

Bond Case Briefs

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SCHOOL FINANCE - LOUISIANA

St. John the Baptist Parish School Bd. v. State

Court of Appeal of Louisiana, First Circuit - July 12, 2016 - Not Reported in So.3d - 2016 WL 3689899 - 2015-0264 (La.App. 1 Cir. 7/12/16)

School board, individually and on behalf of all similarly situated public parish and city school boards operating public elementary and secondary schools, several teacher unions and seven individuals, filed petition for declaratory judgment against state, Board of Elementary and Secondary Education (BESE), and Department of Education, alleging that state, BESE, and Department unconstitutionally diverted minimum foundation program (MFP) funds that were constitutionally mandated to be allocated to plaintiffs' school systems.

Following hearing, the District Court sustained defendants' exception of no right of action as to all original plaintiffs with the exception of school board, and after additional public parish and city school boards filed petition to intervene, found that plaintiffs' claims did not present justiciable controversy, granted defendants' motion for summary judgment, and denied plaintiffs' motion for summary judgment. After cross-motions for new trial were denied, plaintiffs sought devolutive appeal, which was granted.

The Court of Appeal held that:

- Plaintiffs' claims did not present justiciable controversy, and
- Even if claims presented justiciable controversy, granting declaratory relief would have been inappropriate.

School boards' claims that state, Board of Elementary and Secondary Education (BESE), and Department of Education unconstitutionally diverted minimum foundation program (MFP) funds that were constitutionally mandated to be allocated to school boards' school systems did not present justiciable controversy for which declaratory relief was able to be granted. Legislatively appropriated MFP funds were allocated in accordance with resolutions and were spent in appropriate fiscal years, and there was no law or jurisprudence to allow court to force legislature to re-allocate and fund from current fiscal year budget for payments that might have been improperly allocated or unconstitutionally deficient in prior fiscal years.

Even if school boards' claims that state, Board of Elementary and Secondary Education (BESE), and Department of Education unconstitutionally diverted minimum foundation program (MFP) funds that were constitutionally mandated to be allocated to school boards' school systems presented justiciable controversy, granting school boards declaratory relief would have been inappropriate. Declaratory judgment on validity and enforceability of MFP formulas for prior fiscal years did not serve purpose of terminating any immediate, existing controversy between parties, and judgment declaring validity of MFP formulas for purposes of possible cause of action for damages would have amounted to impermissible advisory opinion.

