

MEMORANDUM

TO: Presidents of Participating School Boards

FROM: Blackwell & Associates
Hammonds, Sills, Adkins & Guice, LLP
Kean Miller, LLP

DATE: August 8, 2014

RE: **IMPORTANT UPDATE**
St. John the Baptist Parish School Board v. State of Louisiana

This memorandum is intended to provide school board presidents, and through them, the members of their respective school boards and superintendents, with an update as to the status of the lawsuit entitled *St. John the Baptist Parish School Board, et al. v. State of Louisiana, et al.*, Suit No. 622,693, Section 24, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana (the "Lawsuit").

A motion for new trial was filed on behalf of the St. John the Baptist Parish School Board and intervening school boards. A hearing on the motion for new trial is presently scheduled for September 15, 2014. The court in dismissing the Lawsuit based its decision on the notion of the separation of powers, concluding that the court could not order the legislature to **appropriate** the funds needed to fully fund the MFP based upon SCR 17 of the 2009 Regular Session of the Louisiana Legislature. In the memorandum in support of a new trial, we have pointed out that the lawsuit does not request an order directing the legislature to appropriate funding. It is our position that

it is the constitution which mandates the funding for the MFP where the legislature has failed to legally approve an MFP formula as submitted to it by BESE. The memorandum is not in overly legalistic language and a copy, by separate transmittal, is provided to you through the Louisiana School Boards' Association. Mr. Richard will advise you as to how to find it and review it.

In addition, the St. John the Baptist Parish School Board has filed a new lawsuit against the state, BESE and DOE seeking full funding of the MFP formula for Fiscal Year 2013-14. The lawsuit has been assigned to Judge Janice Clark. Judge Caldwell's ruling is not binding on Judge Clark's consideration of the lawsuit.

We plan to seek expedited consideration from the court so as to move the lawsuit forward as rapidly as possible. In order to do this it is imperative that school boards seeking to join in the lawsuit adopt their resolution and sign the attorney engagement agreement as soon as possible, preferably within the next 60 days.

If you have questions, please feel free to contact us at either brian@blackwell-associates.com or charlie@blackwell-associates.com.