

# State Representative

# Don Hineman

**Don's Legislative Update**  
*March 14, 2015*

## House Moves to Repeal School Finance Formula

The biggest news out of the Statehouse this week was the passage of a bill which would abolish the present school finance formula with straight block grants to all school districts for the next two years. The bill is a product of Governor Brownback's call to scrap the formula, call a "time out", and spend the next two years designing a new formula for future distribution of state funds to schools.

Advocates for this change attacked the present formula as being outdated, intentionally complicated, and difficult to understand. The formula has been revised many times since its enactment in 1992, but I cannot agree that it has outlived its usefulness. Though it is complicated, that is not by intention. Rather it is the result of continuing efforts to get the money where it needs to go... to provide adequate and equal educational opportunity to all public school children regardless of where they live in Kansas.

That has been achieved through a series of student weightings which exist in recognition of extra cost or inherent inefficiencies which are present with some students or some districts. Those weightings include things such as low-enrollment, transportation, at-risk students, technical education, and more. In my opinion the present formula does a reasonable job of achieving the goal of equity of educational opportunity, and when fully funded also meets the objective of adequacy. I did not, and will not, support attempts to throw it on the scrap heap.

Certainly there is room for improvement, and since funding for K-12 education consumes half of the state general fund, we legislators have an obligation to insure that those funds are spent as effectively and efficiently as possible. But we can most effectively do that by carefully reviewing and updating the formula and all of its weightings rather than starting all over again. During floor debate on the bill I observed that we were being asked to tear the school funding formula out of the statute book, crumple it up, throw it away, and replace it with a blank sheet of paper which someone will fill in later.

In my opinion that is a tremendous gamble. It is a gamble for rural schools which may never again see weightings for low enrollment or transportation. It is a gamble for schools with large numbers of students in poverty if the at-risk weighting ceases to exist. And it is a gamble for districts with large numbers of non-English-speaking students if that weighting goes away.

The bill was put on a very fast track which I frankly view as an abuse of the legislative process. It was first presented to the public on Friday, March 6, and the bill was heard and voted on in House Appropriations Committee last



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Monday and Tuesday, only three days after it was first available. The full House then debated the bill on Thursday and passed it on final action yesterday on a vote of 64 – 57. That was much too fast to allow the careful and thorough review which such an important piece of legislation should demand. After first approval by the House on Thursday I found a section of the bill which obligates the state to pay school districts for virtual education students who are not residents of Kansas. One can only wonder what other surprises might be contained in this 100-page piece of legislation!

The authors and the Brownback administration promoted passage of the bill with a series of computer runs which showed how much money each school district would receive via the block grants for the next two school years. At first glance the data indicate that all districts would in fact receive more money. But that is deceptive, as additional money for the KPERS retirement system was included in these numbers, but had always been paid directly by the state in the past and not included in school budgets. Another discrepancy had wealthier school districts faring much better than their less wealthy counterparts.

But any legislators who were wooed into voting yes by those computer runs missed one very important point. At the very start of floor debate we were told that the bill was a policy bill and not an appropriations bill. What does that mean? It means that the essential part of the bill was the elimination of the present school funding formula and the installation of a system of block grants to schools for the next two years. But the funding of the block grants is not locked in place and in fact is very likely to change. And given the dire fiscal situation facing state government, I would argue that it is highly likely that the eventual funding level will significantly less than what was promised. Anyone who bought in to this plan because of the numbers could be in for great disappointment.

It is revealing that the only proponents of this bill in the committee hearing were the Kansas Chamber of Commerce, Americans for Prosperity, and Kansans for Liberty. These are the same groups who have testified this session against any proposals to raise taxes to fill the state's fiscal deficit, claiming that any hole in the budget should be filled via budget cuts. When they say that, they mean cuts to education, and it is clear to me that they see elimination of the school finance formula as their path to achieving that goal. I have heard from many constituents, teachers, and superintendents about this bill. Not one has advised a yes vote.

Now that the bill has passed the House the predictable next steps would be for the Senate to concur in the action of the House and Governor Brownback to sign the bill. However before House members had finished their work and headed for home, a new development complicated matters. District Judge Franklin Theis, acting as the head judge of the three-judge panel appointed to rule on the Gannon school finance case issued a ruling. In it he set May 7 as the time for a hearing on the matter. In the order Judge Theis gave notice that "the Court may agree or elect to impose such temporary orders to protect the status quo and to assure the availability of relief, if any, that may be accorded should the Court deem relief warranted."

The notice also ordered that additional parties be named as defendants in the case, specifically the Kansas Director of Accounts and Reports, the Kansas Revisor of Statutes, the Kansas Secretary of State, and the Kansas State Treasurer. That is a strong signal that the Court may not allow the school finance formula to be discarded, and that it may well view the block grant proposal as an impediment to suitable provision for education, as demanded by the Kansas Constitution.

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The next few steps will be quite interesting. Will the Senate heed the judicial warning, or will they bow their necks and pass the bill anyway? Will Governor Brownback sign it? If those two actions do come to pass then it appears that the state of Kansas is likely headed for a full-blown constitutional crisis. As a legislator I can relate to the resistance of some legislators to any intervention by the Court in legislative affairs. And yet I hold our system of checks-and-balances and the concept of three separate and co-equal branches of government in highest regard. I must conclude that judicial intervention has a legitimate role in insuring that the other two branches of government uphold and faithfully carry out the duties and responsibilities conferred on them by the constitution.

I fear that we are embarking on a very dangerous, contentious, and unpredictable course. The one thing of certainty is that the schoolchildren of Kansas are the pawns in this great debate, and it is they who have the most at stake.

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## Topeka Visitors from the 118th District

I have been pleased to visit with a number of young people from home in the past few weeks.



The above photo shows a group of 4-H students from Scott County: Hallie Wiechman, Trella Davis, Kodi Rogers, Dallie Metheney, Karlee Logan, Rep. Hineman, Emily Hall, Kylee Logan, and Rachel Fisher.



This photo features Mollie and Andrew Foote from Hoxie, along with Lieutenant Governor Colyer and me. Andrew and Mollie paged for me on March 9, and their parents are Scott and Michelle Foote.



I also had two special pages from Johnson County, my great-nephews John and David Sjoberg. Also in the photo are their mother, Kami Sjoberg, Governor Brownback, and my wife Betsy.

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## **Subscribe or Forward**

This newsletter is primarily intended for the residents of the 118th District (all of Wichita, Scott, Lane, Logan, Gove, Trego, and Sheridan Counties and portions of Thomas and Graham Counties). However it is available to anyone who finds it of interest. Please forward to your friends, or if you are

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### **Cowboy Logic**

Do not corner something that you know is meaner than you.

### **Quote of the day**

"Our lives begin to end the day we become silent about things that matter."  
— *Dr. Martin Luther King Jr.*

### **Sermon in a sentence**

The naked truth is always better than the best-dressed lie.

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### **Representative Don Hineman**

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