



**KANSAS ASSOCIATION
OF SCHOOL BOARDS**

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**Public Comment on the Proposed Constitutional Amendment Prohibiting School Closure
or Other Potential Constitutional Amendments Pertaining to School Finance**

before the
House and Senate Judiciary Committees

by

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Kansas School Superintendents Association**

Chairman King, Chairman Barker, Members of the Committees:

Thank you again for the opportunity to appear today. The most recent resolution adopted in December by the KASB Delegate Assembly included the following statement:

Judicial System. We support the role of an independent judiciary in enforcing constitutional provisions. We oppose either changing the selection process for judges or limiting the ability of the courts to enforce those provisions, which would weaken the traditional separation of powers in Kansas.

None of these three organizations have specifically addressed the issue of enforcing school finance provisions by prohibiting the operation of an unconstitutional finance system. Clearly, an order by the Kansas Supreme Court that would keep public schools from operating would be detrimental to all students in the state, as well as their families, school staff, Kansas communities and the state as a whole.

However, the concern for avoiding educational harm to all students cannot be an excuse to fail to address constitutional issues of school finance adequacy and equity, regardless of the financial or political issues involved. The people of Kansas placed the requirement for suitable finance of the educational interests of the state in the state constitution precisely in order to provide a higher standard than ordinary legislative majorities. A constitutional right or requirement that cannot be enforced is no right at all.

If this committee wished to advance a constitutional amendment to prohibit an interruption in the operation of the public schools, we believe it must ensure that the judicial system can enforce a remedy if the Legislature fails to provide constitutionally equitable and adequate funding.

The people of Kansas should not be given the false choice of voting to maintain their children's educational opportunities only by allowing the educational opportunities of other children to be limited or restricted because they live in the wrong school district. We would note any district can become the "wrong" district, which is why ensuring adequate and equitable funding in every district for every child is in the interest of every Kansan.

Thank you for your consideration.