

Testimony before the Joint Meeting of House Committee on Judiciary and Senate Committee on Judiciary
**Regarding Proposed Constitutional Amendment Prohibiting School Closure and Other Potential
Constitutional Amendments Pertaining to School Finance**

by

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Members of the Committees:

Thank you for the opportunity to communicate our concerns with amending the Kansas Constitution in response to orders by the Kansas Supreme Court in school funding litigation. [Game on for Kansas Schools](#) is a nonpartisan grassroots effort among Kansans who share a belief in high-quality public education as a right of all Kansas students. We advocate for Kansas public schools to ensure our teachers, principals, superintendents, and school board members have the resources necessary to deliver quality education to all Kansas students. We inform communities across the state about issues and legislation affecting their students.

While we understand and share frustration over the multiple rounds of litigation over school funding, we believe that amending the Constitution is the incorrect solution. At the outset, we note that the oath of office for Kansas legislators is quite short and is almost entirely limited to promising to uphold our federal and state constitutions. The Senate oath states, “We, and each of us, do solemnly swear or affirm that we will support the Constitution of the United States and the Constitution of the state of Kansas, and faithfully discharge the duties of the office of the Senator of the State of Kansas, So help us God.”

We oppose amending the Constitution to prohibit the Supreme Court from closing schools. As parents and citizens, we absolutely understand the chaos and financial difficulties that blocking the flow of funding to schools would create, and we think that chaos should be avoided. However, we focus on the fact that the funding formula we had was deemed constitutional; it was the lack of funding allocated to the formula that caused the legal repercussions. We also know that the solution this legislature devised in 2014 was also deemed constitutional, but the legislature’s actions since then have brought us to our current predicament. As parents, we have been waiting since 2009 for the fulfillment of the promise of funding made at the conclusion of the Montoy case. When the Great Recession impacted the state’s ability to fund schools appropriately, we waited. But here we are in 2016 and still waiting. We understand some legislators think our schools are equitably and adequately funded, but we do not share that opinion. We ask how long the legislature can continue to fall short of necessary funding. We ask what short of threatening to block the flow of funding will get the legislature to do as it is obligated. We understand our state is in a fiscal crisis, but we also understand that is a self-created crisis. We believe we should avoid risking the closure of schools by equitably funding them rather than changing the Constitution.

We have also been invited to comment on “other potential constitutional amendments pertaining to school finance.” That really is difficult to do without knowing specifically what the amendments might be. However, we oppose any amendments designed to allow the legislature to lower the standard of adequacy or equity for public education. The Kansas Constitution refers not only to making suitable provision for public education in our state, but also requires the state to “provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities.” We believe the reference to improvements indicates that our constitution contemplates a strong public education system, rather than one that was deemed adequate in the past. We believe our legislature should devote its attention to meeting the needs of Kansas children rather than changing the Constitution to lower our standards. We also believe that constitutional amendments should be addressed during the regular session rather than during a hastily-called hearing during the summer.