

A HISTORY OF LEGAL CHALLENGES TO PUBLIC SCHOOL FUNDING

Education and Local Government

Interim Committee

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Montana Constitution Article X, § 1

(1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

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(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. . . . It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Helena Elementary School District

No. 1 v. State of Montana

- “We do not find any other instance in which the Constitution ‘guarantees’ a particular right.”
- State's funding system was inadequate.
- The guarantee of equal educational opportunity was binding on all three branches of government, the legislature as well as the executive and judiciary, whether at the state, local, or school district level.

Helena School District (Cont.)

- "Fiscal difficulties in no way justify perpetuating inequities."
- The Legislature has the power to increase or reduce various elements of the school funding system.

Montana Constitution Article X, § 8

- State could not rely on the constitutional provision for local control as an reason or justification for spending disparities between the school districts of the state
- The system of funding denied the poorer school districts a significant level of local control because they had fewer options due to fewer resources.

Spending disparities among the school districts translated into a denial of equality of educational opportunity