IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

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

BRIEF FOR AMICUS CURIAE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, by its authorized attorneys, respectfully submits an Amicus Curiae Brief in this case.

Interest of the Amicus Curiae

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, whose name this cause bears, is a political subdivision of the State of Texas and this Brief is sponsored by its authorized attorneys, as provided by this Court's Rule 42.

The San Antonio District was originally a party defendant to this suit, but was dismissed before judgment in order for the action to proceed against the State of Texas, since the judgment sought would affect all districts in the state.

As originally presented, Appellees' case centered around the consolidation of school districts on a county wide basis for school finance purposes, and thus, the San Antonio District and other districts in the county were party defendants. As broader concepts were developed and recognized in this case itself and in the literature and decisions on this vital subject, the San Antonio District and other districts of Bexar County were dismissed as parties defendant and the case properly proceeded to judgment on the issue of the constitutionality of a state imposed system of school finance.

Aside from its extra-legal interest because this historic case bears its name, the San Antonio District will be directly affected by the Court's decision on the constitutionality of the state imposed method of financing education in Texas.

The San Antonio District is a large school district having an area of approximately 75 square miles and about 70,000 children educated by its schools. It is composed of the central business district, some of San Antonio's industries and substantial residential areas. The position of this District is not a selfish one, but one of principle — that a quality education for the children of this District and this State is indeed a fundamental interest and that the present Texas law for financing public school education was rightly declared unconstitutional by the District Court.

The Argument

The current method of state financing for Texas public schools deprives those children living in school districts with low property values of the equal protection of the laws under the Fourteenth Amendment.

Those districts created under state law with areas of low property values, may tax at higher rates than a district having high property values, but, because of the difference in the tax base, produce less money for a child's education.

It is established in this record that in Bexar County the market value of property per student ranged from a low of $5,429.00 in the Edgewood District to a high of $45,095.00 in the Alamo Heights District and that the taxes as a percentage of property value were the lowest in Alamo Heights and the highest in Edgewood. Edgewood District's tax effort produced only $21.00 per pupil while that of the Alamo Heights District yielded $307.00 per pupil. The combined state and local result was $231.00 per pupil in Edgewood and $543.00 per pupil in Alamo Heights. Therefore, it was proved in the District Court that the state school financing laws based on property ad valorem tax preclude equal treatment because the money available for a child's education is dependent upon the location and value of property within the state created district in which the child lives.

While it is true that money alone is not the single requisite of a quality education, it is one of the essential requirements. Differences in school funds result in visible differences in physical facilities, teachers' salaries, the available scope and variety of programs and funds with which districts may innovate and adapt themselves to changing demands for education. For example, future education in some districts may focus on technical training rather than the traditional academic curriculum, yet significant program alterations of this sort will require money which is unavailable and unattainable to a district with low property values where such changes may be most needed.

The quality of education obviously varies in significant degree with the amount of money available to achieve it. The degree of such variance may be argued, but not the fact that it exists. As Appellants' Brief in this Court notes (page 35), every school district in the State of Texas has added by local effort to the so called state minimum program. The records thus proves that the state "minimum foundation" program

does not in fact serve its avowed purpose. It is not an acceptable program to a single Texas school district. All that remains is a state imposed system that denies the *opportunity* for one child's education to be the equal of another's.

Education is a fundamental interest in every sense of the words. The District Court was correct in holding that this principle has been established at least since *Brown v. Board of Education.* "Today, education is perhaps the most important function of state and local governments . . . Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms." 347 U.S. 483, 493 (1954).

No one can deny that the vital necessity for education has greatly increased even since 1954. If it had not been previously recognized that education was in every sense a fundamental interest, it is unthinkable that this truth should be denied today.

The practical result of the District Court's ruling is not feared by the San Antonio District. The solution is left to the democratic legislative process. Local autonomy, consistent with equal protection of the law, can and undoubtedly will be preserved. While a reasonable measure of local controls of schools is desirable, the present statutory financing system should not be justified in the name of local control. The state imposed system which necessarily results in wide variations in expenditures for education should be subordinate to the goal of providing equal educational opportunity for all. *Griffin v. Prince Edward County School Board,* 377 U.S. 218 (1964).

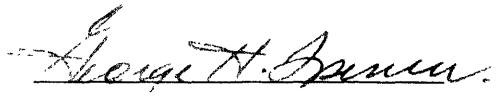
Conclusion

The present Texas school financing laws were correctly held unconstitutional by the District Court since they deny an equal opportunity for education because of state defined and commissioned governmental units and the required tax

system within those limits. Equal protection of the law is not afforded to the children residing in a poor district because of this classification. A child's education has properly been held to be a fundamental interest in the constitutional sense by the Court below.

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, therefore, submits the District Court's judgment was right and that it should be affirmed.

Respectfully submitted,

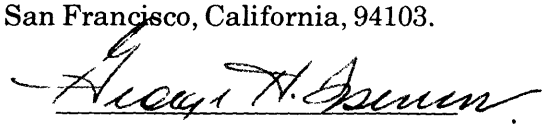


GEORGE H. SPENCER
Clemens, Weiss,
Spencer & Welmaker
1805 N.B.C. Building
San Antonio, Texas 78205

ATTORNEYS FOR
SAN ANTONIO
INDEPENDENT
SCHOOL DISTRICT

Certificate of Service

I, GEORGE H. SPENCER, Attorney for the San Antonio Independent School District, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the 22nd day of August, 1972, I served three copies of the foregoing brief upon the Appellants by depositing same in the United States mail, postage prepaid and addressed to Appellants' attorneys of record as follows: Hon. Crawford C. Martin, Attorney General for Texas, Box 12548, Capitol Station, Austin, Texas, 78711, and Mr. Charles Alan Wright, 2500 Red River Street, Austin, Texas 78705; and that I also served three copies of the foregoing brief upon the Appellees by depositing same in the United States mail, postage prepaid and addressed to the Appellees' attorneys of record as follows: Mr. Arthur Gochman, 313 Travis Park West, 711 Navarro, San Antonio, Texas 78224, and Mr. Mario Obledo, 145 9th Street, San Francisco, California, 94103.



GEORGE H. SPENCER