

# State Representative

# Don Hineman

**Don's Legislative Update**  
*April 2, 2018*

## School finance – A Quick Update

On October 2 the Kansas Supreme Court issued their most recent ruling in the school finance lawsuit known as Gannon. They declared the current level of funding Kansas schools, established by the legislature just last spring, to be inadequate and unconstitutional. They also raised objections to four components of that bill which created inequities in the distribution of funds to individual school districts. The court ordered the legislature to try again, and set a deadline of April 30 for submission of written briefs.

Once that ruling was released it became obvious that dealing with school finance would be the central issue of the 2019 legislative session. Although the court did not point to a specific dollar amount necessary to cure the inadequacy, most conversations centered on \$600 million for K12 public schools as the number most likely to satisfy the court.

As a member of the legislative leadership team I supported the commissioning of a new cost study to update and quantify what might constitute appropriate funding. The findings of that new study (the Taylor study) were revealed on March 15, and many observers were shocked. Headlines the next day blared that the study recommended \$2 billion in new funding for schools, a truly impossible number. But what was missed by the headline writers and most other observers was that the study did not recommend a single funding amount. Rather, the study confirmed the logical conclusion that funding is directly related to the outcome desired. I regard that as valuable information which can lead to an informed conversation among all stakeholders about what we as a state can afford and what level of student attainment we are willing to pay for.

The Taylor study contained a couple of other commonsense findings which should come as no surprise but which bear repeating:

- The level of educational funding makes a difference on outcomes. More dollars will produce better outcomes, but only if invested wisely.
- Secondly, and this is related to the first point, a phased-in approach to increased funding is very appropriate and is more likely to produce measurable increases in student performance as opposed to a large one-time infusion of cash. That seems obvious. Dumping the entire \$600 million (or \$2 billion) into schools all at once would produce a spirited bidding war for the available pool of teachers. It would be unlikely to move the needle of student performance so much as a more methodical phased-in approach would do. I was pleased to find that the authors of the study considered a five-year phase-in of



## In This Issue:

**School Finance:  
A Quick Update**

**New School Funding Plan  
Proposed by House  
Committee**

**Constitutional  
Amendment?**

**Cowboy Logic  
Quote of the Week**

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funding to be appropriate, and that a longer phase-in of ten or more years might also be acceptable.

## New School Funding Plan Proposed by House Committee

The House K12 Budget Committee last week passed out a school funding bill, HB 2445, which builds on the findings of the Taylor study. It also builds on the results of a previous school finance lawsuit in 2005. HB 2445 begins with the last school funding level which the courts found acceptable and updates the number for inflation and for growth in student headcount. That computation indicates that an additional \$522 million of funding is now necessary. That amount would be phased in over five years, as suggested by the Taylor study. The plan would preserve the basics of the school finance formula adopted by the legislature in 2017, and which the court has indicated is acceptable in structure though not in dollars provided. It would correct the deficiencies in equity which had been identified by the court. It would also direct significant new funding into special education, which the state has inadequately funded over the past decade.

For those who might claim that \$522 million isn't enough, I would remind them that the legislature last year added significant new dollars for public schools. Combined with the money proposed in HB 2445, annual school funding will be \$823 million greater at the end of the phase-in period than in 2017. That is an aggressive goal, but it now appears that it may be possible to provide the new money over the five years without raising taxes. However, doing so will put a great deal of strain on state budgets, and will leave little in the way of additional resources for any other function of government.

It is my opinion that HB 2445 represents both a floor and a ceiling of acceptability. It is a floor because I cannot conceive of any logic for a lower funding level, and we must, as responsible legislators, answer the court with a plan which our legal team can successfully defend. HB 2445 is also a ceiling because it is, frankly, all that we can afford to do without raising taxes significantly. The fact that the 2017 legislature raised income taxes is still fresh on the minds of most Kansans. I believe that most understand why we found it necessary to raise taxes to restore fiscal balance to state budgets. But I also believe that there are few Kansans who are anxious for us to turn around and do it again this year. **We will not do so**, and any new school finance plan will have to be paid for out of existing resources. In my opinion HB 2445 is the limit of what we can afford.

## Constitutional Amendment?

The seemingly endless cycle of litigation over school finance in Kansas has now gone on for decades. Everyone has grown tired of it, and legislators are disheartened by the prospect of a new school finance plan continuing to consume practically all uncommitted dollars in the budget for the next five years. The power to appropriate is a constitutional power reserved exclusively for the legislature, and there are now conversations about amending the Kansas constitution so that the courts would have no authority regarding the level of funding for Kansas schools. Essentially it would clarify that determining the level of funding is purely a legislative function, which must always be determined through the lens of existing resources and competing budgetary responsibilities.

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### Consumer Protection

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### Crime Victims' Information Referral

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### Disability / Social Security Fraud Hotline

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### Edler Abuse Hotline

800-842-0078

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### Highway Road Conditions

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### School Safety Hotline

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I have written in the past about the importance of judicial oversight on questions regarding equity of funding. I fear that without that safeguard, future rural Kansas schoolchildren and rural taxpayers could be at the mercy of an increasingly urban legislature. Crafting language which clarifies legislative authority as appropriators while protecting the interests of the rural minority will be extremely difficult.

I must point out that regardless of how the conversation about a constitutional amendment turns out, it will not affect the current lawsuit, and would only apply to future disagreements over school funding. When we were sworn in as legislators we took an oath to uphold the Kansas constitution. Answering the court responsibly in the Gannon case is an indication that we meant it.

### **Cowboy Logic**

Holding a grudge is like letting someone live rent-free in your head.

### **Quote of the Week**

"You are never a loser until you quit trying." – *Mike Ditka*

### **Sermon in a Sentence**

"Enjoy the little things, for one day you may look back and realize they were the big things." - *Robert Brault*

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### **Representative Don Hineman**

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#### **Tax Refund Status**

**800-894-0318**

#### **Unclaimed Property**

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