

NEWS RELEASE

FOR IMMEDIATE RELEASE
(February 12, 2010)

CONTACT:

John Robb
Somers, Robb and Robb
110 East Broadway
Newton, KS 67114

or

Alan Rupe
Kutak Rock LLP
1605 N. Waterfront Parkway, Suite 150
Wichita, KS 67206-6634

Phone (316) 283 4560

Fax (316) 283 5049

Email: JohnRobb@RobbLaw.com

Phone (316) 609 7900

Fax: (316) 630 8021

Email: Alan.Rupe@KutakRock.com

Select school finance materials may be found on this website:

www.robblaw.com/html/school_finance.html

SCHOOLS FOR FAIR FUNDING'S NEXT STEP: NEW LAWSUIT.

(NEWTON, Kansas) Today, a Motion to Re-open the *Montoy* school funding case was denied by the Kansas Supreme Court. The Supreme Court did not act on the merits of the case and simply found that the better procedure would be for the schools to simply file a new lawsuit rather than finish the previous *Montoy* suit. Schools For Fair Funding filed the motion in an attempt to save both time and resources over the filing of a new lawsuit. The schools will now take the steps necessary to file a new school funding suit.

Schools For Fair Funding, a coalition of 72 Kansas school districts representing 163,375 school children, together with Salina U.S.D. 305 and Dodge City U.S.D. 443, filed the motion with the Kansas Supreme Court on January 11, 2010 and asked that the Court re-open the *Montoy vs. State of Kansas* lawsuit concerning school finance. The case was dismissed in 2006 upon Legislative adoption of a three-year plan to increase school funding. The motion was filed as a result of the recent education funding cuts. Thus far the cuts have exceeded \$300,000,000. The motion asked 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?

John Robb, general counsel for Schools For Fair Funding, said "We are disappointed in the ruling but certainly not deterred. The problem still exists. Kids are still being shortchanged. The constitution still requires suitable funding for education. Today's ruling was a procedural one which will just slow us down a bit."

Alan Rupe, trial counsel for Schools For Fair Funding, said "It was a long shot. There was no statutory procedural mechanism to re-open a closed case. And there was very little court precedent to support re-opening the case. But the school districts and Schools For Fair Funding are committed to fight for their schoolkids' right to adequate funding. The future of public education demands a new lawsuit"

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."