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SCHOOL FINANCE - NORTH DAKOTA

Hoke County Board of Education v. State

Supreme Court of North Carolina - November 4, 2022 - S.E.2d - 2022 WL 16703972 - 2022-NCSC-108

Proceeding was brought to review State's compliance with comprehensive remedial plan (CRP) that was developed pursuant to a consent order to achieve its obligation under the State Constitution to provide all children the opportunity to obtain a sound basic education in a public school.

The Superior Court entered order requiring transfer of state funds to fully fund the CRP. After an appeal and a grant of discretionary review, the case was remanded. The Superior Court entered order removing transfer directives, and case returned to the Supreme Court.

The Supreme Court held that:

- Trial court acted within its inherent power in issuing order directing transfer of state funds to implement CRP;
- Budget Act did not satisfy State's constitutional obligations;
- Order for transfer of funds did not raise non-justiciable political questions; and
- Transfer order was not an impermissible constitutional determination in a friendly suit.

Trial court acted within its inherent power in issuing order directing state officials to transfer available funds to implement portions of comprehensive remedial plan that was developed pursuant to a consent order to achieve State's obligation under State Constitution to provide all children in state an opportunity to obtain a sound basic education in a public school, where court provided the executive and legislative branches time and space to fix the violation on their own terms for over 17 years, executive and legislative branches repeatedly failed to remedy an established statewide violation, court exhausted all established alternative methods before directing transfer of funds, and court sought the least intrusive remedy that would still adequately address the violation.

Budget Act did not satisfy State's constitutional obligations, as set forth in a Supreme Court opinion, to provide all children the opportunity to obtain a sound basic education in a public school, where a comprehensive remedial plan that was developed pursuant to consent order was the only remedial plan that State presented to Court, and the Act, as measured against the 18-year remedial phase of case, did not substantially comply with the constitutional mandate as measured by applicable educational standards.

Trial court's order directing state officials to transfer available funds to implement portions of comprehensive remedial plan that was developed pursuant to a consent order to achieve State's obligation under State Constitution to provide all children in state an opportunity to obtain a sound basic education in a public school did not involve non-justiciable political questions, where the court assessed the State's compliance with the State's own determination of constitutional educational adequacy, not the court's.

Trial court's order directing state officials to transfer available funds to implement portions of

comprehensive remedial plan that was developed pursuant to a consent order to achieve State's obligation under State Constitution to provide all children in state an opportunity to obtain a sound basic education in a public school was not an impermissible constitutional determination in a friendly suit prior to intervention of legislative defendants, where case was hotly contested for decades, and State repeatedly asserted either that it had achieved constitutional compliance or that trial court no longer had jurisdiction over case, even if State made efforts to achieve constitutional compliance over 17 years after Supreme Court's decision finding a constitutional violation.