



TEXAS STATE TEACHERS ASSOCIATION

FIGHTING FOR TEXAS PUBLIC SCHOOLS SINCE 1880

Donna New Haschke, *President*

Ann Heuberger, *Vice President*

E.C. Walker, *Executive Director*

Center for Legal Services and Member Advocacy

Kevin F. Lungwitz, *General Counsel*

PONTIAC V. SPELLINGS: F.A.Q.

What are the plaintiffs asking for in the lawsuit?

In this suit, the plaintiffs are simply asking the Administration to follow the requirements of its own law and pay for the regulations it is imposing on children's classrooms.

Section 9527 (a) of the law states that:

Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local education agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

Since it's been proven that the requirements are NOT adequately funded, then according to this law, the federal government should not be able to enforce the NCLB to the degree that it is under funded. There should not be disciplinary sanctions levied on schools where the federal government has failed to pay its fair share. Schools should not be subject to these federal "failing" labels and parents should not be forced to use their own local taxpayer dollars to meet the requirements of Washington bureaucrats.

How were school districts in Texas, Michigan and Vermont selected for the lawsuit?

These school districts accurately represent the diverse range of issues that local school districts have with the one-size-fits-all education law.

In Laredo, the student population has a very high percentage of low-income, English language learners who are immigrants. In Pontiac, there are a high percentage of low-income students, and the several school districts in Vermont are rural. All of these different areas are united in having serious difficulties trying to meet the regulations imposed by the law, and they simply can't afford them.

How can we join the lawsuit or otherwise show formal support for the lawsuit? Is the National Education Association looking for more school districts to join?

Right now, there is no need for more school districts to join the lawsuit. For now, *more* is not necessarily *better*. However, there may come a time in the distant future when more school districts are sought in the lawsuit. More likely though, school districts might be sought to formally communicate their support of the plaintiffs by way of signing onto an *amicus* ("friend of the court") brief. By passing your school board resolution, TSTA/NEA will be able to quickly identify school districts that might be poised to either join the lawsuit or poised to sign onto an *amicus* brief at some later date.

The Bush administration has increased education funding more than any other administration – how can you say they haven't provided enough for schools?

Sticking state taxpayers with a \$27 billion tab for a law you were supposed to pay for is not boosting spending. Ask Texans about the \$1.2 billion they will have to spend on these rules and regulations.. Ask them if they are happy about what these costly regulations are doing for their schools. Ask the majority of school districts that had their federal Title I funds cut this year.

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Isn't this lawsuit unnecessary since Secretary Spellings said they would provide more flexibility under the law?

Any flexibility the Administration might agree to publicly is not about to change the law's requirement that Washington pay for its education regulations. Secretary Spellings just charged the state of Texas with a \$440,000 penalty for how we test special education students – so it does not appear that flexibility is immediately forthcoming. Filing this lawsuit is the only way we can see to put pressure on Washington because bureaucrats aren't listening to the concerns of parents and teachers.

Will the plaintiffs win?

The law could not be any plainer or the principle any simpler: Pay for your own regulations. The federal government is not doing it, and we think our case is sound. The language of the law is clear, and we are confident that a judge will agree.

How long will this lawsuit drag on?

That fully depends on how badly the Department of Education fights to stop a judge from making a decision on the merits of the case. The Education Department can throw as many obstacles up as it wants. So, it's really impossible to predict how long, expensive or difficult this will be.

This lawsuit strikes us as a very clear Congressional requirement: Pay for your own regulations. We think that if we get a judge to make a decision on that, it's going to be a very short-lived case.

Who is paying for the lawsuit?

The National Education Association and the Texas State Teachers Association. Our mission is to stand up for children and public schools, and that is why we are funding this lawsuit. We don't want the school districts to pay for the lawsuit and they are not. They should be spending their money on the children.