

Supreme Court of Louisiana

FOR IMMEDIATE NEWS RELEASE

NEWS RELEASE #073

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Per Curiam handed down on the 5th day of December, 2016, is as follows:

PER CURIAM:

2015-CA-1659

ST. JOHN THE BAPTIST PARISH SCHOOL BOARD v. STATE OF LOUISIANA;
THE LOUISIANA STATE BOARD OF ELEMENTARY & SECONDARY EDUCATION;
THE STATE OF LOUISIANA THROUGH THE DEPARTMENT OF EDUCATION
(Parish of E. Baton Rouge)

For the reasons assigned, the judgment of the district court is vacated and set aside, and the petition is hereby dismissed with prejudice.

HUGHES, J., would grant and docket.
WEIMER, J., dissents and assigns reasons.

12/05/16

SUPREME COURT OF LOUISIANA

NO. 2015-CA-1659

ST. JOHN THE BAPTIST PARISH SCHOOL BOARD

VERSUS

STATE OF LOUISIANA, ET AL.

PER CURIAM

The State of Louisiana, the Louisiana State Board of Elementary & Secondary Education, and the State of Louisiana, through the Department of Education lodged this direct appeal pursuant to La. Const. Art. V, §5(D), seeking review of the district court's judgment declaring 2010 HRC 243 and 2011 HRC 130 violate La. Const. Art. VIII, §2(A)(4)(a).

Pretermitted the merits, we find this case fails to present a justiciable controversy upon which relief can be granted. *See Council of the City of New Orleans v. Sewerage and Water Board of New Orleans*, 06-1989 (La. 4/11/07), 953 So.2d 798; *Hoag v. State*, 04-0857 (La. 12/01/04), 889 So.2d 1019; *see also St. John the Baptist Parish School Board v. State of Louisiana*, 15-0264 (La. App. 1st Cir. 7/12/16) (unpublished), *writ denied*, 16-1798 (La. 12/5/16), ___ So. 3d ___. Accordingly, on our own motion pursuant to La. Code Civ. P. art. 927(B), we recognize the failure of the petition to state a cause of action, vacate the judgment of the district court and dismiss the suit.

DECREE

For the reasons assigned, the judgment of the district court is vacated and set aside, and the petition is hereby dismissed with prejudice.

12/05/16

SUPREME COURT OF LOUISIANA

2015-CA-1659

ST. JOHN THE BAPTIST PARISH SCHOOL BOARD

VS.

**STATE OF LOUISIANA; THE LOUISIANA STATE BOARD OF
ELEMENTARY & SECONDARY EDUCATION; THE STATE OF
LOUISIANA THROUGH THE DEPARTMENT OF EDUCATION**

**ON APPEAL FROM THE 19TH JUDICIAL DISTRICT COURT, FOR THE
PARISH OF EAST BATON ROUGE**

Hughes, J., would grant and docket.

SUPREME COURT OF LOUISIANA

NO. 15-CA-1659

ST. JOHN THE BAPTIST PARISH SCHOOL BOARD

VERSUS

**STATE OF LOUISIANA; THE LOUISIANA STATE BOARD
OF ELEMENTARY & SECONDARY EDUCATION; THE STATE OF
LOUISIANA THROUGH THE DEPARTMENT OF EDUCATION**

*ON DIRECT APPEAL FROM THE 19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE*

WEIMER, J., dissenting.

I believe matters of great public significance, such as this one, which is related to the funding of public education, merit the state supreme court's full consideration. On this basis, I would docket this matter for full briefing and argument before rendering a considered opinion.