

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

THE TEXAS TAXPAYER & STUDENT
FAIRNESS COALITION;
HILLSBORO, I.S.D., HUTTO I.S.D.,
NACOGDOCHES I.S.D.,
PFLUGERVILLE I.S.D.,
SAN ANTONIO I.S.D., TAYLOR I.S.D.,
VAN I.S.D.; RANDY PITTENGER;
CHIP LANGSTON; and
SHELBY DAVIDSON,
AS NEXT FRIEND OF CORTLAND,
CARLI AND CASI DAVIDSON,

Plaintiffs

vs.

ROBERT SCOTT, COMMISSIONER
OF EDUCATION, IN HIS OFFICIAL
CAPACITY; SUSAN COMBS,
TEXAS COMPTROLLER OF PUBLIC
ACCOUNTS, IN HER OFFICIAL
CAPACITY; TEXAS STATE BOARD
OF EDUCATION,

Defendants.

IN THE DISTRICT COURT

200th JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION AND
REQUEST FOR DECLARATORY JUDGMENT**

NOW COME Plaintiffs and bring this Original Petition and Request for Declaratory Judgment and would show the Court as follows:

DISCOVERY LEVEL

- 1. Discovery will proceed under level 3 of the Tex.R.Civ.P. 190.

PARTIES

- 2. Plaintiff, THE TEXAS TAXPAYER AND STUDENT FAIRNESS COALITION is a Texas Non-profit composed of school districts, students, parents, and businesses in Texas directly affected by the school finance system.

3. Plaintiff, HUTTO I.S.D., NACOGDOCHES I.S.D., PFLUGERVILLE I.S.D., SAN ANTONIO I.S.D., TAYLOR I.S.D., and VAN I.S.D. are school districts in Texas who are funded through the school finance system.
4. Plaintiff, RANDY PITTENGER owns property in the Belton Independent School District and pays property taxes in the district. His children are no longer in the district schools.
5. Plaintiff, CHIP LANGSTON owns property in the Kaufman Independent School District and pays property taxes in the district.
6. Plaintiff, SHELBY DAVIDSON is a parent of Cortland, Carli and Casi Davidson who are students in the Van I.S.D., and brings this in his individual capacity and as next friend of Cortland Davidson, Carli Davidson, and Casi Davidson. Cortland Davidson is a junior high student, and Carli and Casi are elementary school students.
7. Defendant, ROBERT SCOTT is the Texas Commissioner of Education and can be served at 1701 N. Congress Avenue, Austin, Texas 78701.
8. Defendant, SUSAN COMBS is the Texas Comptroller of Public Accounts and can be served at 111 East 17th Street, Austin, Texas 78774.
9. Defendant, THE STATE BOARD OF EDUCATION is an elected body that sets policy for the Texas Education Agency. It may be served through its chairwoman, Barbara Cargill, at 1701 N. Congress Ave., Austin, Texas 78701.

INTRODUCTION

Before the 82nd Legislature convened in January of 2011, Texas' funding for public education had already become an arbitrary hodge-podge of approaches rather than a coherent system. This hodge-podge, built around a hold-harmless scheme adopted in 2006 called "Target Revenue," resulted in huge differences in yields for similar tax effort that gave property-wealthy districts unconstitutionally greater access to educational dollars. This constitutional inefficiency was compounded in 2011 by SB1 passed by the 82nd Legislature which reduced school funding formulas by \$4 billion dollars in addition to other cuts in excess of \$1 billion. In FY 2012, SB1 makes across-the-board percentage reductions to districts' regular program funding. These losses in already low-funded districts have a harsher impact than similar cuts to a much higher

funded district. In FY2013, SB 1 cuts more from districts with Target Revenue, but limits their losses so that they will still have greater resources than the lower wealth districts.

Taxpayers in low wealth districts who are willing to tax themselves at the highest rates allowed are unable to access the same dollars for education as taxpayers in high wealth districts who tax themselves at a lower rate. Nacogdoches ISD adopted the \$1.17 maximum M&O tax rate in 2010-11, earning \$5,487 per WADA, at the same time that Eanes ISD adopted \$1.04 tax rate and received \$6,881. In return for a 13 cent higher tax rate paid by Nacogdoches ISD taxpayers, the state funding system rewarded Nacogdoches school children with over \$10,000,000 fewer dollars than they would have had at the Eanes funding level.

In 2010-11, at \$1.00 tax rate in Tier 1, Austin I.S.D. with approximately 100,000 WADA was funded at \$6,100 per WADA and Fort Worth I.S.D. at the same tax rate with similar WADA was funded at \$5,100 per WADA, an overall funding gap of \$1,000 per WADA. This difference in funding provides Austin I.S.D. with \$100 million per year more than the same tax effort makes available to Fort Worth I.S.D.

Over 200 school districts in Texas adopted an M & O tax rate at the \$1.17 tax cap in 2010-11 and will not be able to rebound from the 2011 failure to fund. Additionally the lack of state funding will push more districts to the cap.

THE PUBLIC SCHOOL FINANCE SYSTEM IS UNCONSTITUTIONAL

Taxpayer Equity:

As Justice Hecht noted in his 2005 opinion “citizens who were willing to shoulder similar tax burdens, should have similar access to revenues for education.” *West Orange Cove v. Neely*, 176 S.W.3d at 757 (Tex. 2005) (*West Orange Cove II*) (citing *Carrollton-Farmers Branch I.S.D. v. Edgewood I.S.D.*, 826 S.W.2d 489, 497 (Tex. 1992) (*Edgewood III*)). Indeed, article VIII, §

1(a) of the Texas Constitution requires that all taxes be equal and uniform which requires that all persons in the same class be taxed alike. *Sharp v. Caterpillar, Inc.* 932 S.W.2d 230, 240 (Tex. App.—Austin, 1996, writ denied). There is no rational basis to justify why taxpayers in five hundred and forty-six districts (53%), even if they taxed themselves at the maximum of \$1.17, could not access the state and local funding that is available at \$1.04 to even the lowest funded of the 91 “net recapture” districts.¹ Further, the inequity associated with the “golden pennies²” means that taxpayers in low wealth districts willing to tax themselves above Tier 1 levels do not get the same benefit for their tax effort as the taxpayers in the highest wealth districts.

The 1876 Constitution provided a structure whereby the burdens of school taxation fell equally and uniformly across the state, and each student in the state was entitled to exactly the same distribution of funds.

.....

The framers opposed any schemes that would allow any classes of people to avoid an equal burden of taxation. (citations omitted.)

Edgewood I, 777 S.W.2d at 396 and n 5.

Plaintiff, taxpayer Randy Pittenger, owns property in the Central Texas district of Belton I.S.D. and is taxed at \$1.17 for M & O, which tax rate raises \$5,947 per WADA. On the other hand, a similarly situated taxpayer in another Central Texas district, Glen Rose I.S.D., with an M & O rate of \$0.825, raises \$8,895 per WADA. In other words, Randy Pittenger pays 42% higher taxes while Glen Rose received 50% more in revenue per WADA.

Plaintiff, taxpayer Chip Langston, owns property in the Kaufman I.S.D. and is taxed at \$1.17 for M & O, which tax rate raised \$6,192 per WADA in 2010-11. In the next county, a taxpayer in Lovejoy ISD was taxed at \$1.06, which tax rate raised \$7,969. In other words, Chip

¹ A “net recapture” district is one whose calculated recapture amount exceeds the amount of state funds it received. After recapture, these districts remain among the highest funded districts.

² The first six pennies of M&O tax rate above the district’s compressed tax rate (CTR created by HB1 in 2006) constitute Tier 2, level 1 of the school finance formula. These pennies are known as the “golden pennies” because their guaranteed yield is tied to the wealth level of Austin I.S.D. (about 95 percentile or 24% higher than the Tier 1 yield) and are uncapped for any district wealthier than Austin.

Langston pays 10% higher taxes while Lovejoy received nearly 30% more in revenue per WADA.

For the 2011-12 school year, the data indicate that about 45% of districts cannot regain funds lost by the cuts made by the 82nd Legislature, even if their taxpayers are willing to pay the maximum M&O rate of \$1.17. On the other hand, the system created by the 82nd Legislature allows 61 high-wealth districts to not only regain the money lost, but actually increase funding by over \$200 per WADA above the pre-cut levels if their taxpayers are willing to tax at a \$1.17 tax rate.

The Legislature's reliance on local property taxes to discharge their responsibility under article VII, § 1 necessitates that they create a school finance system that compensates for the disparities in property wealth among districts "so that property owners in property-poor districts are not burdened with much heavier tax rates than property owners in property-rich districts to generate substantially the same revenue per student for public education." *West Orange Cove II* 176 S.W.3d at 756. The responsibility for this inequity falls directly on the Legislature, which has the power to create school districts and draw boundary lines and the responsibility to maintain an efficient public free school system. *Lee v. Leonard I.S.D.*, 24 S.W.2d 449, 450 (Tex.App.-Texarkana 1930, no writ).

Efficiency/Equity:

In its 2005 decision, the Texas Supreme Court acknowledged that "the Legislature's decision to rely so heavily on local property taxes to fund public education does not in itself violate any provision of the Texas Constitution," but it does make it difficult to achieve an efficient system "meaning 'effective or productive of results and connot[ing] the use of resources so as to produce results with little waste as required by article VII, § 1 of the Constitution.'" *Id.*

(citing *Edgewood Independent School District v. Kirby*, 777 S.W.2d 391, 395 (Tex. 1989) (*Edgewood I*) and *Edgewood I.S.D. et al. v. Meno*, 917 S.W.2d 717, 735-37 (Tex. 1990) (*Edgewood IV*). The Court recognized, as did all previous courts to consider the issue, that the system is inefficient if districts “that must achieve a general diffusion of knowledge do not have substantially equal access to available revenues to perform their mission.” *Id.* at 783.

The changes made after *Edgewood III* have been eroded over the years.

- In H.B. 1 (2006) the Legislature established the concept of a “Target Revenue” hold-harmless to ensure all districts continued to receive at least the same overall level of funding as they did in the 2005-2006 school year. Also in 2006 the Legislature implemented a two-stage 33% compression in school district M&O property tax rates, resulting in a reduction in formula funding for education. In fact, the state’s failure to adjust the basic allotment in 2007 to compensate for the 1/3 reduction in local property tax revenues caused by the compressed tax rate, reduced formula funding to such an extent that no district was funded under the formula system, and every district in the state was funded under the arbitrary, irrational and inequitable Target Revenue scheme. In 2009, the Legislature increased the basic allotment, but never to a level that resulted in more than 25% of districts being funded under the formula system.
- The basic allotment of Tier 1 meant to equalize the cost of a basic education was set so low that more than 75% of all school districts in 2009-2010 were funded at their Target Revenue amount, not by the basic allotment and the equalized formulas. Projections for 2011-12 suggest that about 85% of districts will be funded at their Target Revenue hold-harmless amount.

- The State's reliance on Target Revenue and other "outside the system" funding has created an unsustainable, indefensible, inefficient and unacceptably inequitable system where in 2010-11, at \$1.00 tax rate in Tier 1, Austin I.S.D., with approximately 100,000 WADA, was funded at \$6,100 per WADA and Fort Worth I.S.D., at the same tax rate with similar WADA, was funded at \$5,100 per WADA, creating a Tier I funding gap of \$100,000,000 per year. The size of this gap widens as these districts grow. For every 1% increase in WADA, the gap between these districts grows by another \$1,000,000.
- Austin I.S.D and Fort Worth I.S.D. are not isolated examples nor do they present the worst comparisons. Northwest I.S.D. at \$1.00 compressed tax rate in Tier 1 was funded at \$6,830 per WADA while Edgewood at the same compressed tax rate was funded at \$5,070, a gap of \$1,760 per WADA. At Northwest's WADA of approximately 17,000, they enjoy almost \$30 million additional dollars. With each 1% growth in WADA this gap will grow by \$300,000. Crane I.S.D., at a Tier 1 compressed tax rate of \$1.00 with approximately 1450 WADA, was funded at \$9,500 per WADA, while Floydada I.S.D., at a similar tax rate and WADA, was funded at \$5,000 per WADA, creating a funding gap of over \$6.5 million, or a funding advantage for Crane I.S.D. of almost 2 to 1. Wink-Loving I.S.D., at a Tier 1 compressed tax rate of \$1.00 with approximately 570 WADA, was funded at \$12,500 per WADA, while Chireno I.S.D., at a similar tax rate and WADA, was funded at \$5,030 per WADA, a gap of about \$7,500 per WADA, a funding advantage for Wink-Loving of 2.5 to 1. Again, as each of these districts grow the dollar amount of the inequity is perpetuated and increases proportionately.

- The across-the-board percentage cuts to the regular program allotment made by the 82nd Legislature for 2011-12 have the effect of taking funding from low wealth districts with higher local tax rates and using it to protect the higher wealth districts.
- In a 2010-11 comparison of the 216 districts at or above \$1.17 and the 216 districts with the lowest tax rates, the districts at the highest tax rate have an average yield of approximately \$50 per penny per WADA while the districts with the lowest tax rate have an average yield of about \$63 per penny per WADA.
- The copper pennies³ have a set yield of \$31.95, and a corresponding equalized wealth level of \$319,500, which provides only two-thirds of the Tier I yield per WADA per penny. As a result many districts, that have gotten voter approval to tax at the maximum of \$1.17, are still underfunded.
- The state facilities funding system guarantee has not changed from the original \$35 yield per penny per ADA adopted in 1999 although the cost of construction has doubled since then. It was originally set at the 91st percentile of wealth (per WADA basis) and has fallen to about the 55th percentile. In 2010-11, low-wealth districts would have to levy an I&S tax rate that is at least 2.5 times the levy that would be required of the average district in the top 10% of wealth to access the same revenue.
- The Existing Debt Allotment equalizes only 29 of the 50 pennies available for facilities taxation. None are recaptured, meaning that wealthier districts can build

³ Copper Pennies refer to local enrichment taxes above the first 6 pennies levied above a district's CTR. They have no driver and have a guaranteed yield of \$31.95, which is below the state average for district wealth per WADA per penny.

whatever facilities they desire for a fraction of the tax effort required by low funded districts. Additionally, wealthy districts are able to fund traditional M&O expenditures (new buses, technology, HV/AC replacements, and so forth) with non-recaptured I&S pennies, in effect allowing access to M&O revenue at much higher revenue per penny per WADA than they would be able to access using remaining M&O pennies. In effect, this practice would also provide wealthy districts additional M&O revenue beyond the maximum M&O tax rate of \$1.17.

The public education funding system in Texas is arbitrary and therefore cannot be efficient.

Local Supplementation:

In *Edgewood IV*, Justice Cornyn noted that an efficient system did not preclude unequalized local supplementation. *Edgewood*, 917 S.W. 2d at 729. However, the Court reiterated its holding in *Edgewood I.S.D. v. Kirby*, 804 S.W.2d 491, 500 (Tex. 1991) (*Edgewood II*) that “once the Legislature provides an efficient system in compliance with article VII, § 1, it may, so long as efficiency is maintained, authorize local school districts to supplement their educational resources if local property owners approve an additional local property tax. *Id.* at 732 (emphasis added). We have reached the point where local supplementation has again created an unequalized system and, therefore, an inefficient system.

- Because the first six pennies (dubbed the “golden pennies”) of additional taxing rate above Tier 1 that a district adopts have a guaranteed yield that is tied to the wealth level of the Austin I.S.D. they generate significantly higher levels of funding than the next pennies (dubbed the “copper pennies”) a district might levy and a higher rate than Tier 1 levies. In 2010-11, the guaranteed yield on these six

golden pennies was \$59.97 per WADA per penny, a yield almost 25% greater than the Tier 1 yield and over 87% higher than the yield of the copper pennies. The golden pennies are not recaptured which means that the 109 high-wealth districts with a wealth per WADA that exceeded Austin I.S.D. enjoyed an average yield on these pennies that was more than twice the yield of lower-wealth districts. Because Tier 1 funding for low-wealth districts is typically insufficient to fund the basic educational program the reality is that revenue from these pennies are primarily used for that purpose rather than for enrichment.

- Studies and expenditure data have shown that transportation and student weights are undervalued and therefore underfunded. Because low funded districts lack the discretionary funding levels of the more highly funded districts, the underfunding of these programs has a much greater impact on them.

State Ad Valorem Tax:

The result of the inefficiencies and inequities detailed above is that the Legislature has not solved the constitutional problems found by the Texas Supreme Court in 2005. Moreover, by failing in its responsibility to adequately fund education in 2011, the State has passed the burden of raising funds to support education to the districts. By the 2010-11 school year, over 200 school districts in Texas were taxing at the \$1.17 tax cap.

Even at the maximum rate, the revenue per WADA for 80% of these districts is below the average revenue per WADA for all districts not at the cap. These districts do not have the discretion to set lower rates, because even at the maximum they cannot recoup losses from the 2011-12 cuts, increase revenue to meet increasing accountability standards and community expectations, or offset inflation.

According to the Texas Education Agency's (TEA) data, school districts in the top 15% by wealth (154 districts) in 2010-11 have \$2,505,875,342.00 left in taxing capacity, but school districts in the bottom 15% by wealth in 2010-11 have \$0 left in taxing capacity.

The \$1.17 tax cap is both a floor and a ceiling leaving the districts with no meaningful discretion. This lack of meaningful discretion has converted these taxes into a state property tax prohibited by Article VIII, §1-e of the Texas Constitution. *West Orange Cove II*, 176 S.W.3d 746 (Tex. 2005). The Court in *West Orange Cove v. Alanis* 107 S.W.3d 558, 578 (Tex. 2003) (*West Orange Cove I*) noted that it is not necessary that most school districts be forced to tax at the cap for the tax to be characterized as a State ad valorem tax. "A single district states a claim under article VIII, section 1-e if it alleges that it is constrained by the State to tax at a particular rate." *Id.* at 579.

Suitability:

Texas Constitution article VII, § 1 requires that the State make suitable provision for the support and maintenance of an efficient system of public free schools. The Texas Supreme Court has noted that this provision requires that the public school system be structured, operated, and funded so that it can accomplish its purpose for all Texas children. *West Orange Cove II*, 176 S.W. 3d at 753. The Court stated that "if the Legislature substantially defaulted on its responsibility such that Texas school children were denied access to that education needed to participate fully in the social, economic, and educational opportunities available in Texas, the 'suitable provision' clause would be violated." *Id.*

The State has defined what level of education is necessary to meet constitutional requirements. In §28.001 of the Education Code, the Legislature has delegated to the State Board of Education the task of defining what constitute the essential knowledge and skills. "The

mission of the public education system of this state is to ensure that all Texas children have access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation.” Tex. Educ.Code § 4.001(a). This mission is grounded in the constitutional promise to achieve a general diffusion of knowledge because it is essential to the welfare of the state and for the preservation of the liberties and rights of citizens. *Id.* The standards set by the Board of Education are enforced by the accountability standards developed by the Texas Education Agency. That agency, in response to legislative mandates, has strengthened those standards and will begin testing student performance against the STAAR tests, which are more rigorous than the previous TAKS tests.

At the same time that the State has required higher standards to meet new mandates, the 82nd Legislature has underfunded the system by at least \$4 billion dollars. It is “arbitrary . . . for the Legislature to define the goals for accomplishing the constitutionally required general diffusion of knowledge, and then to provide insufficient means for achieving those goals.” *West Orange Cove II*, 176 S.w.3d at 784. The structure of the system designed to deliver a general diffusion of knowledge is irrationally flawed and unable to deliver a constitutional level of education to all the children of Texas in violation of the suitability provision of article VII, §1. Further, the Legislature’s failure to meet its responsibility to fund the system and provide for fair distribution of the available funds has crippled the system. The Legislature has substantially defaulted on its responsibility to provide an efficient system of education in Texas.

Arbitrariness:

In *West Orange Cove II*, our Supreme Court for the first time addressed the standard of review when addressing a school finance challenge. In that case the Court said that State “action is arbitrary when it is taken without reference to guiding rules or principles.” The Court further held that Article VII of our Constitution “does not allow the Legislature to structure a public school system that is inadequate, inefficient, or unsuitable, regardless of whether it has a rational basis or even a compelling reason for doing so.”

The funding disparities among school districts cited above demonstrate that there are no “guiding rules or principles” used by the Legislature to construct the existing funding legislation for our public schools. The system, if it can be called one, is *ad hoc*; resulting in differences in funding for districts that cannot be explained without resorting to an answer that is nothing more than “that’s the way we (the Legislature) wanted to do it.” Having a system that has been demonstrated to be so inefficient, the burden rests with the State to show that such inefficiency is not arbitrary. This the State cannot do.

Equal Protection:

In *Edgewood I*, the court disposed of the plaintiffs’ equal protection claim by noting that “because we have decided that the school financing system violates the Texas Constitution’s ‘efficiency provision, we need not consider petitioner’s other constitutional arguments.’” (Plaintiff Alverado, et al. pleaded an equal protection claim on behalf of students in low-wealth districts). However, the court in *Edgewood II* on rehearing and continuing through *West Orange Cove II* gave approval to local supplementation with the caveat that such supplementation was only acceptable after “an efficient system in compliance with Tex. Const. art. VII, § 1” was

created and so long as “efficiency is maintained.” *Edgewood II*, at 500 (*see also* fn. 2 where the court is clear that *Edgewood I* controls).

As indicated above, the school funding system is neither efficient, suitable, or equitable. As such, in addition to violating art. VII § 1, it violates the equal protection rights of students in low-wealth districts. Texas Constitution art. 1, § 3 makes it clear that “all free men ... have equal rights, and no man or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.” “The Equal Protection Clause of the Texas Constitution requires that all persons similarly situated should be treated alike ...” *Kohout v. City of Fort Worth*, 292 S.W.3d 703, 711 (Tex. App. – Fort Worth 2009, no pet.)

CAUSES OF ACTION

Plaintiffs incorporate all facts set forth above as if restated herein.

Declaratory Judgment:

Plaintiffs ask the Court to declare that the school finance system violates the “efficiency” provisions of art. VII, §1 of the Texas Constitution, that the school finance system fails to make suitable provision for the support and maintenance of the system in violation of Article VII, §1 of the Texas Constitution, that the system imposes a tax that is unequal and not uniform in violation of art. VIII, §1(a) of the Texas Constitution, that the system has created a state ad valorem tax in violation of art. VIII, § 1-e of the Texas Constitution, and that the system fails to provide equal protection to students in low-wealth districts in violation of art. 1 § 3.

Injunction:

Pursuant to its declaration under the Texas Declaratory Judgment Act, Plaintiffs ask the Court to enjoin the state and its officials from distributing any funds, under the current school finance system until an equitable system is created.

ATTORNEYS' FEES

Pursuant to Chapter 37 of the Texas Civil Practices and Remedies Code, Plaintiffs are entitled to their reasonable attorneys' fees and costs.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request the Court grant the relief set forth above and all other relief to which they may show themselves entitled in equity or law.

Respectfully submitted,

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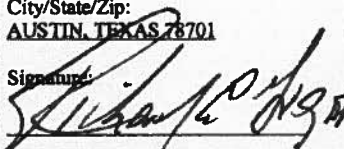
CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment motion for modification or enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet: Name: <u>RICHARD E. GRAY, III</u> Email: <u>Rick.Gray@graybecker.com</u> Address: <u>900 WEST AVENUE</u> Telephone: <u>512.482.0061</u> City/State/Zip: <u>AUSTIN, TEXAS 78701</u> Fax: <u>512.482.0924</u> Signature:  State Bar No: <u>98328300</u>		Names of parties in case: Plaintiff(s)/Petitioner(s): <u>See attached.</u> Defendant(s)/Respondent(s): <u>See attached.</u>	Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil		Family Law		
Contract Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input checked="" type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: Foreclosure <input type="checkbox"/> Home Equity—Expedited <input checked="" type="checkbox"/> Other Foreclosure <input checked="" type="checkbox"/> Franchise <input checked="" type="checkbox"/> Insurance <input checked="" type="checkbox"/> Landlord/Tenant <input checked="" type="checkbox"/> Non-Competition <input checked="" type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input checked="" type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input checked="" type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input checked="" type="checkbox"/> Other Parent-Child: _____
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input checked="" type="checkbox"/> Code Violations <input checked="" type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input checked="" type="checkbox"/> Other: <u>CONSTITUTIONAL VIOLATION</u>			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____	Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input checked="" type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):				
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action	<input checked="" type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment	<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input checked="" type="checkbox"/> Receivor <input type="checkbox"/> Sequestration <input checked="" type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover		

Plaintiffs:

THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION

HILLSBORO, I.S.D.

HUTTO I.S.D.

NACOGDOCHES I.S.D.

PFLUGERVILLE I.S.D.

SAN ANTONIO I.S.D.

TAYLOR I.S.D.

VAN I.S.D.

RANDY PITTENGER

CHIP LANGSTON

SHELBY DAVIDSON,

AS NEXT FRIEND OF CORTLAND, CARLI AND CASI DAVIDSON,

Defendants:

ROBERT SCOTT, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY

SUSAN COMBS, TEXAS COMPTROLLER OF PUBLIC ACCOUNTS, IN HER OFFICIAL
CAPACITY

TEXAS STATE BOARD OF EDUCATION