



WEEKLY REPORT

State Senator Gary Nodler
District 32



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Balancing Local Authority with Local Responsibility

JEFFERSON CITY— In the 2005 legislative session, my fellow lawmakers and I addressed one of the most complex issues we have ever faced—how to reinvest in our public schools. Not one legislator contested the notion that we needed to rewrite our foundation formula, which is the multifaceted equation used to determine how much state money goes to each school district. For nearly a decade, the formula did not take into account the varying costs of living between school districts. Rather than wait for the legislature to rework the formula, nearly half of the 524 school districts in Missouri filed a lawsuit against the state, claiming that the way public schools were funded was unconstitutional and did not provide children with equitable educational resources. The lawsuit essentially stalled while much time and effort went into crafting the new formula, which allocates state funds based on the financial needs of the school districts and their students instead of the district's financial assets.

However, a year later, 238 school districts have yet to drop out of the lawsuit and still maintain that the amount of state funding they will receive under the new formula will not be enough. Essentially, the state is being sued because the districts are not shouldering their share of the responsibility. Those school districts intend to draw more money from the state to make up for where the local-levy contributions fall short. The improved mechanisms provided in the revamped formula have canceled out the districts' original reasons to sue the state, and they are left with no one to point fingers at but themselves.

In response to the theory of this lawsuit, I have drafted a bill that will help hold all local school districts accountable for fulfilling their purpose. Senate Bill 894 will illuminate the financial roles school districts play in the overall quality of education they provide. Under the legislation, the low-levy school districts will have to examine their performance and tell the Department of Elementary and Secondary Education (DESE) whether the students in the district are receiving an adequate education. Low-levy school districts are districts with levies set below the average levy of the 100 best-performing Missouri school districts, according to the Annual Performance Report.

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If a low-levy school district certifies itself a provider of adequate education, then nothing needs to change, *including the state's funding levels*. If a low-levy school district reports that its students are *not* receiving an adequate education, the district will have to look at what can be done on the local level and perhaps consider raising the levy to make up for the deficiency.

With this legislation, we are not telling the school districts what their levies should be. We are not defining adequacy for them either, but are allowing that definition to be based on the expectations and norms of the community where the district is located. However, we *are* requiring that school districts take an earnest fiduciary responsibility for the quality of education they are providing instead of merely shifting the blame onto the state, which results in a bigger burden for the taxpayers.

The bill was predicated on the basic assumptions of the ongoing lawsuit. The school districts that are plaintiffs in the case assert that public education is the responsibility of the state. However, if the caliber of Missouri's effort is measured according to the local and state contributions, then why are local contributions ignored when the quality of education becomes an issue? Without this bill, local school districts are able to set low levies and then allege that the shortfall in their students' academic performance is not due to insufficient local funding, but instead is the fault of the state.

I am a strong advocate of local authority, but I believe that many school board members are currently on a path that threatens the viability of public schools. The likely outcome of the lawsuit—should it make it to trial—is that the court would move to consolidate and liquidate school districts, as was the case in Arkansas. Because this would not be the intended result of the lawsuit, I urge the school districts involved to bow out willingly before they are forced to merge against their will.

SB 894 was heard before the Education Committee this week and was not met with any opposing testimony. I've worked closely with DESE in the crafting of this legislation, sharing the goal to eliminate present and potential obstacles that jeopardize the education of Missouri students.

*Senator Gary Nodler represents the people of
Newton, Jasper and Dade counties in the Missouri Senate*