

Amendment 9 needs retooling

September 21, 2006

Proposed Constitutional Amendment 9 on the Sept. 30 ballot was intended to protect local school systems from politicians in Baton Rouge who want to tell them how to spend money but don't want to give them the funds — unfunded mandates that local governing bodies have complained about for years.

It is easy for legislators and bureaucrats to sit in the capitol and decide this program or that reform initiative would be a good thing for local school boards to do and then expect the boards to come up with additional money or reallocate existing dollars to cover the cost.

About 38 percent of schools' funds are from local sources and 48 percent come from the state. The state already imposes some dedications on how the state money is to be spent, but boards also have some flexibility on using the rest. When an unfunded mandate comes down from Baton Rouge, that local flexibility to meet local needs is eroded.

On the other hand, the Public Affairs Research Council points out that an error in drafting proposed Amendment 9 could result in confusion over its interpretation and implementation. Originally the legislation said the state would be prohibited from requiring increased spending from going into effect until the Legislature appropriated state funds or authorized a local funding source.

Somewhere in the process, the "until" got deleted, leading some to believe the legislative intent is no longer clear. Thus, for the measure to be clarified, another amendment to amend this amendment may be needed.

A mandate to force state officials to consider the financial position of local school boards when issuing edicts should be embedded in the Constitution, but with a red flag raised about the possible chaos this particular proposal could cause, it may be wise to reject it now and come back with a proper proposal.

We recommend voting "no" on Amendment 9 and calling on legislators to come back with a "clean" proposal to do what was intended with this one.