

Bond Case Briefs

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SCHOOLS - LOUISIANA

Moore v. Louisiana Bd. of Elementary and Secondary Educ.

United States Court of Appeals, Fifth Circuit - February 24, 2014 - F.3d - 2014 WL 718423

Plaintiffs in longstanding pending school desegregation action filed suit pursuant to All Writs Act to enjoin school board and state agencies and official from implementing statutes they alleged would violate consent decree.

The action sought an injunction prohibiting the implementation of two acts passed in the 2012 Regular Session of the Louisiana Legislature. Act 1 of the 2012 legislature adjusted the standards for evaluating and discharging ineffective teachers. Act 2 permitted Minimum Foundation Program (MFP) funds to be allocated to individual students as vouchers to attend private schools or pay for supplemental courses from various other education providers. The District Court granted injunctive relief, and state defendants appealed.

After granting state defendants' emergency motion for stay pending appeal, the Court of Appeals held that:

- Challenge to statute permitting diversion of MFP funds was moot, where state supreme court invalidated provision in question, holding that state constitution required all MFP funds to be allocated to public schools and not be diverted elsewhere;
- Eleventh Amendment barred court from exercising jurisdiction over state agencies; and
- Official could not be enjoined from implementing and enforcing legislation adjusting standards for evaluating and discharging ineffective teachers, where there was no evidence that superintendent had taken any action pursuant to legislation that violated federal law, nor that his implementation of legislation would result in direct violation of federal law.