

INSTRUCTIVE QUOTES FROM  
U.S.D #229 V. STATE

"The consolidated actions herein are challenges to the constitutionality of the legislation. Accordingly, the judiciary's role is very limited in its scope. The wisdom or desirability of the legislation is not before us. The constitutional challenge goes only to testing the legislature's power to enact the legislation\_"

"...if a legislative enactment is constitutional, it is not for this court to set policy or to substitute its opinion for that of the legislature no matter how strongly individual members of the court may personally feel on the issue."

"It is sometimes said that courts assume a power to overrule or control the action of the people's elected representatives in the legislature. That is a misconception... The judiciary interprets, explains and applies the law to controversies concerning rights, wrongs, duties and obligations arising under the law and has imposed upon it the obligation of interpreting the Constitution and of safeguarding the basic rights reserved thereby to the people. In this sphere of responsibility courts have no power to overturn a law enacted by the legislature within constitutional limitations, even though

the law may be unwise, impolitic or unjust. The remedy in such case lies with the people."

"...if the statute in question does not clearly contravene the provisions of ... Article 6 of the Kansas Constitution, our duty is to uphold the statute, regardless of any personal views individual members of this court may have...."

"The proponents of the claims made in this issue would, in effect, rewrite Sections 5 and 6 to require the State to provide direct financial aid or the means to raise tax monies sufficient to cover what each school district determines is 'suitable financing' for the particular district's needs. Under this rationale, the legislature would have little or no role in the determination of what amount of finance was suitable for the particular district."

"In this issue, districts which have seen their funding reduced by the Act presented evidence of how they have had to reduce programs, personnel etc., to accommodate the reduced funding. They argue the funding is not 'suitable' when it results in cutting programs deemed necessary by the local boards of education. They acknowledge there is a wide disparity in per pupil spending but argue the legislature is improperly cutting off the mountain tops to fill the valleys. There was testimony, however, that some school districts believed they had greater local control under the Act. The district court correctly held that the issue for judicial determination was whether the Act provides suitable financing, not whether the level of finance is optimal or the best policy.

"The standard most comparable to the Kansas constitutional requirement of 'suitable' funding is a requirement of adequacy found in several state constitutions. common terms, 'suitable' means fitting, proper, appropriate, or satisfactory. *Webster's New Collegiate Dictionary (1977)*. Suitability does not mandate excellence or high quality. In fact, suitability does not imply any objective, quantifiable education standard against which schools can be measured by a court...."

"... the court will not substitute its judgment of what is 'suitable', but will utilize as a base the standards enunciated by the legislature and the state board of education".

"... courts have noted that there is no authoritative consensus on how to provide the greatest educational opportunity for all students. As the Colorado Supreme Court noted:

'[T]hese are considerations and goals which properly lie within the legislative domain. Judicial intrusion to weigh such considerations and achieve such goals must be avoided. This is especially so in this case where the controversy, as we perceive it, is essentially directed toward what is the best public policy which can be adopted to attain quality schooling and equal educational opportunity for all children who attend our public schools.'

"The funding of public education is a complex, constantly evolving process. The legislature would be derelict in its constitutional duty if it just gave each school district a blank check each year.... Rules have to be made and lines

drawn in providing 'suitable financing'. The drawing of these lines lies at the very heart of the legislative process and the compromises inherent in the process."

"The determination of the amounts, sources, and objectives of expenditures of public moneys for educational purposes, especially at the State level, presents issues of enormous practical and political complexity, and resolution appropriately is largely left to the interplay of the interests and forces directly involved and indirectly affected, in the arena of legislative and executive activity. This is of the very essence of our governmental and political polity. It would normally be inappropriate, therefore, for the courts to intrude upon such decision-making."