

NEWS RELEASE

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SCHOOL DISTRICTS FILE SUPREME COURT MOTION TO RE-OPEN MONTROY SCHOOL FINANCE CASE.

(NEWTON, Kansas) Schools For Fair Funding, a coalition of 74 Kansas school districts representing 168,018 school children, together with Salina U.S.D. 305 and Dodge City U.S.D. 443, filed a motion with the Kansas Supreme Court today asking that the Court re-open the Montroy vs. State of Kansas lawsuit concerning school finance. The case had been dismissed in 2006 upon Legislative adoption of a three-year plan to increase school funding. The motion asks that the case be re-opened and remanded back to the trial court to determine two issues: (1) Was the unconstitutional school finance system remedied by the Kansas legislature's funding increases in 2005 and 2006? and (2) Are the current education funding cuts constitutional?

In 1999 the school districts filed the Montroy case against the state alleging that the Kansas Constitution required greatly increased funding for schools. The case was tried in 2003 and won at trial with a finding that the school finance system was "blatantly unconstitutional." The Kansas Supreme Court then heard and affirmed the case in five trips to the Supreme Court over an 18 month period. The Kansas Legislature responded by increasing school funding in 2005.

The court found that school funding should be determined by an analysis of what it actually costs to provide the education that is required by state and federal mandates. Once the actual costs are determined, the legislature must consider those costs in allocating funding for schools. The Legislature then chose to do a new cost study on what level of funding should be provided. The Legislature's own new cost study in 2006 then showed that massive amounts of new money were required to meet the requirements imposed upon schools. The 2006 legislative session then adopted a three-year funding plan to bring the funding scheme into constitutional compliance and the Supreme Court dismissed the lawsuit.

In 2009, the third year of the three-year funding plan, the Legislature began to renege on the constitutionally required funding. The cuts then became massive for the current year, FY2010. It also has become clear that the FY2011 and FY2012 budgets will have to include massive

additional cuts to schools or revenue increases by the state.

Contrary to Constitutional mandates, these cuts were imposed without any consideration of what it costs school districts to carry out their missions. The cuts were ordered solely on the basis of inadequate funds in the state treasury.

The Kansas Constitution requires the level of funding that was included in the three-year plan. It was not optional for the Legislature to fund the schools to these levels. It was required.

At the time that the three-year funding plan was adopted in 2006, the Legislature knew that it would take large revenue increases to fund the plan. Projections made by the Legislature in 2006 (when times were good) showed that they knew the state could not fund the constitutionally required increases without revenue increases. It showed that the state was going to spend down ALL of its balances and still be \$426.6 million short in 2009. Instead of revenue increases, the Legislature continued its longstanding course of tax cuts and increased tax exemptions. By 2010 the legislature had cut over \$1.2 billion dollars per year from the Kansas revenue stream. The tax exemptions and decreases were made at the time that the legislature knew they could not keep their funding commitment to the schools.

Since the Montoy decision was dismissed in 2006, the Legislature has chosen to ignore its constitutional responsibilities to Kansas school children and instead engage in the politically popular practice of cutting taxes. In short, the Kansas Legislature has given away public revenues, and now claims to have no money to adequately fund public schools. The Kansas Constitution, Kansas laws, and the Kansas courts mandate that public schools exist and that they be adequately funded. Today, they are not. While these options are not politically attractive to legislators, the constitution does NOT say "fund the schools only in good times if there happens to be money in the checkbook."

Schools for Fair Funding – in the face of dire financial circumstances to public school children – takes the unusual and historical step of requesting the Kansas Supreme Court to reopen the Montoy decision to assure that Kansas school children will receive the adequate education guaranteed by the Kansas Constitution.

The 2010 Commission, an advisory body appointed by the legislature, sums it up well: “the Commission believes we cannot sacrifice a generation of Kansas students because the economy is weak. It is time for the legislature to take steps to ensure that the revenue and funding policies of the Legislature allow every Kansas student to achieve his or her full potential.”

The actual Motion and supporting Brief with Exhibits as well as a list of Schools For Fair Funding member districts can be found at: www.robblaw.com/html/school_finance.html