School Finance

February 22, 2019 Capitol Extension E1.012



Texas Taxpayers and Research Association 400 West 15th Street, Suite 400 Austin, TX 78701 512.472.8838 www.ttara.org

Property Tax

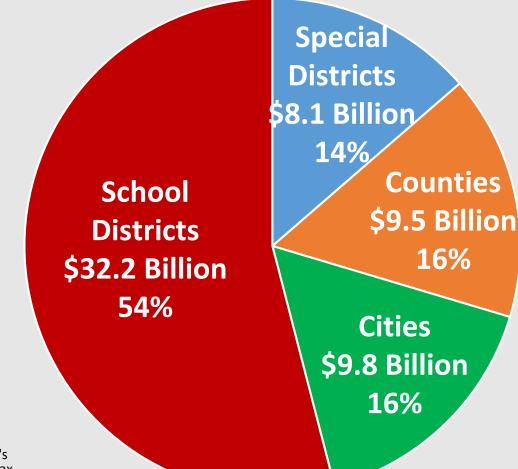
Property Taxation in Texas

- The Texas property tax is administered and imposed locally.
- Cities, counties, school districts, and other taxing units are authorized to impose and collect property taxes.
- The local property tax is the largest tax assessed in Texas.
- There is no State property tax.

Type of Tax	2015 Taxes	% of Total	2017 Taxes	% of Total
Property	\$52.2 billion	47.9%	\$59.6 billion	50.7%
State sales	\$25.9 billion	23.8%	\$28.9 billion	24.6%
Local sales	\$ 8.1 billion	7.4%	\$ 8.3 billion	7.1%
Other state taxes	\$22.8 billion	20.9%	\$20.7 billion	17.6%
TOTAL	\$108.9 billion	100%	\$117.5 billion	100%

Property Taxation in Texas

2017 Property Tax Levy \$59.6 Billion



* Source: Comptroller's Office 2017 Property Tax



Property Taxation in Texas

- Property taxes increased by over 6.3% from 2014 to 2015.
- They increased more than 6% annually from 2015 to 2017.

Taxing Unit	2015 Taxes	% of Total	2017 Taxes	% of Total
Schools	\$28.2 billion	54.0%	\$32.2 billion	54.1%
Cities	\$ 8.4 billion	16.0%	\$ 9.8 billion	16.4%
Counties	\$ 8.7 billion	16.7%	\$ 9.5 billion	15.9%
Special districts	\$ 6.9 billion	13.3%	\$ 8.1 billion	13.6%
TOTAL	\$52.2 billion	100%	\$59.6 billion	100%

How Property Taxes Are Calculated

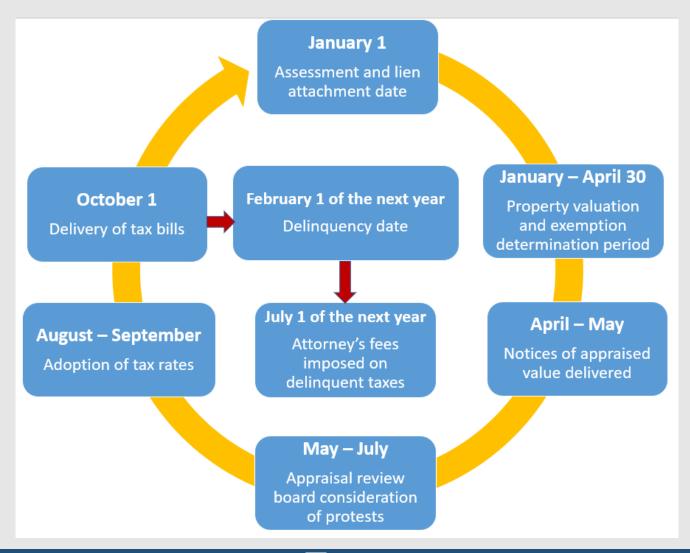
- Appraisal districts: political subdivisions that create appraisal rolls for taxing units; determine whether property is taxable or exempt; and place values on land, improvements, and other taxable property
- Taxing units: political subdivisions that are authorized to set tax rates based on budgetary needs and impose taxes on property listed on the appraisal rolls
- A tax bill: the product of two numbers--

Taxable Property Value per \$100 X Tax Rate = Tax Due

 Tax rates: amounts expressed in dollars and cents applied to property values that determine how much in property taxes are owed



Property Tax Annual Cycle From Appraisal to Tax Collection



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How Property Is Appraised

Texas Constitution: all real and tangible personal property, unless constitutionally exempt: taxable in proportion to value as determined in statute

Property Tax Code: market values to be determined on January 1 of each year by appraisal districts

Market value: determined by generally accepted appraisal methods with consideration of individual characteristics; defined as the price at which a property would sell under prevailing market conditions

Appraisal approaches to determining market value: sales comparison, income, or cost



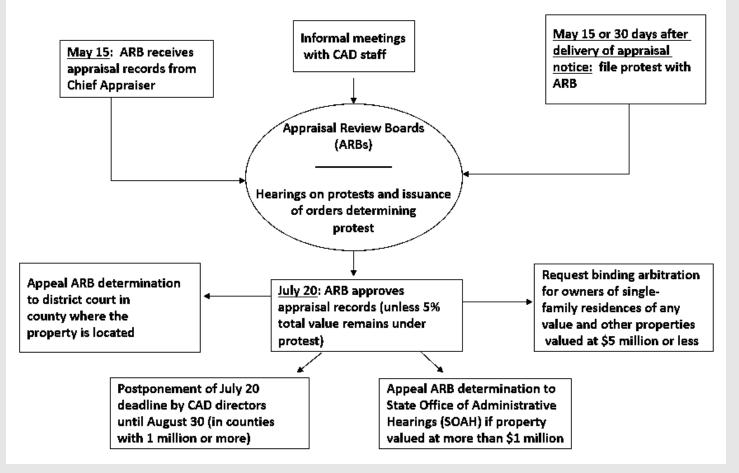
How Property Is Appraised

- Residence homestead values: 10% limit or "cap" from the last reappraisal
- Special appraisals: property rendered uninhabitable due to a casualty or disaster
- Specific appraisal methods: certain inventories, oil and gas interests, low income housing, and other property types
- Productivity valuation: land used for agricultural purposes, wildlife management, or timber
- Limitations on value: economic development projects approved by school boards



How Values Are Disputed

Determination of Property Value and Dispute Resolution



How Tax Rates Are Set

- Appraisal rolls certified to taxing units by the chief appraisers by July 25 each year
- Newspaper and website publication by taxing units of effective tax rates and other budget and tax information
- Public hearings to adopt rates that exceed the effective rates for the current year beginning in August
- Public votes by governing bodies
- If rollback rates are exceeded, taxpayer petition allowed for a reduction, or in the case of school districts, ratification elections required
- Tax rates to pay for debt: determined separately from maintenance and operations tax rates
- Deadline to set tax rates: later of September 30 or 60 days after the certified appraisal rolls are received by taxing units



How Property Taxes Are Collected

- Bills mailed by October 1 or as soon thereafter as practicable for taxes assessed for that year
- Delinquent on February 1 of the following year
- Split and installment payments allowed, as are escrow accounts, under certain circumstances
- Discounts for early payments
- Delinquent tax penalties and monthly interest, plus fees for collection by attorneys: over 38% annually



Characteristics of a Properly Functioning Property Tax System

- Equitable and efficient administration
- Professional valuation process with a single value
- Value based on market conditions and standards
- Reasonable exemptions
- Workable and meaningful appeals process
- Open and understandable rate-setting
- Imposition of a reasonable amount of taxes



School Finance



Public Education Funding

House (HB 1) Art. 3 Rider #77

Senate (SB 1) Art. 3 Rider #75-Tax Relief Rider #76-Teacher Pay

Additional \$9 Billion Contingent on legislation:

- Increase state share
- Enhance district entitlement
- Reduce recapture
- Provide tax relief
- Maintain equity

Additional \$6 Billion

Contingent on legislation:

- \$2.3 billion for tax relief
- \$3.7 billion for teacher pay raise SB 3 by Nelson



Texas Public School System #1 in the Nation

1,202 school districts

- 1,017 independent districts
- 5 special districts (military, etc.)
- 180 charters

8,771 Campuses

• Includes 675 charter schools



Texas Public School Employment 2016-2017 #1 in the Nation

	2016- 2017	% of Total
Total Employees	705,007	
Teachers	352,756	50%
Campus Administration	20,492	3%
Central Administrators	7,613	1%
Professional Support	70,392	10%
Educational Aides	67,934	10%
Auxiliary Staff	185,820	26%

Source: Texas Education Agency; Snapshot 2017



Texas Public School Enrollment 2017-2018 #2 in the Nation

Total Enrolled Students	2017-2018 5,399,682	% of Total
African American	680,777	13%
Hispanic	2,827,847	52%
White	1,504,515	28%
Other	386,543	7%
Economically Disadvantaged	3,169,613	59%
Limited English Proficient	1,015,140	19%

Source: Texas Education Agency



Definitions

		2017-18 School Year
Enrollment	Number of students enrolled in public schools	5,399,682
Average Daily Attendance (ADA)	Average number of students that attend schools each day	5,004,614 (93% of enrollment)
Weighted Average Daily Attendance (WADA)	Calculated number of funded ADA after weights and adjustments are applied	6,852,469 (137% of ADA) (127% of Enrollment)

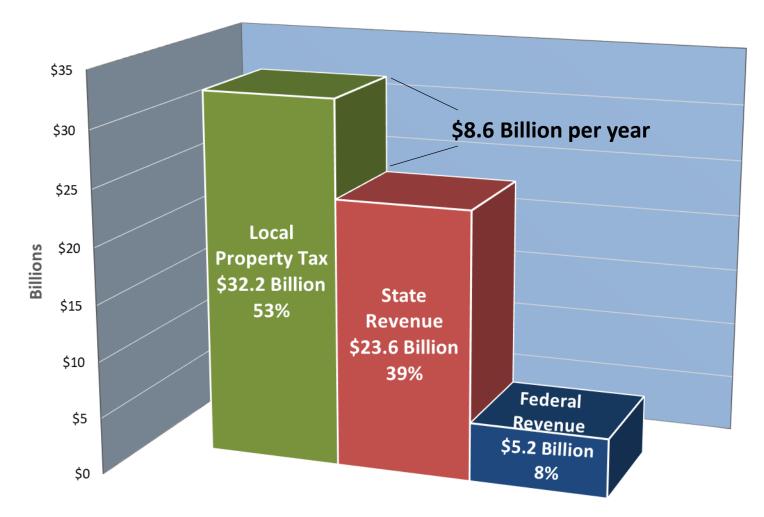


Public Education Funding

- Public Education is funded from:
 - local property tax revenue
 - state tax revenue
 - federal revenue
- The more taxable property value per weighted student that a district has, the less state aid it receives.
- Districts with **taxable value above a certain level** must reduce their access to that property value.

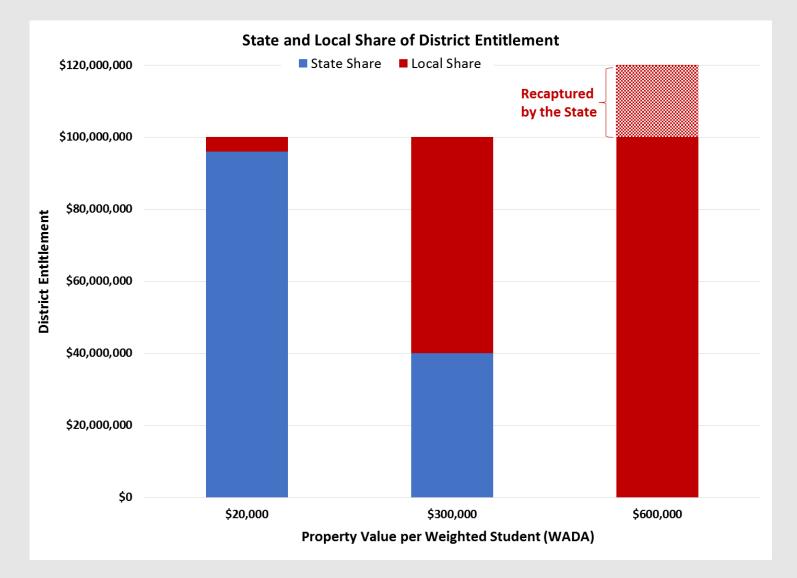


Funding for Texas Public School Districts -- 2017-18 School Year (Billions) \$61 Billion



Data Source: General Appropriations Act and 2017 ISD Self Report

Illustration of State and Local Share



Funding Formulas

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Foundation School Program

Tier 1

Basic tier that determines the majority of a school district's entitlement **through formulas** at a **district's compressed tax rate** (2006 M&O tax rate x 0.6667; **ie \$1.50 = \$1.00 compressed tax rate**).

Tier 2

Levels 1-2

- "Golden" Pennies. First six pennies above a district's compressed tax rate to be accessed at the discretion of a school board and/or voters. Equalized to Austin ISD (99th percentile) and not recaptured. ie \$1.01-1.06.
- "Copper" Pennies. Pennies above a the "Golden" pennies to be accessed at the discretion of a school board and voters. Equalized to lower level and recaptured. ie \$1.07 \$1.17.

Facilities

Financed by a school district's I&S rate. Equalized by the state for low wealth districts.



District Adjustments

Cost of Education Index (CEI) 1.02-1.10 - 799 Districts (79%) 1.10-1.15 - 173 Districts (17%) 1.16-1.20 - 45 Districts (4%)	1991 1.02 – 1.2		1.20 Adjusts for higher salaries paid in surrounding counties, % of low income students, size of district, low population of county. Increase attributable to the CEI is limited to 71% of the full application.			
Small District Adjustment	1984	Up to 63% more	Adjusts for diseconomies of scale due to being small.			
Mid-size District Adjustment	1995	Up to 8% more	Adjusts for diseconomies of scale.			

School Finance Commission has recommended repealing CEI and changing small and mid-size district adjustments to stand alone allotments.



Tier 1 – Calculate Adjusted Allotment

Adjusted Allotment is the beginning number in formula calculations

Basic Allotment = \$5,140

Set by the Legislature Statutorily Linked to Recapture Threshold (EWL) = \$514,000 Reduced if compressed rate is less than \$1.00 Set in statute at \$4,765 (Educ. Code 42.101) Rider #3, Article III, Appropriations Bill set it at \$5,140

Adjusted Basic Allotment

Basic Allotment x Cost of Education Index (CEI) (71% benefit)

Apply Small-size District Adj.

3 Apply Mid-size District Adj.

Adjusted Allotment = Greater of #1, #2 or #3

2017-18 Average Adjusted Allotment = \$6,543



2017-18 Adjusted Allotment

Adjusted Allotment is the beginning number in formula calculations

Adjusted Allotment	# of Districts	% of Districts
\$4,000 - \$5,000	2	0%
\$5,001 - \$6,000	391	39%
\$6,001 - \$7,000	315	31%
\$7,001 - \$8,000	236	23%
\$8,001 - \$9,000	73	7%
\$9,000 +	1	0%
	1,018	
Average	\$6,543	100%

Data Source: Texas Education Agency

Student "Weights"

	Last Updated	Weight	Purpose
Regular Program Students	1984	1.0	Students that are not in special ed or career and technology programs
Career and Technology	2003	1.35	Students in career and technology programs. Not in regular program count.
Special Education	1993	1.1-5.0	12 weights for students with disabilities. Not in regular program count.
Compensatory Education	1995	0.20	Low income students (\$45,510 family of four; free & reduced price lunch prog)
Pregnant Students	1989	2.41	Students at risk of dropping out due to pregnancy
Bilingual Education	1985	0.10	Students with difficulty performing class work in English
Gifted and Talented	1991	0.12	Students in gifted and talented programs; limited to 5% of district's ADA
Public Education Grant	1995	0.10	Students who transfer to another school district because their campus was rated low performing for 3 years

Additional Allotments

Allotment	Amount		
High School Student	<mark>\$275 per ADA</mark>		
Staff Allotment (support staff)	\$500/Fulltime \$250/Part-time		
Transportation Allotment	\$0.68-\$1.43 per linear mile		
Available School Fund	\$460 per prior year ADA		

School Finance Commission has recommended repeal of high school allotment and reallocation of funds and basing transportation allotment on actual mileage



Compressed Tax Rate

- In 2005 the TX Supreme Court ruled our school finance system was an unconstitutional statewide property tax because too many school districts were at the \$1.50 maintenance & operations (M&O) tax rate cap and did not have "meaningful discretion" over their tax rate (West Orange Cove, Nov. 2005).
- Legislature made changes to the franchise tax, cigarette tax, and motor vehicle tax to generate revenue to compress 2005 M&O tax rates by 1/3 (over two years). The new "compressed tax rate (CTR)" would determine a district's local share of its tier 1 entitlement.
- Legislature provided a minimum of \$0.17 taxing authority above the compressed rate to satisfy "meaningful discretion." M&O rate cap is (\$1.50 x compression %) \$1.00 + \$0.17.
- Compression percentage = 66.67%. Article III, Rider #3, Appropriations Bill.
- Cost was **\$7.1 billion**.

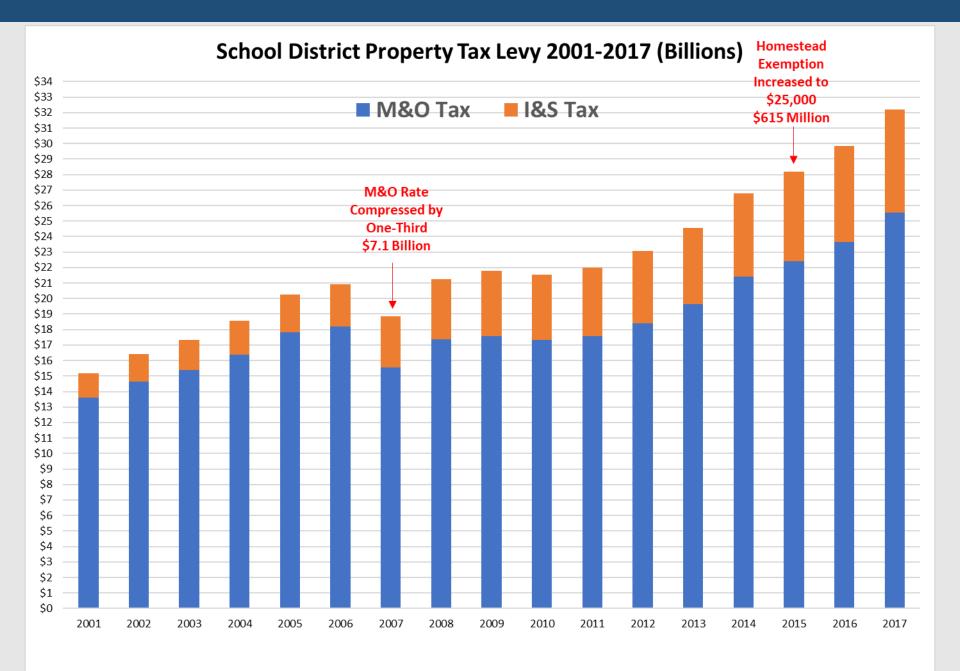


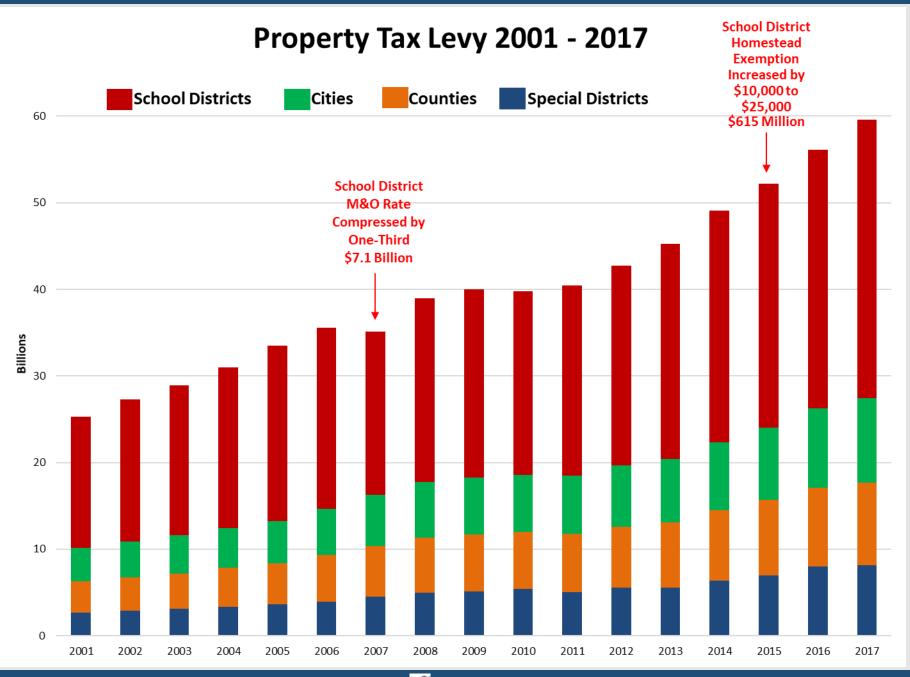
Compressed Tax Rates

Compressed Tax Rate	# of Districts	% of Districts
> \$1.00	4	0%
\$1.00	681	68%
\$0.90 - \$0.99	317	31%
Less than \$0.90	15	1%
	1,017	100%

Data Source: Texas Education Agency







Tier 1 Calculation

Regular Program ADA AA 1.00 Х Х # Special Education FTE * AA 1.10 - 5.00 Х Х AA # Career and Technology FTE * 1.35 Х Х **#** Compensatory Education ADA 0.20 AA Χ Х AA # Compensatory Ed Pregnant ADA 2.41 Х Х AA # Gifted & Talented ADA 0.12 Х Х AA # Bilingual ADA 0.10 Х Х AA # Public Education Grant ADA 0.10X Χ \$275 # High School ADA Х Transportation Allotment (linear mileage)

Compressed Tax Rate x Prior Yr. Certified Value / 100

Non-professional Staff Allotment

School Finance Commission has recommended:

- Expand Career and Technology courses to 6th 8th grade
- Increase the Compensatory Education weight and apply on a sliding scale; 0.225-0.275
- Repeal the Gifted and Talented weight and reallocating funds to basic allotment
- Repeal the High School allotment and reallocate funds to the basic allotment
- Distribute Transportation Allotment basic on mileage rather than linear density
- Create Dual Language, Reading, and Autistic Student weights
- Create incentive program for College, Career and Military Readiness
- Create incentive program for Effective Educators



- = Regular Program Allot
- = Special Education Allot
- = Career and Tech Allot
- = Comp Ed Allot
- = Comp Ed Preg Allot
- = Gifted and Talented Allot
- = Bilingual Allot
- = Pub Ed Grant Allot
- = High School Allotment
- = Transportation Allot
- = TIER 1 TOTAL COST
- = (District's Share)
- = STATE SHARE
 - + Staff Allotment

Tier 1 With Commission Recommendations

	BA	x	# Regular Program ADA	x	1.00	=	Regular Program Allot
	BA	х	# Special Education FTE *	Х	1.10 - 5.00	=	Special Education Allot
	BA	x	# Career and Technology FTE *	x	1.35	=	Career and Tech Allotment
	BA	x	# Compensatory Education ADA	x	0.225-0.275	=	Comp Ed Allot
	BA	х	# Compensatory Ed Pregnant ADA	х	2.41	=	Comp Ed Preg Allot
	AA	x	# Gifted & Talented ADA	X—	0.12		Gifted and Talented Allot
	BA	x	# Dual Language ADA	x	0.12	=	Dual Language Allotment
	BA	x	# Dyslexic ADA	x	0.10	=	Dyslexia Allot
	<mark>BA</mark>	х	# Bilingual ADA	х	0.10	=	Bilingual Allot
	BA	x	# K-3 Economically Disadvantaged	x	0.10	=	Reading Allotment
	BA	х	# Public Education Grant ADA	х	0.10	=	Pub Ed Grant Allot
\$	275	x	# High School ADA				High School Allotment
			Small/Mid-size District Allotment			=	Small/Mid-size Allotment
			Transportation Allotment (actual mileaged	ge)	=	=	Transportation Allot

Compressed Rate x Prior Yr. Certified Value / 100 =

Non-professional Staff Allotment; Incentive Programs

School Finance Commission has recommended:

Expand career and technology courses to 6th - 8th grade; increase the compensatory education weight and apply on a sliding scale of 0.225-0.275; repeal the gifted and talented weight and high school allotment and reallocate funds to basic allotment; distribute transportation allotment based on mileage rather than linear density; create dual language, reading, and autistic student weights; create incentive programs for 3rd grade reading proficiency; college, career and military readiness; effective educators



= STATE SHARE

=

TIER 1 TOTAL COST

(District's Share)

+ Staff/Incentive Allotments

Tier 2: Enrichment Tier

District can levy tax above compressed rate:

- **\$0.04 per year** without voter approval up to \$1.04
- Up to **\$1.17** with voter approval *

Compressed rates range from \$0.64 - \$1.09

- * 7 districts have an M&O cap higher than \$1.17 due to a 1953 law that authorized school districts in counties of 700,000 or more to levy a combined rate of up to \$2.00 if approved by the district's voters.
- * Effective rate rollback calculation may allow districts with compressed rates of less than \$1.00 to increase rate to \$1.00 without voter approval.



Tier 2: Enrichment Tier

- "Golden Pennies" First \$0.06 above compressed rate are equalized to the wealth level of Austin ISD per penny per weighted student (\$106.28 in 2018-19) (\$126.88, \$135.92 in 2020-21) and revenue above that level is not recaptured. 5th and 6th pennies require voter approval to access.
- "Copper Pennies" Remaining pennies up to \$1.17 are equalized to \$31.95 per penny per weighted student and revenue above that level is recaptured.

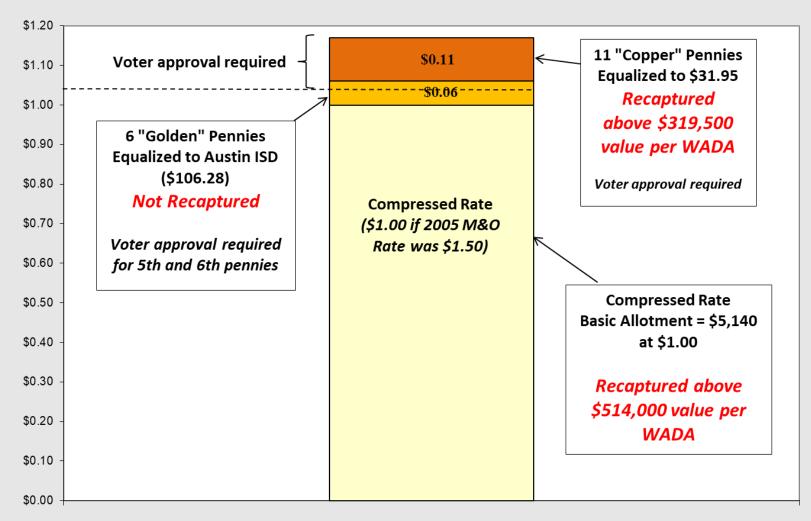
School Finance Commission has recommended:

- De-linking the yield of the "golden" pennies from Austin ISD. Link the "golden" and "copper" pennies to a percentile of the basic allotment
- Increasing the yield of the copper pennies to \$43.50 and requiring districts to compress tax rates (~\$0.03).



Equalization/Recapture Levels

Equalization Levels for \$1.17 M&O Tax Rate; 2018-19 School Year



Recapture



Past Constitutional Challenges

Article 7, Section 1 – Efficiency or Equity

"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."

Article 8, Section 1-e – Statewide Property Tax *"No State ad valorem taxes shall be levied* upon any property within this State."



Texas Supreme Court Rulings

"There must be a direct and close correlation between a district's tax effort and the educational resources available to it; in other words, **districts must have substantially equal access to similar revenues per pupil at similar levels of tax effort.**"

Texas Supreme Court, Edgewood I, October 2, 1989

"To be efficient, a funding system that is so dependent on local ad valorem property taxes must draw revenue from all property at a substantially similar rate."

Texas Supreme Court, Edgewood II, January 22, 1991

"Our basic framework for deciding this issue has not changed since Edgewood I,

where we held that 'districts must have substantially equal access to similar revenues per pupil at similar levels of tax effort'."

Texas Supreme Court Morath vs. Texas Taxpayer and Student Fairness Coalition et. al, May 13, 2016



Recapture ("Robin Hood")

- SB 351 in 1991 created 188 "County Education Districts (CED's)" to consolidate tax bases and redistribute M&O revenue within county lines and if necessary with neighboring counties.
- Legislature set rate for CED's at \$0.72 for 1st year, \$0.82 for 2nd year, \$0.92 for 3rd year, then finally \$1.00. School districts taxed above this level to a combined maximum of \$1.50.
- School districts filed suit in 1991 claiming CED tax was a state tax. Upheld by TX Supreme Court in 1992 (Edgewood III).
- Legislature put CED's on the ballot for approval. Voters rejected the proposition.

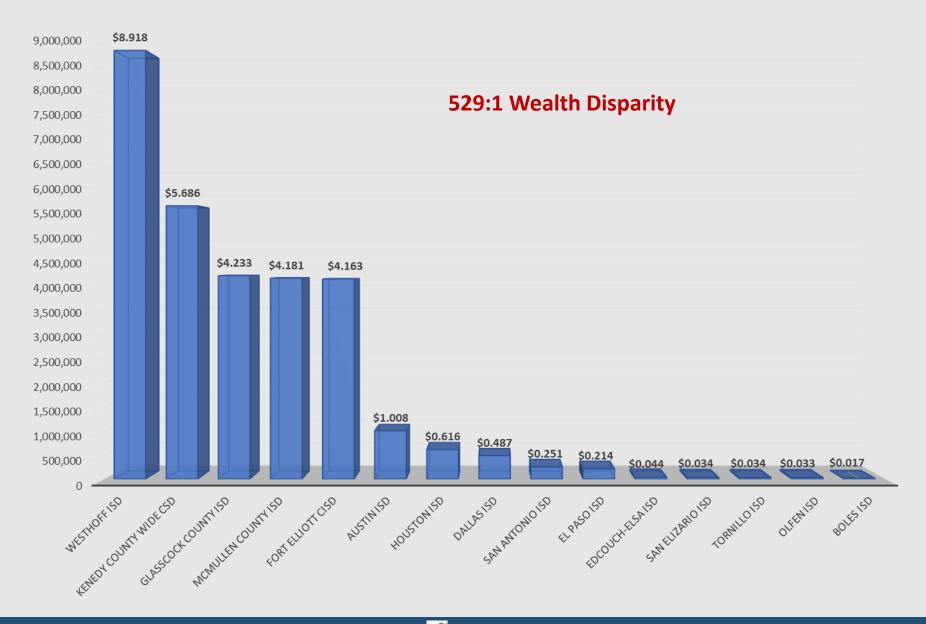


Recapture ("Robin Hood")

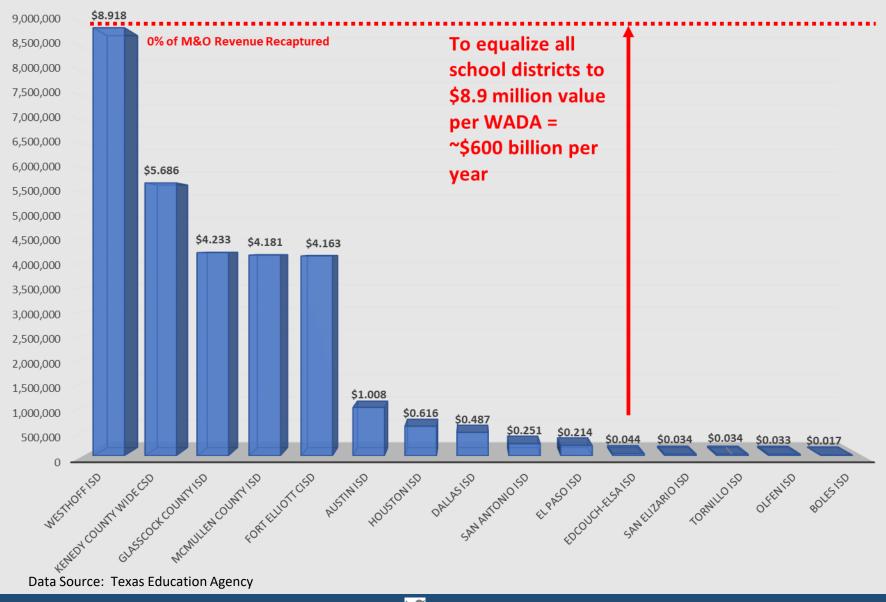
- Current system was put in place in 1993 in response to CED's being ruled unconstitutional.
- Districts have five options to attain Equalized Wealth Level.
 - 1. Consolidate with another school district
 - 2. Detach property to another school district
 - 3. Purchase "attendance credits" from the state *
 - 4. Contract with another district to send money *
 - 5. Consolidate tax bases with another district

* Voter approval required for options 3 & 4

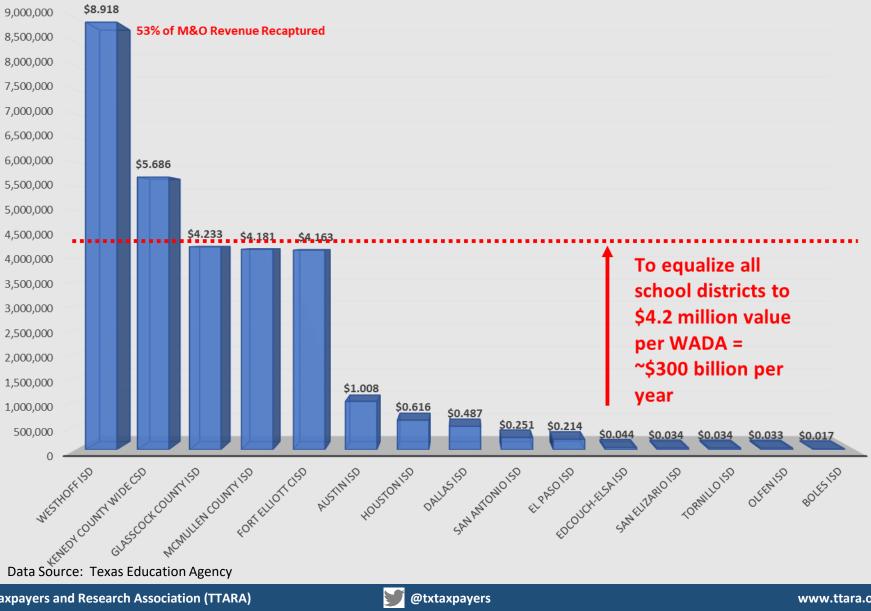




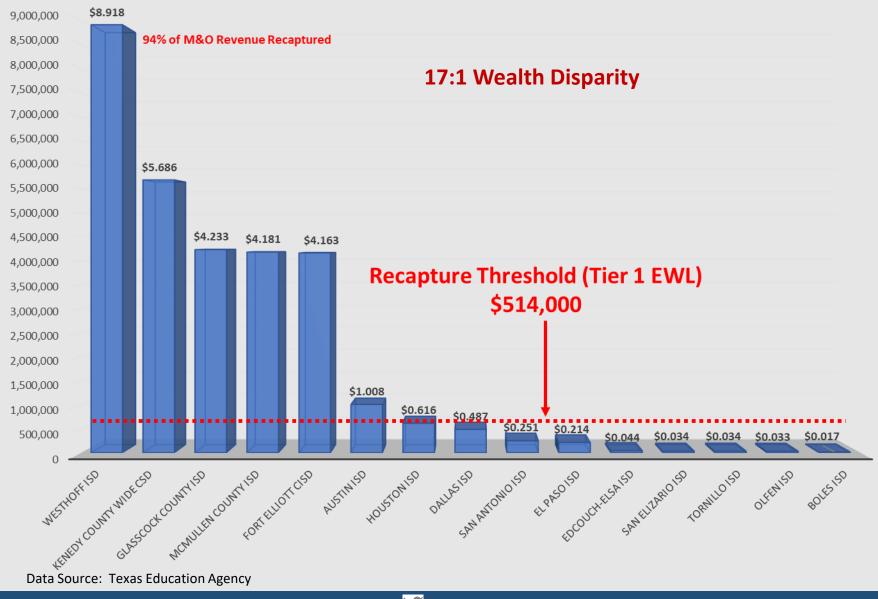












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Recapture ("Robin Hood") cont.

- 26 school districts have "Chapter 41 Hold Harmless" wealth levels above \$514,000 implemented in 1993.
- Hold Harmless levels range from \$515,372 to \$993,880 per weighted student.

School Finance Commission has recommended repeal of this 1993 hold harmless provision.



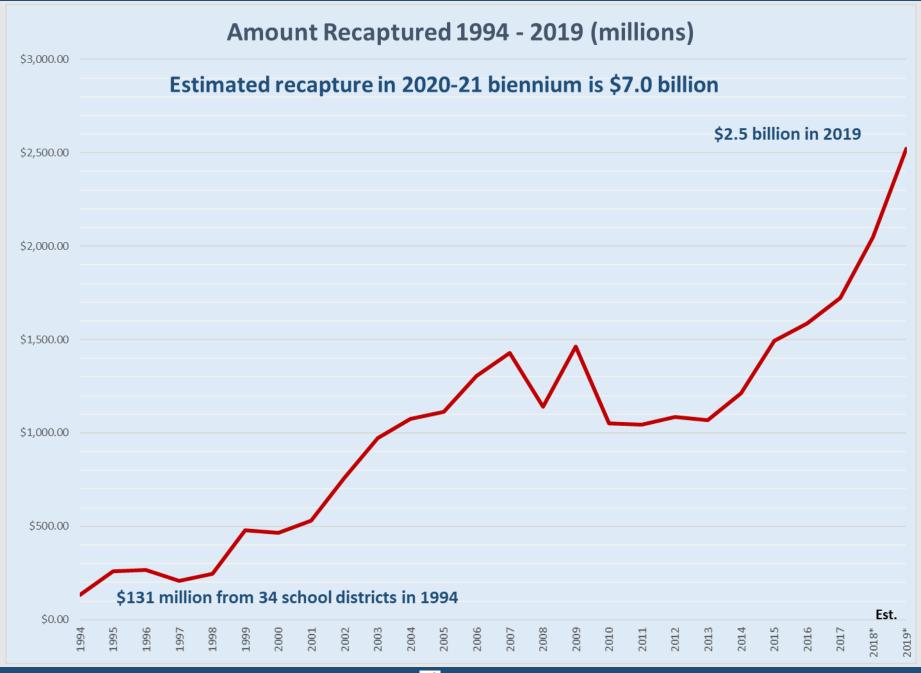
Recapture ("Robin Hood") cont.

Amount of M&O Taxes Recaptured =

% Taxable Value per WADA Above Equalized Wealth Level (EWL) x Current Year M&O Tax Collections

Equalized Wealth Levels in 2018-19 School Year Tier 1 (District's Compressed M&O Rate) Tier 2 "Golden Pennies" (Maximum of \$0.06) Tier 2 "Copper Pennies" (Remaining M&O Pennies) EWL (per WADA) \$514,000 Not Recaptured \$319,500





Texas Taxpayers and Research Association (TTARA)

Tax Rate Ratification Elections (TRE)



Tax Rate Ratification Elections ("TRE")

- If a school board adopts a tax rate that exceeds its rollback rate, they must call an election so that voters can approve or reject the adopted rate.
 - Election must be held at least 30 days, but not more than 90 days after the rate was adopted.
- If voters reject the rate, the rollback rate is the school district's tax rate for that year.



Tax Rate Ratification Elections ("TRE") (cont.)

- A school district located in a **disaster area** is **exempt** from having to schedule a ratification election in the year following the year in which the disaster occurs.
- Cannot exceed \$1.17 M&O tax rate cap.
- Exemption would apply to the 2018-19 school year for Districts affected by Hurricane Harvey.
- In the following year they must either reduce the rate to the rollback rate or hold an election to maintain the higher rate.



Tax Rate Ratification Elections ("TRE") (cont.) Rollback Rate Equals the Lesser of:

- 1. \$1.50 x compression percentage (66.67%)= **\$1.00**
 - + \$0.04
 - + voter approved pennies
 - + debt rate
- 2. Effective rate
 - + \$0.06 x compression percentage (66.67%)= \$0.04
 - + debt rate

Effective rate is the rate necessary to maintain the same amount of <u>state</u> <u>and local M&O revenue per weighted student</u> as in the prior year.



Rollback Rate

School district with \$1.04 M&O rate and no I&S rate

\$1.00 (compression % x \$1.50)

+ 0.04

\$1.04

- + 0.00 (additional TRE pennies)
- + 0.00 (debt rate)

\$1.01 (effective rate – rate to maintain revenue per WADA)
+ 0.04 (compression % x \$0.06)
<u>+ 0.00</u> (debt rate)

\$1.05



Tax Rate Ratification Elections ("TRE") 2006-2017

Tax Year	Total TREs	Passed	% Passed
2006	15	14	93%
2007	120	94	78%
2008	117	71	61%
2009	47	29	62%
2010	77	60	78%
2011	44	32	73%
2012	44	36	82%
2013	42	39	93%
2014	29	24	83%
2015	40	37	93%
2016	49	46	94%
2017	58	55	95%
	682	537	79%

2018 ISD M&O Tax Rates (Avg. \$1.10)

M&O Rate	# of Districts	% of Districts
\$1.25 - \$1.29	0	0%
\$1.18 - \$1.24	4	0%
\$1.17	422	41%
\$1.05 - \$1.16	159	16%
\$1.04	407	40%
\$1.01 - \$1.03	6	1%
\$1.00	3	0%
Below \$1.00	16	2%
	1,017	100%



Facilities



"The \$0.50 Test"

- There is **NOT** a \$0.50 cap on I&S rates.
- Before a school district can issue debt, it must illustrate to the Attorney General's Office that it can service the new debt and all existing debt with a tax rate of **\$0.50 or less**.
- After the debt is issued (and approved by the voters in the district) the rate can exceed \$0.50 if the district's taxable value declines.



2018 ISD I&S (Debt) Tax Rates (Avg. \$0.21)

I&S Rate	# of Districts	% of Districts
\$0.50 or Greater	31	3%
\$0.45 - \$0.50	43	4%
\$0.40 - \$0.45	50	5%
\$0.35 - \$0.40	83	8%
\$0.30 - \$0.35	100	10%
\$0.25 - \$0.30	121	12%
\$0.01 - \$0.25	411	40%
# Districts with I&S Rate	839	82%
# Districts no I&S Rate	178	18%
Total # Districts	1,017	100%

Facilities

- Existing Debt Allotment (EDA): State equalizes to \$40 per ADA (or a lesser amount if allotment exceeds prior year by more than \$60 million) for up to \$0.29 for bonds on which payments were made in the last year of the previous biennium.
- Instructional Facilities Allotment (IFA): School districts must apply for funds; state equalizes to \$35 per ADA.
 - Limited to the **lesser** of:
 - (1) Actual debt payment
 - (2) \$250 per ADA or \$100,000 (whichever is greater)
- 85th Legislature expanded the existing debt allotment program to provide \$60 million to charter schools based on the average statewide I&S rate.



Facilities (cont.)

- **\$636 million state aid** budgeted in the 2017-18 school year.
- **844 districts** levied **\$6.7 billion** for debt payments in 2017-18 school year.
- Total of \$7.3 billion paid for school debt in 2017-18 school year.



Charter Schools

- 180 charter holders with 675 campuses
- Charter holders apply to Commissioner of Education to operate a charter school
- State Board of Education can veto Commissioner's approval
- Maximum of 285 charters may be granted
- A charter school's funding is based on the average statewide funding per weighted student of school districts (~\$6,205).
- Charters in good standing qualify for EDA facilities funding based on the average statewide I&S rate (85th Legislature).



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If you have any questions or comments, please feel free to contact TTARA staff.

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