

State Representative

Don Hineman

Don's Legislative Update

March 7, 2014

Supreme Court Ruling on School Funding Released

Today the much-anticipated ruling in Gannon vs. State was released by the Kansas Supreme Court. With only four weeks remaining until first adjournment of the legislature, it will be a challenge to properly address the issues that this decision presents. Recent thoughts that the 2014 legislative session might be a short one have now largely evaporated.

The Background

Four school districts in Kansas filed suit against the State of Kansas in 2010. They alleged that the state was failing to adequately fund public education as required by the Kansas Constitution. This suit is just the latest round in a cycle of litigation, legislative response, followed by new lawsuits regarding school funding in Kansas, and comes less than a decade after the Montoy vs. State series of Supreme Court opinions. The outcome of that earlier controversy was that the legislature convened in special session in the summer of 2006 and passed legislation which provided significant additional school funding through a three-year phase-in to address the issue of adequacy of funding.

The recession which hit at the end of that three-year period dramatically reduced state revenues, and made it difficult for the legislature to continue ramping up school funding as previously agreed. The income tax cut which passed into law in 2012 further restricted revenues.

In January of 2013 a special three-judge panel ruled that the legislature and governor had failed to provide suitable funding for the educational interests of the state and ordered additional funding for schools. The decision was appealed to the Kansas Supreme Court, and their ruling has now been released.

The Ruling

The issue of Equity: The Supreme Court unanimously ruled that the state had failed to provide equity of educational opportunity as required by the Kansas Constitution. In particular, the ruling held that the State established unreasonable, wealth-based disparities by failing to fully fund Capital Outlay and Local Option Budget equalization. The Supreme Court recommended that the lower court provide the legislature with the opportunity to address the inequities and request action by July 1, 2014. Those changes could come in the form of fully funding, partially funding or making changes to the current statutes. To fund the equity portion, early estimates indicate a \$129 million price tag. However, GOP leaders aren't committing to that funding level just yet.



In This Issue:

[Supreme Court Ruling on School Funding Released](#)

[Cowboy Logic](#)

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The issue of Adequacy: The Court remanded the matter of determining adequacy of funding back to the three-judge panel. Significantly, the Supreme Court's decision rejected the district court's notion that "suitability" of education under the state constitution is determined by a dollar amount. Instead, the Court instructed the panel to look toward outcomes to determine adequacy. The panel is instructed to examine Kansas public education by measuring adequacy based on the Rose standard, which is contained in current Kansas statute.

The Rose standard is based on a Kentucky court case from 1977, and it states: "An efficient system of education must have as its goal to provide each and every child with at least the seven following capacities: (i) sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization; (ii) sufficient knowledge of economic, social, and political systems to enable the student to make informed choices; (iii) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation; (iv) sufficient self-knowledge and knowledge of his or her mental and physical wellness; (v) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; (vi) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and (vii) sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market."

My Take on the Ruling

I find it significant that early statements regarding the ruling have avoided claims that the courts have no authority with regard to school funding. That is refreshing to me. It is vitally important that future rural Kansas school children have the protection of the courts to insure educational opportunity that an increasingly urban-dominated legislature may be reluctant to provide. The Court specifically singled out the issue of equity as one that will not be ignored.

I am pleased that the Court recognizes that amount spent is not the sole determinant of adequacy of funding, and it is helpful that we are now moving away from the flawed cost study of the 2006 decision and embarking on a more appropriate and productive path. The Court has also said that school finance includes not only State General Fund spending, but also KPERS payments on behalf of teachers, capital outlay spending, and even federal funding. I agree and hope that part of the ongoing controversy is now put to rest.

I have long believed that outcomes should be the determining factor when considering the adequacy of school funding. Additionally, I agree that all Kansas students should have equal opportunity to receive a quality education. The Court's focus on these two areas is important for the legislature going forward. As the session progresses I will work with my colleagues to seriously consider the areas where the Court says equity is lacking and to ensure that the great potential of students in Kansas is being achieved.

Gannon v. State

<http://www.kscourts.org/Cases-and-Opinions/opinions/SupCt/2014/20140307/109335.pdf>

Supreme Court: Kansas funding unconstitutional on 'equity' grounds
<http://cjonline.com/news/state/2014-03-07/supreme-court-kansas-funding-unconstitutional-equity-grounds>

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Tax Refund Status
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Unemployment Insurance
800-292-6333

Vital Statistics
785-296-1400

Voter Registration
800-262-8683

Welfare Fraud Hotline
800-432-3913

Worker's Comp
800-332-0353

Kansas Supreme Court finds inequities in school funding, sends case back to trial court

<http://www.kansas.com/2014/03/07/3330863/kansas-supreme-court-sends-school.html>

Kansas Supreme Court orders some school funding increases, sends big question back to lower court

<http://www2.ljworld.com/news/2014/mar/06/court-announce-school-finance-ruling/>

Kansas Supreme Court: change school aid formula and study whether to spend more

<http://www.kansascity.com/2014/03/07/4872119/kansas-supreme-court-change-school.html>

<[Back to Top](#)>

Cowboy Logic

Important comes in two sizes – yours and mine.

Quote of the week

“The further a society drifts from truth the more it will hate those who speak it.” - **George Orwell (1903-1950)**

Sermon in a sentence

The strongest words are usually used in the weakest arguments.

< [Back to Top](#) >

Representative Don Hineman

Visit My Website at <http://www.hinemanforkansas.org/>

116 S. Longhorn Road	Room 50A, State Capitol Building
Dighton, Kansas 67839	300 SW 10th Street
Phone: 620-397-2504	Topeka, Kansas 66612
Fax: 620-397-755	Phone: 785-296-7636
Email: dhineman@st-tel.net	Email: don.hineman@house.ks.gov

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