

# How the Texas Supreme Court Justifies Unlawful Public Education & Funding & Need for Education Revolution

By Ron Avery

The Supreme Court of Texas (SCOT) has issued its findings about the constitutionality of public education and its finance seven times since 1989 or 29 years. It takes at least two or three years to even try one case, that's 21 years of litigation out of 29. And each case costs many millions of dollars in attorney fees. They ruled for the seventh time in 2016 finding the system constitutional, both in curriculum and finance.

Have you considered how that can be from looking at the condition of our society? Let's look at the law and the high court's analysis. They were requested to consider the following attributes to determine constitutionality under Article 7 Section 1: Adequacy, Suitability, Financial Efficiency, Qualitative Efficiency, Charter School Provisions. Art 7 Sec 1 says: "A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools."

Then the SCOT was asked to determine the constitutionality of the financing of public education under Art 8 Sec 1-e which says: "No State ad valorem taxes shall be levied upon any property within this State." This is a very deceptively written provision as it is very misleading compared to its intention and interpretation. All taxing authority is vested in the state and its subdivisions obtain it from the state. But said article was not written to abolish state property taxes as it reads but to expand its use by state subdivisions so they would all compete with each other and seek the revenue from it. Before this provision the state was having a hard time raising the money they wanted because the people across the state would unite against it, being a statewide tax. So this provision was to abolish uniform statewide property tax which on its face violates Art 8 Sec 1(a) which says: "Taxation shall be equal and uniform." And that means across the state.

The SCOT found the public school system to be *Adequate* because it achieved a "general diffusion of knowledge," and that it was *Suitable* because it allowed equal access to all children to "participate fully in the social, economic, and educational opportunities available in Texas," and that it is *Financially Efficient* because districts provided "substantially equal access to similar revenues per pupil at similar levels of tax effort," and that it is *Qualitatively Efficient* because the state did not act arbitrarily or unreasonably in providing a general diffusion of knowledge, and Charter Schools were not treated unreasonably or arbitrarily by the state.

The SCOT also found that the property tax to support public school did not prevent the school districts from acting with discretion as to setting tax rates and that no single school district or group of districts showed that they had lost discretion in setting the local tax rate, and that the districts across the state were not all charging at or near the legislative ceiling of \$1.17 per \$100 evaluation, i.e., the tax rates were unequal and non-uniform across the state!

But I have shown that the public education system is unsuitable and inefficient and funded by a means that defeats the purpose of public education and the purpose of lawful government. The SCOT ignored the purpose of public education and the reason for a general diffusion of knowledge, which is the "preservation of liberties and rights of the people." The people cannot preserve their lives, liberties and rights when they cannot own property but must rather lease or rent it from the state. See my full proof using the logic of the SCOT as applied to the real purpose of public education they ignored at: <http://Sueit.org/morath-summary.pdf>

Ron Avery is a semi-retired architect, drummer, free lance writer and live-streaming videographer interested in 60s jazz, Christian theology, and lawful government. Contact him: [taphouse@sbcglobal.net](mailto:taphouse@sbcglobal.net)