



Senator Matt Bartle – Serving Jackson County

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Supreme Court Upholds School Funding Formula

A five-year-old lawsuit filed against the state by several school districts in 2004 was finally resolved this week as the Missouri Supreme Court ruled that the current K–12 school funding formula passed by the Legislature in 2005 is indeed constitutional.

This ruling was important in many respects, but perhaps most of all for the fact that it upheld the Missouri Constitution’s grand design of a clear separation of powers among the three branches of government. In similar suits in other states, courts have blurred these lines and have waded into decisions that are clearly within the realm of the people’s elected representatives. The constitution wisely gives appropriations decisions to the Legislature because it is empowered to look at the entire state budget and balance the hundreds of competing interests seeking state funding.

Here’s another way to think of it: You cannot properly cut slices of a pie to feed a group unless you are able to take a good look at the whole pie. The courts can only focus on the narrow controversy in front of them—not on the bigger picture—which means they are only looking at one tiny slice of the pie. Whether you are cutting a pie or allocating money, there’s only so much to go around, and the size of each slice affects how big the remaining slices can be. To do a good job, it is crucial to have a clear view of the entire pie. For this reason, courts should not be in the position of making budget decisions.

In its ruling, the court affirmed that the Legislature’s current funding formula exceeds the constitutional requirement of spending at least 25 percent of the state’s total budget on elementary and secondary education (for fiscal year 2010, the state actually allocated more than \$4.4 billion for K–12 schools or 31 percent of the total state budget). The judges also

found that this formula, which is based on students' needs rather than local wealth, is rational and does not violate principles of equal protection.

At its heart, the lawsuit essentially asked unelected judges for perhaps the largest tax increase in Missouri's history. I am pleased that the Missouri Supreme Court showed proper restraint in this situation. A different decision would have meant that judges—not voters or legislators—could have decided tax rates and would have touched off a long and divisive battle with the Legislature, which would have been compelled to defend its constitutional prerogative to appropriate state revenues.

If you have any comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at matt_bartle@senate.mo.gov or by phone at (888) 711-9278. My web address is <http://www.senate.mo.gov/bartle>.

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