school. Under rules and regulations of the State Board of Education, the appropriate district allocation in the county transportation fund, when approved by the county school board, or the district transportation fund, when approved by the board of trustees of the independent school district operating its own transportation system, may be used for school bus transportation of its pupils and necessary personnel on extracurricular activities and field trips sponsored by the respective district.

§ 16.55. Approved School Bus Routes

School buses shall be operated to and from school upon approved school bus routes and no variations shall be made therefrom. The penalty for varying from authorized routes and for unauthorized use of buses shall be the withholding of transportation funds from the offending county or school district. In the event the violation is committed by a district which receives no Foundation School Program Funds, the penalty provisions of Section 4.18 of this code shall be applied.

§ 16.56. Calculation of Allotment

(a) The total annual regular transportation cost allotment for each district or county shall be based upon the rules and formulas of this section.

(b) A typical bus route is defined as being from 45 to 55 miles of daily travel and composed of 60 percent surfaced roads and 40 per-

cent dirt roads, over which 15 or more pupils who live two or more miles from school are transported.

(c) Allowable total base costs of maintenance, operations, salaries, depreciation, etc., for each bus shall be :

72 capacity bus	\$3,276 per year
60-71 capacity bus	3,156 per year
49-59 capacity bus	3,036 per year
42-48 capacity bus	2,916 per year
30-41 capacity bus	2,796 per year
20-29 capacity bus	2,676 per year
15-19 capacity bus	2,196 per year

(d) The capacity of a bus means the number of eligible children being transported who live two or more miles from school along the approved route served by the bus. A bus that makes two or more routes or serves two or more schools shall be considered as having a capacity equal to the largest number of eligible children on the bus at any one time.

(e) For each one percent increase of dirt road above 40 percent, one-half of one percent shall be added to the allowable total cost.

(f) For each five miles (or major fraction thereof) increase in daily bus travel above 55 miles, one percent shall be added to the total cost of operation. For each five miles (or major fraction thereof) less than 45 miles daily travel, one percent shall be deducted from the total cost of operation.

(g) The state commissioner of education may grant not to exceed \$75 per pupil per year for private or commercial transportation for eligible pupils from isolated areas. The need for this type of transportation grant shall be determined on an individual basis and the amount granted shall not exceed the actual cost. Such grants shall be made only in extreme hardship cases, and no such grants shall be made if the pupils live within two miles of an approved school bus route or city public transportation service.

Subsec. (c) amended by Acts 1971, 62nd Leg., p. 1508, ch. 405, § 30, eff. May 26, 1971.

§ 16.57. Routes and Systems: Evaluation and Approval

(a) All bus routes and transportation systems shall be reviewed by the state commissioner of education and he shall be responsible for establishing criteria for evaluating the several transportation systems of this state, but all such criteria shall be subject to approval by the State Board of Education.

§ 16.57

PUBLIC SCHOOLS

(b) The commissioner shall evaluate all transportation systems as rapidly as possible.

(c) No new bus routes or extensions shall be approved prior to the survey of the transportation system of the district or county requesting them.

(d) Repealed by Acts 1971, 62nd Leg., p. 1162, ch. 267, § 1, eff. May 19, 1971.

(e) Extension of a city's boundaries for city purposes only, after June 8, 1949, so as to include within the city boundaries part of a school district into which public transportation lines or facilities are then operated shall not affect the district's eligibility for transportation aid. Rather, all such districts shall be entitled to receive transportation aid under the provisions of this chapter, if otherwise qualified, to the same extent as if no part thereof had been annexed by the city and its public transportation lines had not operated therein.

(f) In approving a transportation system for a district or county, consideration shall be given to providing transportation for only those pupils who live two or more miles from the school they attend, but no consideration shall be given to providing transportation for pupils transferred from one district to another when their grades are taught in their home district unless transferred as provided by law and transportation has been approved by the county school board as provided by law.

(g) There shall be no duplication of bus routes and services within sending districts by buses operated by two school districts and/or counties except upon approval by the state commissioner of education.

§ 16.58. Use of Transportation Funds for Other Purposes

No funds paid to the several transportation units for the operation of transportation systems in this state shall be expended for any other purpose.

§ 16.59. Rules of Commissioner

The Commissioner of Education shall formulate rules and regulations, subject to approval by the State Board of Education for enforcing the provisions of this subchapter.

§ 16.60. Appeals

Appeals to the commissioner of education and to the State Board of Education may be had from policy decisions of the county school boards affecting transportation.

§ 16.61. Purchase of Vehicles

(a) Motor vehicles used for the purpose of transporting school children, including school buses, their chassis and/or bodies purchased through the state board of control, shall be paid for by the state board of control as set out in applicable laws. The Legislature may appropriate out of any money in the state treasury not otherwise appropriated a sum not exceeding \$250,000, or so much thereof as necessary, for the state board of control to be used for such purposes.

(b) Any such sum appropriated shall be known as the school bus revolving fund. When motor vehicles and school buses are delivered to the various schools coming within the provisions of this chapter, the governing bodies of such schools shall reimburse the state board of control for the money expended for such school buses including their chassis and/or bodies and the money shall be deposited by the state board of control in the school bus revolving fund.

§ 16.62. Transportation Allotment for Exceptional Children Program

(a) An annual transportation cost allotment for each district operating an approved exceptional children program shall be computed and paid from the Foundation School Program Fund on a per capita basis as provided by this section.

(b) For physically and/or orthopedically handicapped children, visually handicapped children with conditions making impractical the use of public transportation, deaf children, trainable mentally retarded children, and/or educable mentally retarded children, the transportation allotment shall be \$150 per exceptional child receiving such transportation, providing the district locally determines and certifies subject to the approval of the state commissioner of education that the pupil:

(1) is unable to utilize existing regular transportation services; and

(2) would be unable to attend the exceptional children class unless such special transportation is provided.

(c) Allotments granted under this section shall be:

(1) used only for transportation purposes of children enrolled in a district-operated exceptional children program;

(2) deposited in the district's exceptional transportation fund; and

(3) accounted for separately from regular transportation funds.

Subsec. (b) amended by Acts 1971, 62nd Leg., p. 1494, ch. 405, § 20, eff. May 26, 1971.

§ 16.63. **Contract With Public Transportation Company**

(a) As an alternative to maintaining and operating a complete public school transportation system under this subchapter, and if the respective governing board is able to obtain an economically advantageous contract, a county school board for its transportation system or a board of trustees of an independent school district which has been authorized to be responsible for the maintenance and operation of its school buses may contract with public transportation companies for all or any part of its public school transportation.

(b) A contract is economically advantageous if the cost of the service contracted for is less than the projected cost of the same service as otherwise provided in this subchapter.

(c) The state commissioner of education, subject to the approval of the State Board of Education, shall make rules for the administration of this section.

(d) Contracts for public school transportation may include provisions for transporting students to and from approved school activities.

(e) Upon approval of the contract by the State Board of Education, the contract price for the service shall be included in the annual transportation cost allotment for the respective county or district.

[Sections 16.64 to 16.70 reserved for expansion]

SUBCHAPTER G. FINANCING THE PROGRAM

§ 16.71. **Financing—General Rule**

The sum of the approved salaries for professional positions, the current operating cost other than professional salaries and transportation, and cost of transportation service of each district, computed and determined in accordance with the provisions of this chapter, shall constitute the total cost of the Foundation School Program, which program shall be financed by:

(1) an equalized, local school district effort to the extent hereafter provided for the support of this program;

(2) distribution of the state and county available school funds based on the number of scholastics; and

(3) allocation to each local district a sum of state money appropriated for the purposes of public school education and sufficient to finance the remaining costs of the Foundation School Program in that district, which sum shall be computed and determined in accordance with the provisions of this subchapter.

§ 16.711. Committee to Study Financing of Program

(a) There is hereby established a committee to be comprised of 18 members: Six to be appointed by the governor, six by the lieutenant governor, and six by the speaker of the house. Three members appointed by the lieutenant governor shall be members of the senate and three members appointed by the speaker of the house shall be members of the house of representatives. The committee members shall serve from the date of their respective appointments until August 31, 1971. Members of the committee shall serve without compensation but each shall receive reimbursement for actual travel expense when on official business of the committee.

(b) The governor shall call the first meeting of the committee immediately after a majority of the members have accepted appointment and at that time the members shall elect a chairman and a vice chairman from among their number and adopt procedural rules governing membership and committee conduct.

(c) The committee may create advisory committees to perform officially and effectively the duties and responsibilities imposed by this section.

(d) A majority of the committee shall constitute a quorum.

(e) The committee shall have the responsibility of studying the relationship between the state and local school districts in financing the Minimum Foundation Program. They shall examine the structure of the economic index now in operation, ascertaining its weaknesses and its strengths. It shall review the findings of the Governor's Committee on Public School Education and evaluate information available relative to the financing of the Minimum Foundation Program. They shall explore all facets and all possibilities in relation to this problem area and shall recommend to a called session of the legislature or to the 62nd Legislature convening in 1971 a specific formula or formulae to establish a fair and equitable basis for the division of the financial responsibility between the state and the various local school districts of Texas.

(f) There is hereby appropriated from the General Revenue Fund for the fiscal year ending August 31, 1970, the sum of \$25,000 to pay the expenses of the committee. Any unexpended balance of the original appropriation of \$25,000 is hereby reappropriated to carry out the work of the committee during the fiscal year beginning September 1, 1970.

(g) The State Board of Education and the committee shall coordinate their efforts and the State Board of Education shall cooperate with the committee and shall furnish professional, technical, and clerical staff when deemed necessary to implement the work of the

committee. Every state agency, department, and institution, and every state, county, and school district official is directed to provide such information as may be requested by the committee and to assist the committee in accomplishing its objective.

(h) The committee shall report the results of its studies and make recommendations to the governor and to each member of the legislature not later than August 31, 1970. Because of the serious problem which exists in the financing of the Minimum Foundation Program and of apparent inequities in the allocation of funds to be provided by local school districts, the committee is encouraged to complete its work at the earliest possible date so that a solution might be found to be made applicable to the 1970-1971 school year.

Added by Acts 1971, 62nd Leg., p. 1509, ch. 405, § 33, eff. May 26, 1971.

§ 16.72. Total Amount Chargeable to Districts

(a) The sum of the amounts to be charged for the 1969-1970 school year against the local school districts of the state toward the Foundation School Program shall be \$180,800,000, to which shall be added by the State Board of Education at its July meeting in 1969, 20 percent of the estimated increased cost of the Foundation Program authorized by Acts of the 61st Legislature amending the Foundation School Program.

(b) The sum of the amounts to be charged for the 1970-1971 school year against the local school districts of the state toward the Foundation School Program shall be \$204,900,000, to which shall be added by the State Board of Education at its March meeting in 1970, 20 percent of the estimated increased cost of the Foundation Program authorized by Acts of the 61st Legislature amending the Foundation School Program.

(c) For the 1971-1972 school year, and for each school year thereafter, the sum of the amounts to be charged against the local school districts of the state toward the Foundation School Program shall be 20 percent of the estimated total cost of the Foundation School Program for the immediately preceding school year, plus an amount equal to the difference between the gross local fund assignment and the net local fund assignment for the immediately preceding school year.

Amended by Acts 1971, 62nd Leg., p. 1508, ch. 405, § 31, eff. May 26, 1971.

§ 16.73. Estimate of Total Cost of Program; Local Assignment

At its regular meeting in March, 1971, and at each regular meeting in March thereafter, the State Board of Education, after receiving the

FOUNDATION SCHOOL PROGRAM § 16.741

recommendation of the state commissioner of education, shall estimate the total cost of the Foundation School Program for the then current school year, based upon laws and approved school budgets in effect on the date when such estimate is made. Within 30 days after such estimate has been made, the state commissioner of education, subject to the approval of the State Board of Education, shall assign to each school district, according to its taxpaying ability as determined in this subchapter, its proportionate part of such total to be raised locally for the next school year and applied towards the financing of its Minimum Foundation School Program.

Amended by Acts 1971, 62nd Leg., p. 1509, ch. 405, § 31, eff. May 26, 1971.

§ 16.74. County Economic Index

(a) The state commissioner of education, subject to approval by the State Board of Education shall, not later than the first week in March of each year, calculate an economic index of the financial ability of each county to support the Foundation School Program. This index shall be calculated to approximate each county's percentage of statewide taxpaying ability and shall constitute for the purpose of this subchapter a measure of that county's ability, in relation to that of other counties in the state, to support schools.

(b) The economic index for each county shall be based upon and determined by the following weighted factors:

(1) assessed property valuation of the county, weighted by twenty;

(2) scholastic population of the county, weighted by eight; and

(3) income for the county as measured by value added by manufacture, value of minerals produced, value of agricultural products, payrolls for retail establishments, payrolls for wholesale establishments, and payrolls for service establishments, all weighted collectively by seventy-two.

(c) The commissioner of education, subject to approval by the State Board of Education, shall annually recompute not later than the first week in March, a new economic index using an average of data for a three-year period which shall be taken from the most recently available official publications and reports of state and federal agencies.

§ 16.741. Livestock Sales From Feedlots

(a) In calculating an economic index of the financial ability of each county to support the Foundation School Program pursuant to Section

§ 16.741

PUBLIC SCHOOLS

16.74 of this code, the commissioner of education shall calculate the value of cattle or other animal sales from feedlots at the net increase in value while in the feedlot.

(b) The "net increase in value in a feedlot" is arrived at by using the latest three years' average of the Federal Reserve Bank's interest rate as of January 1 of each year to which is added one and one-half percentage points. This total interest rate percentage figure then multiplied by the average sale value of cattle or other animals from the feedlot, will result in the net increase in value while in a feedlot, and is the figure that shall be used to carry out the purposes of this section.

Added by Acts 1971, 62nd Leg., p. 1494, ch. 405, § 21, eff. May 26, 1971.

§ 16.75. County Assignment

For the school year beginning 1971-1972 and each school year thereafter, the state commissioner of education shall calculate and determine the total sum of local funds that the school districts of a county shall be assigned to contribute toward the total cost of the Foundation School Program by multiplying 20 percent of the estimated Foundation Program cost for the immediately preceding school year, plus an amount equal to the difference between the gross local fund assignment and the net local fund assignment for the immediately preceding school year, as determined under the provisions of this subchapter by the economic index determined for each county. The product shall be regarded as the local funds available in each respective county toward the support of the Foundation School Program and shall be used in calculating the portion of said amount which shall be assigned to each school district in the county.

Amended by Acts 1971, 62nd Leg., p. 1509, ch. 405, § 32, eff. May 26, 1971.

§ 16.76. School District Assignment

(a) The amount of local funds to be charged to each school district and used therein for support of the Foundation School Program shall be calculated and determined by the state commissioner of education as follows: Divide the state and county assessed valuation of all property in the county subject to school district taxation for the next preceding school year into state and county assessed valuation of the district for the next preceding school year, finding the district's percentage of the county valuation. Multiply the district's percentage of the county valuation by the amount of funds assigned to all of the districts in the county. The product shall be the amount of local funds

that the district shall be assigned to raise toward the financing of its Foundation School Program.

(b) In any district containing state university-owned land, state-owned prison land, land in one or more parcels comprising a total area in excess of 7,000 acres used for municipal cooling lakes in the generation of electricity in counties having a population of more than 700,000 according to the last preceding federal census, federal-owned forestry land, federal owned reservoirs, federal-owned recreation areas, federal-owned military reservations, or federal-owned Indian reservations, the amount assigned to a school district shall be reduced in the proportion that the area included in the above named classification bears to the total area of the district. For purposes hereof, state university owned land is defined to mean and include also state owned land located in Brazos County and devoted to the use of Texas A&M University and land owned by East Texas State University in Hunt County and land owned by Pan American University.

(c) No local fund assignment shall be charged to the Boy's Ranch Independent School District in Oldham County, the Bexar County School for Boys Independent School District in Bexar County, or the Bexar County School for Girls Independent School District in Bexar County.

(d) Beginning with the school year 1967-1968, and thereafter, in any school district having three percent or more of its total scholastic population for the preceding school year composed of scholastic residents and transfers of tax-exempt institutions for orphan, dependent, and/or neglected children, the amount assigned to such a district shall be reduced for the current school year by an amount equal to the product of the total average daily attendance of students who were residents and/or transfers of such tax exempt institutions during the preceding school year multiplied by \$151.50. The superintendent of any district desiring to receive such a reduction in assignment and qualifying therefor shall certify to the Central Education Agency, not later than December 1 of each year, the following information:

(1) the total average daily attendance of the school district determined for students residing in the district for the preceding school year;

(2) the average daily attendance for the preceding school year determined for the scholastic residents of the tax exempt institutions for orphan, dependent, and/or neglected children; and

(3) a list showing the name of each such institution scholastic, the total daily attendance earned for such students in the preceding school year, and the name and address of the institution.

(e) If the revenue that would be derived from the legal maximum local maintenance school tax is less than the amount assigned to a

school district according to its economic index, and if the district's property valuation is not less than the same property's valuation for state and county purposes, the lesser amount shall be assigned to be raised by such school district.

(f) Failure of a school district to collect local maintenance school funds equal to its assigned amount will not make the district ineligible for full state per capita apportionment and full foundation school fund grants, but the assigned amount shall be charged against the district as budgetary receipts whether or not actually collected.

(g) The amount of local funds assigned to a contract district, as provided for in Section 16.11(i) of this code, shall be assigned to the receiving district and all local taxes, except those required for the interest and sinking fund, shall be credited as collected to the receiving school district.

(h) If a district other than a contract district has no school, the amount of local funds assigned to, and local taxes collected from, such district shall be transferred for the current year to the receiving district in which such children attend school. But if its pupils attend schools in more than one receiving district, local fund assignments and local taxes shall be apportioned for the current year between such receiving districts according to the number of transfers to each.

(i) If any school district has a budgetary income, as provided above in Section 16.71(1) and (2) of this code, in excess of the amount needed to operate a minimum Foundation School Program and transfers pupils to another district, it shall pay to the receiving district a proportionate part of such excess, based upon the ratio of the number transferred to its enumerated scholastic population, and this excess portion shall be charged to such receiving district.

(j) The sum of the amounts assigned to the several parts of a county-line school district shall be the amount assigned to be raised by such district for financing its Foundation School Program.

Subsec. (b) amended by Acts 1971, 62nd Leg., p. 1494, ch. 405, § 22, eff. May 26, 1971; Acts 1971, 62nd Leg., p. 2408, ch. 758, § 1, eff. June 8, 1971. Subsec. (d) amended by Acts 1971, 62nd Leg., p. 1494, ch. 405, § 23, eff. May 26, 1971.

§ 16.77. Notification of Local Fund Assignment

(a) The county tax assessor-collector in each county, in addition to his other duties prescribed by law, shall certify to the state commissioner of education, not later than December 1 of each year, the following information:

(1) the assessed valuation, on a state and county valuation basis, of all property subject to school district taxation in each

school district, or portion of a school district in such county, and the total assessed valuation of all property subject to school district taxation in the county ;

(2) the total area of each school district ; and

(3) the area within each school district comprised of state university-owned land, state-owned prison land, federal-owned forestry land, federal-owned reservoirs, federal-owned recreation areas, federal-owned military reservations, and/or federal-owned Indian reservation.

(b) Should any county tax assessor collector fail to submit such certificates to the state commissioner of education, the state comptroller of public accounts is directed to do so, estimating when necessary.

(c) As soon after the receipt of such certificates as practicable, and prior to setting the respective tax rates for the school districts of the county, the state commissioner of education shall notify each school district of the amount of local funds that such district is assigned to raise for the succeeding school year.

(d) If there has been a marked increase or decrease in the assessed valuation of a school district within a county, and if the county school board, after certifying that the use of the preceding year's county and school district valuations for determining local fund assignments would be inequitable, recommends a different distribution of the county total than that made by the state commissioner of education, then such recommendations, subject to the commissioner's approval, shall become and be the lawful local fund assignments for such district.

Subsec. (a) amended by Acts 1971, 62nd Leg., p. 1495, ch. 405, § 24, eff. May 26, 1971.

§ 16.78. Excess of Local Funds Over Amount Assigned

Any local maintenance funds in excess of the amount assigned to a district may be expended for any lawful school purpose or carried over into the next school year.

§ 16.79. Administration of Foundation School Program

(a) It shall be the duty of the State Board of Education, State Board for Vocational Education, and the state commissioner of education to take such action, require such reports, and make such rules and regulations consistent with the terms of this chapter as may be necessary to carry out its provisions.

(b) The state commissioner of education shall determine annually:

(1) the amount of money necessary to operate a Foundation School Program in each school district;

(2) the amount of local funds to be assigned and charged to each school district; and

(3) the per capita apportionment from state and county available school funds available to each school district.

(c) The commissioner of education shall then grant to each school district from the foundation school fund appropriation the amount of funds necessary to provide the difference between subdivision (1) and the sum of subdivisions (2) and (3) of Subsection (b) of this section.

(d) The commissioner shall approve warrants to each school district equaling the amount of its grant. Warrants for all money expended according to the provisions of this chapter shall be approved and transmitted to treasurers or depositories of school districts in the same manner as warrants for state apportionment are now transmitted.

§ 16.80. Dormant School Districts

(a) The county school boards of all counties of the state are authorized and required to consolidate by order of said board each dormant school district within the county with an adjoining district or districts.

(b) The term “dormant school district” means any school district that fails for any two successive years to operate a school in the district.

(c) The governing board of the district with which a dormant school district is consolidated shall continue to be the governing board for the new district.

(d) In each case, the consolidation order of the county school board shall define by legal boundary description the territory of the new district as so enlarged and shall be recorded in the minutes of the county school board as provided by law.

(e) Elections shall be held when required by law in such consolidated districts for the assumption of outstanding bonds, if any, for the levying of taxes therefor, and for the levying of a local maintenance tax.

(f) If a county-line district is or becomes dormant, the consolidation provisions of this section shall apply to all counties affected to the extent of territory in each.

§ 16.81. Territory Not in School District

(a) All property subject to school district taxation in the state must be included within the limits of a school district and a proper and proportionate tax paid thereon for school purposes. Therefore, at any time it may be determined there is territory located in a county but not within the described limits of a school district, the county school board is authorized and required to add such territory to an adjoining district or districts.

(b) In each case, the order of consolidation shall define by legal boundary description the territory of the new district and shall be recorded in the minutes of the county school board as provided by law.

(c) Elections shall be held as provided by law in such new districts for the assumption of outstanding bonds, if any, for the levying of taxes therefor, and for the levying of a local maintenance tax.

§ 16.82. Cumulative Effect

The provisions of Section 1680 and 16.81 of this code shall not be construed to repeal, supercede or limit any existing law providing other methods for school district consolidation and annexation.

§ 16.83. Falsification of Records, Report

(a) When, in the opinion of the director of school audits of the Central Education Agency, audits or reviews of accounting, enrollment, or other records of a school district reveal deliberate falsification of such records, or violation of the provisions of this chapter, whereby the district's share of state funds allocated under authority of this chapter would be, or has been, illegally increased, said director shall promptly and fully report such fact direct to the State Board of Education and to the state auditor.

(b) In the event of overallocation of such funds, as determined by the State Board of Education or the state auditor by reference to the director's report, the Central Education Agency shall, by withholding from subsequent allocations of state funds, recover from such district an amount, or amounts, equal to the overallocation.

[Sections 16.84 to 16.860 reserved for expansion]

SUBCHAPTER G-1. FOUR-QUARTER SCHOOL YEAR

Subchapter G-1 consisting of §§ 16.861 to 16.864 was added by Acts 1971, 62nd Leg., p. 2054, ch. 632, § 1, effective August 30, 1971.

§ 16.861. Transition to Four-Quarter System; Curriculum Revision

The Central Education Agency shall prepare a reorganized curriculum based on operation of the schools on a quarter basis. The revision shall be so structured that the material covered during the present school year of two semesters is covered in three three-month quarters. The agency shall distribute this restructured curriculum to each school district in the state in sufficient time so that the new curriculum can be put into operation beginning with the 1972-1973 school year.

§ 16.862. Operation on Quarter Basis

Beginning with the 1972-1973 school year, each school district in this state may operate on the basis of a quarter system, and beginning with the 1973-1974 school year, each school district in this state shall operate on the basis of a quarter system, with the schools being in operation during at least three quarters during each school year, providing 180 days of instruction for students and 10 days of inservice education for teachers.

§ 16.863. Foundation School Program Credit

Each school district shall receive average daily attendance credit under the Foundation School Program for attendance by a student for any three quarters during any one school year.

§ 16.864. Four-Quarter Operation Authorized

(a) A school district may choose to operate all or some of its schools for all four quarters of the school year. This choice shall be approved or disapproved by the district school board in a regularly scheduled open meeting. If a district so chooses, no credit for average daily attendance under the Foundation School Program may be given to the district for attendance by any one student for more than three quarters during any one school year. Attendance by a student for his fourth quarter must be financed either by the student on a tuition basis or by the district from its own funds, at the option of the district.

(b) A district operating during all four quarters of the school year shall decide which students are to attend school during which quarters. However, schedules shall be so arranged that all members of a family attending the schools of a district may attend the same three quarters.

(c) A district operating during all four quarters of the school year may not require a teacher to teach more than three quarters plus the number of days provided by law for inservice education and preparation during any one school year. A teacher or other school employee under the Minimum Foundation Program who elects to work four quarters during a school year shall receive a minimum salary which is increased proportionately in compliance with the state compensation plan.

(d) A district operating during all four quarters of the school year may not require a student to attend more than three quarters.

[Sections 16.865 to 16.90 reserved for expansion]

SUBCHAPTER H. QUARTERLY SEMESTER PILOT PROGRAMS

Repeal

Acts 1971, 62nd Leg., p. 2054, ch. 632, § 2, provides that effective September 1, 1972, Subchapter H (§§ 16.91 to 16.95) is repealed.

§ 16.91. Pilot Program

For purpose of exploring the feasibility of operating quarterly semester pilot programs, public school districts of this state are hereby authorized to operate (in lieu of the usual nine-month program) a twelve-month school year program and to receive allocation of state aid toward financing the extended three-month operation from the Foundation Program Fund, determined in the manner prescribed in this subchapter. Provided, however, that the district shall operate such twelve-month program under its proposed plan submitted to the Central Education Agency and subject to approval of the agency as meeting policy and regulations established and adopted by the State Board of Education applicable thereto.

§ 16.92. Limitation

Quarterly semester pilot programs, annually approvable under this subchapter, shall be restricted in number to involve a maximum of 10 programs not to exceed 100,000 pupils, based on average daily attend-

ance in the preceding school year, and the attendance of eligible pupils shall be restricted to three quarterly semesters.

§ 16.93. Cost Basis

The cost of operating such approved quarterly semester pilot programs shall be borne by the state and each participating district on the same percentage basis that applies to financing the Foundation School Program Act within the respective district.

§ 16.94. Calculation of Costs

For purpose of computing authorized state aid and allocations under this subchapter, the cost of the program shall be ascertained as follows:

(1) The district's average daily attendance for classroom teacher unit eligibility and allocations shall be determined on a quarter semester basis, limiting eligible pupil attendance to three quarters within each scholastic year. Eligibility for special service teachers, supervisors and/or counselors, head teachers, part-time principals, and full-time principals shall be determined by dividing the total aggregate days of attendance in the pilot program by the number of days that instruction is offered during three semesters, determined to the best advantage of the district.

(2) An additional three-month salary adjustment, based on the state minimum salary schedule, shall be added for classroom teacher units occasioned by a twelve-month operation. Provided further that the number of months and salary, based on the state minimum salary schedule, for eligible special service teachers, supervisors and/or counselors, head teachers, part-time principals and full-time principals shall be allowed for 12 months.

(3) The total current operating costs of each pilot program as herein described, other than professional salaries and transportation, shall be determined by multiplying the number of classroom teacher units and exceptional teacher units times the number of months employed times \$67.

(4) An additional transportation allotment shall be added not to exceed the amount of one-third of the transportation allotment as normally computed for a nine-month operation.

§ 16.95. State's Share of Cost

The state's share of the cost shall be paid from the Minimum Foundation Program Fund, and this cost shall be considered by the Foun-

dation Program Committee in estimating the funds needed for Foundation School Program purposes.

[Sections 16.96 to 16.970 reserved for expansion]

SUBCHAPTER H-1. THREE-SEMESTER PILOT PROGRAMS

Subchapter H-1 consisting of §§ 16.971 to 16.975 was added by Acts 1971, 62nd Leg., p. 1449, ch. 405, § 25, effective May 26, 1971. See, also the italicized note preceding § 16.01 of this chapter.

§ 16.971. Pilot Program

For the purpose of exploring the feasibility of operating three-semester pilot programs, public school districts of this state are hereby authorized to operate (in lieu of the usual 9-month program) a 12-month school year program and to receive allocation of state aid toward financing the additional 3-month operation from the Foundation Program Fund, determined in the manner prescribed in this subchapter. Provided, however, that the district shall operate such 12-month program under its proposed plan submitted to the Central Education Agency, and subject to approval of the agency as meeting policy and regulations established and adopted by the State Board of Education applicable thereto.

§ 16.972. Limitation

(a) Three-semester pilot programs, annually approvable under this subchapter, shall be restricted in number to involve a maximum of 10 programs not to exceed 100,000 pupils, based on average daily attendance in the preceding school year, and the attendance of eligible pupils shall be restricted to two semesters out of the three-semester program.

(b) For purposes only of this pilot program, any child otherwise eligible who becomes six years of age after September 1 may be admitted to public school in any following semester beginning after he has reached six years of age, and such attendance shall be counted as eligible attendance for allocation purposes of the Foundation School Program Fund.

§ 16.973. Cost Basis

The cost of operating such approved three-semester pilot programs shall be borne by the state and each participating district on the same percentage basis that applies to financing the Foundation School Program within the respective district.

§ 16.974. Calculation of Costs

For purpose of computing authorized state aid and allocations under this subchapter, the cost of the program shall be ascertained as follows:

(1) The district's average daily attendance for classroom teacher unit eligibility and allocations shall be determined on a three-semester basis, limiting eligible pupil attendance to two semesters within each scholastic year. Eligibility for special service teachers, supervisors and/or counselors, head teachers, part-time principals, and full-time principals shall be determined by dividing the total aggregate days of attendance in the pilot program by the number of days that instruction is offered during two semesters, determined to the best advantage of the district.

(2) An additional salary adjustment, based on the state minimum salary schedule, shall be added for classroom teacher units occasioned by a 12-month operation. Provided further that the number of months and salary, based on the state minimum salary schedule, for eligible special service teachers, supervisors and/or counselors, head teachers, part-time principals, and full-time principals shall be allowed for 12 months.

(3) The total current operating costs of each pilot program as herein described, other than professional salaries and transportation, shall be determined by multiplying the number of classroom teacher units and exceptional teacher units times the number of months employed times \$67.

(4) An additional transportation allotment shall be added not to exceed the amount of one-third of the transportation allotment as normally computed for a nine-month operation.

§ 16.975. State's Share of Cost

The state's share of the cost shall be paid from the Minimum Foundation Program Fund, and this cost shall be considered by the Foundation Program Committee in estimating the funds needed for Foundation School Program purposes.

[Sections 16.976 to 16.979 reserved for expansion]

**SUBCHAPTER I. SUPPLEMENTAL STATE SALARY
AID TO SCHOOL DISTRICTS****§ 16.98. Supplemental State Salary Aid**

(a) Established hereby is a program to provide supplemental state salary aid to public free school districts in addition to funds provided under any other provision of the laws or constitution of this state. Purpose of this supplementary aid program: To encourage higher salaries for classroom teachers as defined herein, of grades one through twelve.

(b) "Classroom teacher" for purposes of this program shall mean any professionally qualified teacher employed full time by a school district and spending at least one-half of his working time in actual instruction of pupils in regularly organized and scheduled classes, vocational and exceptional teachers included.

(c) Entitlement of each district for supplemental state aid authorized herein shall be determined by adding the number of classroom, vocational and exceptional teacher units allocated only to districts eligible under those provisions of foundation school program described under Sections 16.13, 16.14 and 16.16 of this code, and multiplying the sum of all such classroom teachers as herein defined by \$50.

(d) A school district may establish eligibility to receive funds to the amount determined under Subsection (c) of this section by submitting to the Central Education Agency a plan which shall meet the following conditions:

(1) State funds to be utilized as salary from amount determined under Subsection (c) of this section shall constitute not more than the same percentage of the total amount disbursed as supplemental salary to classroom teachers as the state share of the foundation school program in each participating school district; and

(2) All funds received as supplemental salary aid shall be paid as supplemental salary to persons who qualify as classroom teachers and of districts as defined in above Subsections (b) and (c) of this section; and

(3) Supplemental salary paid to any such classroom teacher shall be in addition to the salary to which such teacher is entitled under the regularly established salary policy of the school district; and

(4) Not less than ten percent of such classroom teachers employed by the school district shall participate in the state-aid supplemental salary funds disbursed to any district, and no class-

§ 16.98

PUBLIC SCHOOLS

room teacher shall receive less than \$100 or in excess of \$1000 in any school year.

(e) On or before its first meeting day of each fiscal year, the State Board of Education shall certify to the comptroller of public accounts the amount of money required to meet the provisions of this salary aid program. Upon receipt of the certification or as soon thereafter as possible, the comptroller shall cause to be set aside from funds collected or to be collected and credited to the general revenue fund a sum sufficient to meet such certification, and such sum(s) as so certified are hereby appropriated therefor. Any funds remaining unexpended and unencumbered in this salary program account on the last working day of each fiscal year shall be credited to the general revenue fund.

CHAPTER 20. SCHOOL DISTRICT FUNDS

SUBCHAPTER A. SCHOOL DISTRICT TAX BONDS AND MAINTENANCE TAXES

Section

- 20.01. Bonds and Bond Taxes.
- 20.02. Maintenance Taxes.
- 20.03. Assessment of Property.
- 20.04. Bond and Tax Elections.
- 20.05. Refunding Bonds.
- 20.06. Examination of Bonds by the Attorney General.
- 20.07. Bonds or Legal Investments.
- 20.08. Previously Voted Bonds and Taxes.

[Sections 20.09 to 20.20 reserved for expansion]

SUBCHAPTER B. SCHOOL DISTRICT REVENUE BONDS

- 20.21. Gymnasias, Stadia, and Other Recreational Facilities.
- 20.22. Revenue Bonds.
- 20.23. Rentals, Rates, and Charges.
- 20.24. Pledge of Revenues.
- 20.25. Refunding Bonds.
- 20.26. Examination of Bonds by the Attorney General.
- 20.27. Bonds Eligible as Investments and Security.

[Sections 20.28 to 20.40 reserved for expansion]

SUBCHAPTER C. MISCELLANEOUS PROVISIONS

- 20.41. Proceeds; Use for Water, Sewer and Gas Connections.
- 20.42. Investment of Bond Proceeds in Obligations of United States; Interest Bearing Secured Time Bank Deposits.
- 20.43. Interest Bearing Time Warrants.
- 20.44. Delinquent Tax Penalties in Independent Districts Having City of 275,000.
- 20.45. Pledge of Delinquent Taxes as Security for Loan.
- 20.46. Additional Tax for Construction, Repair and Equipment of School Buildings; Purchase of Sites; Election.
- 20.47. Additional Tax for Construction, Repair and Equipment of Schools in Counties With Population in Excess of 150,000; Purchase of Sites; Election.
- 20.48. Authorized Expenditures.
- 20.481. Use of County Available Fund Apportionment for Vocational and Technical Schools.
- 20.49. Borrowing Money for Current Maintenance Expenses.
- 20.50. Contracts for Athletic Facilities.

SUBCHAPTER A. SCHOOL DISTRICT TAX BONDS AND MAINTENANCE TAXES**Section 20.01. Bonds and Bond Taxes**

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof), and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized to issue negotiable coupon bonds for the construction and equipment of school buildings in the district and the purchase of the necessary sites therefor, and to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same come due, subject to the provisions and restrictions of Section 20.04 of this code. Such bonds may be issued in various series or issues, and shall mature serially or otherwise not more than 40 years from their date, and shall bear interest at such rate or rates as shall be determined within the discretion of such governing board or commissioners court. Said bonds, and the interest coupons appertaining thereto, shall be negotiable instruments, and they may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and shall be signed and executed, as provided by such governing board or commissioners court in the resolution or order authorizing the issuance of said bonds. All bonds shall be sold to the highest bidder for not less than their par value and accrued interest.

§ 20.02. Maintenance Taxes

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city council or commission which has jurisdiction thereof), and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized to levy, and cause to be assessed and collected, annual ad valorem taxes for the further maintenance of public free schools in the district, subject to the provisions and restrictions of Section 20.04 of this code.

§ 20.03. Assessment of Property

In common school districts the value of taxable property shall be assessed on the same basis as that used for state and county purposes;

but in all other school districts such value may be assessed on any basis authorized or permitted by any applicable law.

§ 20.04. Bond and Tax Elections

(a) No such bonds shall be issued and none of the aforesaid taxes shall be levied unless authorized by a majority of the resident, qualified electors of the district, who own taxable property therein and who have duly rendered the same for taxation, voting at an election held for such purpose, at the expense of the district, in accordance with the Texas Election Code, except as hereinafter provided. Each such election shall be called by resolution or order of such governing board or commissioners court, which shall set forth the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters deemed necessary or advisable by such governing board or commissioners court.

(b) In each proposition submitted to authorize the issuance of bonds there shall be included the question of whether the governing board or commissioners court shall be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, on all taxable property in the district, either—

(1) sufficient, without limit as to rate or amount, to pay the principal of and interest on said bonds; or

(2) sufficient to pay the principal of and interest on said bonds, provided that the annual aggregate bond taxes in the district shall never be more than the rate (not to exceed \$1 on the \$100 valuation of taxable property in the district) stated in said proposition.

(c) If bonds are ever voted in a district pursuant to Subsection (b)(1) of this section, then all bonds thereafter proposed shall be submitted pursuant to that subsection, and Subsection (b)(2) of this section shall not be applicable to such district. No bonds shall be issued pursuant to Subsection (b)(1) of this section if the aggregate principal amount of tax bond indebtedness of the district after such issuance would be in excess of 10 percent of the assessed valuation of taxable property in the district according to the then last completed and approved ad valorem tax rolls of the district.

(d) In each proposition submitted to authorize the levy of maintenance taxes there shall be included the question of whether the governing board or commissioners court shall be authorized to levy, and cause to be assessed and collected, annual ad valorem taxes, for the further maintenance of public free schools, of not to exceed the rate (which shall be not more than \$1.50 on the \$100 valuation of taxable property in the district) stated in said proposition.

§ 20.04

PUBLIC SCHOOLS

(e) Notice of each such election shall be given by publishing a substantial copy of the election resolution or order one time, at least 10 days prior to the date set for the election, in a newspaper of general circulation in the district. Such governing board or commissioners court shall canvass the returns and declare the results of such elections.

§ 20.05. Refunding Bonds

Each such governing board or commissioners court shall be authorized to refund or refinance all or any part of any of the district's outstanding bonds and matured but unpaid interest coupons payable from ad valorem taxes by the issuance of negotiable, coupon, refunding bonds payable from ad valorem taxes. Said refunding bonds shall mature serially or otherwise not more than forty years from their date, and shall bear interest at such rate or rates, as shall be determined within the discretion of such governing board or commissioners court. Said refunding bonds may be issued without an election in connection therewith, provided that in no event shall any series or issue of refunding bonds be issued in a principal amount greater than the face or par value of the obligations being refunded thereby, and provided that if a maximum interest rate was voted for the bonds being refunded, the refunding bonds shall not bear interest at a rate higher than such voted maximum rate, and provided further that refunding bonds shall be payable from taxes of the same nature as those pledged to the payment of the obligations being refunded thereby. Said refunding bonds, and the interest coupons appurtenant thereto, shall be negotiable instruments and they may be made redeemable prior to maturity, and may be issued in such form, denomination, and manner, and under such terms, conditions and details, and shall be signed and executed, as provided by the governing board or the commissioners court in the resolution or order authorizing the issuance of said refunding bonds. The refunding bonds shall be issued and delivered in lieu of, and upon surrender to the comptroller of public accounts of Texas and cancellation of, the obligations being refunded thereby, and the comptroller of public accounts shall register the refunding bonds and deliver the same in accordance with the provisions of the resolution or order authorizing the refunding bonds. Such refunding may be accomplished in one or in several installment deliveries. Said refunding bonds also may be issued and delivered in accordance with the provisions of and procedures authorized by any other applicable law.

§ 20.06. Examination of Bonds by the Attorney General

All bonds issued pursuant to this subchapter, and the appropriate proceedings authorizing their issuance, shall be submitted to the at-

torney general of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

§ 20.07. Bonds are Legal Investments

All bonds issued pursuant to this subchapter shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

§ 20.08. Previously Voted Bonds and Taxes

All tax bonds voted in any school district in accordance with law but unissued at the effective date of this code may be issued in the manner provided by the law in effect at the time such bonds were voted, or issued in the manner provided in this subchapter, to the extent pertinent and applicable, without an additional election; and all maintenance taxes heretofore voted in any school district in accordance with law may be levied and collected in the manner provided by the law in effect at the time such bonds were voted, or issued in the manner provided in this subchapter, to the extent pertinent and applicable, without an additional election.

[Sections 20.09 to 20.20 reserved for expansion]

SUBCHAPTER B. SCHOOL DISTRICT REVENUE BONDS

§ 20.21. Gymnasia, Stadia, and Other Recreational Facilities

The governing board of each independent school district (including, as to each municipally controlled independent school district, the city

council or commission which has jurisdiction thereof) and the governing board of each rural high school district, and the commissioners court of every county, for and on behalf of each common school district under its jurisdiction, shall be authorized and have the power to acquire, purchase, construct, improve, enlarge, equip, operate, and maintain gymnasias, stadia, or other recreational facilities for and on behalf of its district, and such facilities may be located within or without the district.

§ 20.22. Revenue Bonds

For the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip gymnasias, stadia, or other recreational facilities, such board or commissioners court shall be authorized to issue its revenue bonds to be payable from and secured by liens on and pledges of all or any part of any of the revenues from any rentals, rates, charges, or other revenues from any or all of such facilities, in the manner hereinafter provided. Said bonds may be additionally secured by mortgages and deeds of trust on any real property on which any of said facilities are or will be located, or any real or personal property incident or appurtenant to said facilities, and the board or the commissioners court may authorize the execution and delivery of trust indentures, mortgages, deeds of trust or other forms of encumbrances to evidence same. Said bonds may be issued to mature serially or otherwise not to exceed 50 years from their date. In the authorization of any such bonds, each board or the commissioners court may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other types of bonds, under such terms or conditions as may be set forth in the resolution or order authorizing the issuance of said bonds, all within the discretion of the board or commissioners court. Said bonds, and any interest coupons appertaining thereto, shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rates, as shall be determined and provided by the board or commissioners court in the resolution or order authorizing the issuance of said bonds. If so permitted in the bond resolution or order, any required part of the proceeds from the sale of the bonds may be used for paying interest thereon during the period of the construction of any facilities to be provided through the issuance of said bonds, and for the payment of operation and maintenance expenses of said facilities to

the extent, and for the period of time, specified in said bond resolution, and also for the creation of reserves for the payment of the principal of and interest on the bonds; and such moneys may be invested, until needed, to the extent, and in the manner provided, in said bond resolution or order.

§ 20.23. Rentals, Rates, and Charges

The board or commissioners court shall be authorized to fix and collect rentals, rates, and charges, from students and others for the occupancy or use of any of said facilities, in such amounts and in such manner as may be determined by such board or commissioners court.

§ 20.24. Pledge of Revenues

The board or commissioners court shall be authorized to pledge all or any part of any of its revenues from the aforesaid facilities to the payment of any bonds issued hereunder, including the payment of principal, interest, and any other amounts required or permitted in connection with said bonds. When any of the revenues from said facilities are pledged to the payment of bonds, the rentals, rates and charges for the occupancy or use thereof shall be fixed and collected in such amounts as will be at least sufficient to provide for all payments of principal, interest, and any other amounts required in connection with said bonds, and, to the extent required by the resolution or order authorizing the issuance of said bonds, to provide for the payment of operation, maintenance, and other expenses.

§ 20.25. Refunding Bonds

Any revenue bonds issued by any such board or commissioners court under this subchapter, and any revenue bonds issued by any such board or commissioners court under any other Texas statute and payable from revenues from any such facilities may be refunded or otherwise refinanced by such governing board or commissioners court, and in such case all pertinent and appropriate provisions of this subchapter shall be fully applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds the board or commissioners court may, in the same authorizing proceedings, refund or refinance bonds issued pursuant to this code and bonds issued pursuant to any other such Texas statute and combine all said refunding bonds and any other additional new bonds to be issued pursuant hereto into one or more issues or series of bonds, and may provide for the subsequent issuance of additional parity bonds, or subordinate lien bonds, or other type of bonds. All refunding bonds shall be is-

sued and delivered under such terms and conditions as may be set forth in the authorizing proceedings.

§ 20.26. Examination of Bonds by the Attorney General

All bonds issued pursuant to this subchapter, and the appropriate proceedings authorizing their issuance, shall be submitted to the attorney general of Texas for examination. If he finds that such bonds have been authorized in accordance with law he shall approve them, and thereupon they shall be registered by the comptroller of public accounts of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

§ 20.27. Bonds Eligible as Investments and Security

All bonds issued pursuant to this subchapter shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, small business investment corporations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

[Sections 20.28 to 20.40 reserved for expansion]

SUBCHAPTER C. MISCELLANEOUS PROVISIONS

For provisions enacted in 1971 without reference to the Education Code, but related to the subject matter of this subchapter, see Article 2784g-2, Civil Statutes, set out in Appendix at the end of the Code in this Pamphlet.

§ 20.41. Proceeds; Use for Water, Sewer or Gas Connections

Whenever bonds are hereafter voted and issued by school districts for the statutory purpose of construction and equipment of school buildings in the district and the purchase of the necessary sites there-

for, the bond proceeds may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of an incorporated city or town, including home rule cities, or other municipal corporation, or private utility company (whether or not the water, sewer, or gas lines of such city, town, or other municipal corporation adjoin the school site or sites), so that the school district may afford its public free school buildings of the water, sewer, or gas services offered by such city, town, or other municipal corporation, or private utility company.

§ 20.42. Investment of Bond Proceeds in Obligations of United States; Interest Bearing Secured Time Bank Deposits

From and after the effective date of this code, any school district within the state which has or may have on hand any sums of money which are proceeds received from the issue and sale of bonds of any such school district, either before or after the effective date of this code, which proceeds are not immediately needed for the purposes for which such bonds were issued and sold, may, upon order of the board of trustees of such school district, place the proceeds of such bonds on interest bearing time deposit, secured in the manner provided in Section 23.63 of this code, with a state or national banking corporation within this state, or invest the proceeds of such bonds in bonds of the United States of America or in other obligations of the United States of America, as may be determined by the board of trustees of the school district; but such interest bearing secured time deposits or bonds or other obligations of the United States of America shall be of a type which cannot be cashed, sold or redeemed for an amount less than the sum deposited or invested therein by such school district; and when such sums so placed or so invested by a school district are needed for the purposes for which the bonds of the school district were originally authorized, issued and sold, such time deposits or bonds or other obligations of the United States of America in which such sums have been placed or invested shall be cashed, sold or redeemed and the proceeds thereof shall be used for the purposes for which the bonds of the school district were originally authorized, issued and sold.

§ 20.43. Interest Bearing Time Warrants

(a) Any school district in the State of Texas in need of funds to repair or renovate school buildings; purchase school buildings and school equipment; to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities; or is in need of funds with which to employ an individual firm or corporation deemed

to have special skill and experience to compile taxation data for use by its board of equalization; and said school district is financially unable out of available funds to make such repairs, renovations of school buildings, purchase school buildings, purchase school equipment, to equip school properties with necessary heating, water, sanitation, lunchroom or electric facilities or is unable to pay such individual or corporation for the performance of the professional duties hereinabove mentioned, may, subject to the provisions hereof, issue interest-bearing time warrants, in amounts sufficient to make such purchase and improvements, to pay all or part of the compensation of such individual, firm or corporation to compile such data, any law to the contrary notwithstanding. Such warrants shall mature in serial installments of not more than five years from their date of issue, and to bear interest at a rate not to exceed six percent per annum. Such warrants shall upon maturity be payable out of any available funds of such school district in the order of their maturity dates. Any such interest-bearing time warrants so issued may be issued and sold by such district for not less than their face value, and the proceeds thereof used to provide funds required for the purpose for which they are issued. Such warrants shall be entitled to first and prior payment out of any available funds of such district as they become due. Included in such purposes is the payment of any amounts owed by said school districts, which indebtedness was incurred in carrying out any of such purposes.

(b) No such interest-bearing time warrants shall be issued or sold by a common school district, rural high school district, or an independent school district of less than 150 scholastics until the same shall have been approved by the county board of school trustees; and said board shall, upon application of such school district, inquire into the financial conditions and needs of such district, and shall not approve the issuance of such interest-bearing time warrants unless in its opinion said district is in need of such repair and renovation of school building, and school equipment and to equip school properties with necessary heating, water, sanitation, lunchroom and electric facilities, and will be able with the resources in prospect to liquidate said warrants at their maturity.

(c) No school district in the State of Texas shall issue such interest-bearing time warrants in excess of two percent of the assessed valuation of the district, for the year in which such interest-bearing time warrants are issued; nor shall the payment of such interest-bearing time warrants in any one year exceed the anticipated surplus income of the district for the year in which the warrants are issued. Based on the budget of the district for said year, such anticipated income to be computed by taking the entire expected income of such

school district from every source for the year in which such interest-bearing time warrants are issued, less teachers' salaries, bus aid included in the foundation fund, and that part of the local maintenance tax earmarked for salaries and known in the Gilmer-Aiken Law as the economic index or fund assignment. The anticipated income computation as herein defined shall be exclusive of all bond taxes. No school district shall have outstanding at any one time warrants totaling in excess of \$60,000 under the provisions of this section.

(d) In every instance wherein interest-bearing time warrants or other evidence of indebtedness have been issued by school districts within the State of Texas for any of the purposes herein provided for, the act of the board of trustees, and/or governing board of such district in issuing such interest-bearing time warrants are each and all thereby expressly validated. The indebtedness thus attempted to be created by such action is hereby declared to be the indebtedness of such district and shall be paid out of available funds as herein provided.

(e) Whenever any such interest-bearing time warrants have been issued under this section, and so long as any of them may be outstanding the officer in charge of the collection of delinquent taxes shall pay the same to legal depository of the district, to be deposited and held in a special fund for the payment of such interest-bearing time warrants, and except as herein otherwise provided, no part thereof shall be applied or used for any other purpose.

(f) Interest and penalties on delinquent taxes shall be deemed a part of such taxes for the purpose of this section. Should any delinquent taxes, including interest and penalties, be cancelled, waived, released or reduced either by such school district or in any other way, with or without its consent, the amount of the loss so sustained shall be paid by the district to the special fund provided for herein out of funds not otherwise pledged to such special fund.

(g) All school districts issuing interest-bearing time warrants shall have the power to fix lien on and encumber and mortgage any and all property purchased with the proceeds of such warrants, and to fix a lien on and encumber any property, including teacherages owned by the district to secure the payment of legally incurred obligations. Provided, however, there shall never be a valid lien authorized or fixed on any school building wherein actual classroom instruction of pupils attending such school is being carried on or conducted.

(h) The word "interest-bearing time warrant" as used in this section means promissory note, interest-bearing time warrant, obligation or other evidence of indebtedness issued under this section.

(i) Taxes levied in any year to pay principal and interest of bonds and which taxes subsequently become delinquent for the purpose of

this section, shall not be included in the term taxes or revenues or delinquent taxes as herein used.

Subsec. (c) amended by Acts 1971, 62nd Leg., p. 1512, ch. 405, § 39, eff. May 26, 1971.

§ 20.44. Delinquent Tax Penalties in Independent Districts Having City of 275,000

(a) That the board of education or the board of trustees, as the case may be, of any independent school district within the State of Texas, whether created by general law or special act of the legislature, and wherein there may be situated a city having not less than 275,000 population according to the last preceding federal census, shall have the power by passing a resolution bby ¹ a majority vote of the members of said board of education or board of trustees, as the case may be, beginning with 1933 delinquent taxes due to any such school district, to require in addition to the payment of any such delinquent taxes, in lieu of the present penalties provided by law, the payment of a penalty of two percent upon the amount of the tax due if paid during the first month of such delinquency, four percent if paid during the second month of such delinquency, six percent if paid during the third month of such delinquency, eight percent if paid during the fourth month of such delinquency, nine percent if paid during the fifth month of such delinquency, and 10 percent if paid thereafter. Such resolution shall provide that, in addition to the payment of the tax and penalty as provided, interest at the rate of six percent per annum shall be charged and paid upon the gross amount of the tax and penalty due from the date the tax became delinquent until paid.

(b) Until and unless the board of education or board of trustees of any such independent school district shall pass the resolution provided for in the next preceding section hereof, the penalties and interest now provided by law on delinquent taxes due to any such independent school district shall be and remain in full force and effect.

(c) Notwithstanding the fact that such board of education or board of trustees of any such independent school district may hereafter, during any particular year, pass a resolution as provided for in Subsection (a) of this section, such action may be rescinded as to future years thereafter by a resolution passed by such board of education or board of trustees in any such school district by a majority vote of the members of such board of education or board of trustees, in which event the same interest and penalties now provided by law on delinquent taxes due to independent school districts shall immediately accrue on all taxes thereafter becoming delinquent if such taxes be not paid before the same become delinquent.

¹ So in enrolled bill.

§ 20.45. Pledge of Delinquent Taxes as Security for Loan

The board of trustees of any school district of Texas is hereby authorized to pledge its delinquent school taxes levied for local maintenance purposes for specific school years as security for a loan, and such delinquent taxes pledged shall be applied against the principal and interest of the loan as they are collected. Provided, there shall be no pledging of delinquent taxes levied for school bonds for purposes herein set out. Funds secured through such loans may be employed for any legal maintenance expenditure or purpose of the school district. Provided further, that such loans may bear interest at a rate not to exceed six percent per annum.

§ 20.46. Additional Tax for Construction, Repair and Equipment of School Buildings; Purchase of Sites; Election

(a) Any school district, whether created under general or special law, having all or a portion of its territory situated in a county having a population of more than 190,000 according to the last preceding federal census, shall have the authority to levy an ad valorem tax, not to exceed 50 cents per \$100 valuation, for the purpose of paying the cost of the purchase, construction, repair, renovation or equipment of public free school buildings and the purchase of necessary sites therefor, provided, however, that no bonds or other evidence of indebtedness may be issued payable in whole or in part from the tax herein authorized; and provided further that no contract shall be made which will encumber more than the revenues to be collected from said tax in any one fiscal year.

(b) This additional tax for the maintenance of public free schools shall not be levied or collected until such time as it has been approved by a majority¹ of the resident, qualified, property-taxpaying voters who own taxable property within the district which has been duly rendered for taxation, participating in an election called for that purpose, have approved the additional maintenance tax. Nothing herein shall prohibit the submission of other propositions at such election; provided, however, that the proposition for the additional maintenance tax shall not be included in any other maintenance tax proposition, but shall be voted upon separately.

(c) It is the intent of this section to confer upon the school districts situated in large counties the right and power to make contracts for the expenditure of current funds for the same purpose as it may issue bonds, without the necessity of issuing bonds and paying the interest on such obligations, and shall be construed to this end and as not being in conflict with the provisions of any other law regulating the issuance of bonds. The election for the additional maintenance

tax shall be called and held in the manner provided by Section 20.-04(a) and (e) of this code.

(d) The provisions of this statute shall not preclude the use of other tax revenues for such revenues to be so used.

¹ So in enrolled bill.

§ 20.47. Additional Tax for Construction, Repair and Equipment of Schools in Counties With Population in Excess of 150,000; Purchase of Sites; Election

(a) Any school district whether created under general or special law, having all or a portion of its territory situated in a county having a population of more than 150,000 according to the last preceding federal census and having or acquiring the authority to levy under then existing law an ad valorem tax of not to exceed \$1.75 per \$100.00 of assessed valuation for maintenance purposes, shall have the authority to levy, apportion and expend out of any such maintenance tax levy \$.50 per \$100.00 of assessed valuation for the purpose of paying the cost of purchase, construction, repair, renovation and equipment of public free school buildings and purchase of sites therefor; provided, however, that no bonds or other evidences of indebtedness may be issued payable in whole or in part from the maintenance tax so levied and allocated and provided further that no contract shall be made which will encumber more than the revenues on hand and to be collected from said tax in any one fiscal year.

(b) The levy, allocation and expenditure of such portion of the maintenance tax as herein provided, may be made after such action has been approved by a majority of the resident, qualified property-taxpaying voters, who own taxable property within the district which has been duly rendered for taxation, participating in an election called for that purpose. This section shall not affect maintenance taxes levied for the year 1958 and prior years by any school district adopting same.

(c) It is the intent of this section to confer upon school districts to which it is applicable now or hereafter, the right and power to make contracts for the expenditure of maintenance funds for the same purpose as it may issue bonds, without the necessity of issuing bonds and paying the interest on such obligations and this section shall be construed to this end and as not being in conflict with the provisions of any other law regulating the issuance of bonds. The election for the allocation and expenditure of such maintenance tax as provided herein shall be called and held in the manner provided by Section 20.-04(a) and (3) of this code.

(d) The provisions of this statute shall not preclude the use of any tax revenues for the same or different purposes as herein specified to the extent it is now lawful for such revenues to be used.

§ 20.48. Authorized Expenditures

(a) The public free school funds shall not be expended except as provided in this section.

(b) The state and county available funds shall be used exclusively for the payment of teachers' and superintendents' salaries, fees for taking the scholastic census, and interest on money borrowed on short time to pay salaries of teachers and superintendents, when these salaries become due before the school funds for the current year become available; provided that no loans for the purpose of payment of teachers shall be paid out of funds other than those for the then current year.

(c) Local school funds from district taxes, tuition fees of pupils not entitled to free tuition and other local sources may be used for the purposes enumerated for state and county funds and for purchasing appliances and supplies, for the payment of insurance premiums, janitors and other employees, for buying school sites, buying, building and repairing and renting school houses, and for other purposes necessary in the conduct of the public schools to be determined by the board of trustees, the accounts and vouchers for county districts to be approved by the county superintendent; provided, that when the state available school fund in any city or district is sufficient to maintain the schools thereof in any year for at least eight months, and leave a surplus, such surplus may be expended for the purposes mentioned herein.

(d) All independent school districts having within their limits a city with a population of 160,000 or more according to the last preceding federal census shall, in addition to the powers now possessed by them for the use and expenditure of local school funds and for the issuance of school bonds, be expressly authorized and empowered, at the option of the governing body of any such school district, in the buying of school sites and/or additions to school sites and in the building of school houses, to issue and deliver notes of the school district, negotiable or non-negotiable in form, representing all or a part of the purchase price or cost to the school district of the land and/or building so purchased or built, and to secure such notes by a vendor's lien and/or deed of trust lien against such land and/or building, and, by resolution or order of the governing body of the school district made at or before the delivery of such notes, to set aside and appropriate as a trust fund, and the sole and only fund, for the payment of the principal of and interest on such notes such part

and portion of the local school funds, levied and collected by the school district in that year and/or subsequent years, as the governing body of the school district may determine, provided that in no event shall the aggregate amount of local school funds set aside in or for any subsequent year for the retirement of such notes exceed, in any one such subsequent year, 10 percent of the local school funds collected during such year.

§ 20.481. Use of County Available Fund Apportionment for Vocational and Technical Schools

Where any public school district or accumulation of districts of this state operates a school designated as an area vocational school for vocational and technical school purposes and/or which participates in such a designated area vocational school program, its annual county available school fund apportionment, if any, shall be employed in the operation of such school and/or in financing facilities therefor notwithstanding any laws to the contrary; provided further, that any such school district(s) shall not be held accountable for or charged with county available school funds in determination of eligibility for minimum foundation school program funds.

Added by Acts 1971, 62nd Leg., p. 3008, ch. 994, § 4, eff. Aug. 30, 1971.

§ 20.49. Borrowing Money for Current Maintenance Expenses

(a) Independent or consolidated school districts are hereby authorized to borrow money for the purpose of paying maintenance expenses and to evidence such loans with negotiable notes; provided that at no time shall said loans exceed 75% of the previous years' income. Such notes shall be payable only from current maintenance taxes levied at or before the time of making such loans and from delinquent maintenance taxes. The term "maintenance expenses" or "maintenance expenditures" as used in this section means any lawful expenditure of the school district other than payment of principal of and interest on bonds.

(b) Such notes may be issued only after a budget has been adopted for the current school year and the maintenance expenditures stated therein do not exceed the maintenance tax levied for the current year, plus the delinquent maintenance taxes expected by the board of trustees to be collected during the then current school year. A budget, within the meaning of this section, may be amended or a new budget may be adopted at any time before the issuance of such notes.

(c) Such notes shall be authorized by resolution adopted by a majority vote of the board of trustees, signed by the president or vice

president and attested by the secretary of said board. The notes shall bear interest at a rate of not to exceed six percent per annum.

(d) Any such note may contain a certification that it is issued pursuant to and in compliance with this section, and pursuant to a resolution duly adopted by the board of trustees, and such certification shall constitute sufficient evidence that said note is a valid and binding obligation of the district.

(e) This section is cumulative of and is not intended to replace or impair the provisions of Section 20.48 of this code.

§ 20.50. Contracts for Athletic Facilities

(a) Any independent school district, acting by and through its board of trustees, is hereby authorized to enter into a contract with any corporation, or any city or any institution of higher learning of the State of Texas (State University or College) located wholly or partially within its boundaries, for the use of any stadium and other athletic facilities owned by, or under the control of, any such entity. Such contract may be for any period, not exceeding 75 years, and may contain such terms and conditions as may be agreed upon between the parties.

(b) The district may enter into such contract for the use of such stadium and other athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public free schools operated and maintained by such independent school district.

(c) The consideration for any such contract may be paid from any source available to such independent school district; but it¹ voted, as hereinafter provided, such independent school district shall be authorized to pledge to the payment of said contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of such consideration. If so voted and pledged, such maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to independent school districts for other maintenance taxes.

(d) No maintenance tax shall be pledged to the payment of any such contract or assessed, levied or collected unless an election is held in the independent school district and any such maintenance tax is duly and favorably voted by a majority of the resident, qualified electors of the independent school district who own taxable property therein and who have duly rendered the same for taxation, voting at said election. Each such election shall be called by order of the board¹ of trustees of the independent school district. The election order shall set forth the date of the election, the proposition to be submitted

§ 20.50

PUBLIC SCHOOLS

and voted on, the polling place or places, and any other matters deemed advisable by the board of trustees. Notice of said election shall be given by publishing a substantial copy of the order calling the election one time, at least ten days prior to the election, in a newspaper of general circulation in the district. Except as herein otherwise specifically provided, any such election shall¹ be held in accordance with the Texas Election Code.

¹ So in enrolled bill.