

Legislative Update from Rep. Tom Phillips
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Dear Manhattan & Riley County constituents:

Friday's ruling is a mixed bag. It's not a straightforward directive, yet it does provide specific ground rules for how to proceed in taking care of our business as a legislature to abide by the Kansas Constitution. On the funding side, the court basically said the state is underfunding our schools. The extent is undefined.

I would encourage you to read the first few pages of the [decision](#), there are 16 succinct points. Then move to page 107 where the court makes its conclusions. Being an independent thinker means I'm looking at this decision from a few vantage points and can see arguments to be made from each. Here are the key conclusions with my comments as subpoints:

The court ruled on two points: Equity & Adequacy:

Equity

1. The best explanation I have seen of the equity issue comes from the Kansas Bar Association's press release: *"Regarding equity, the court said Article 6 does not require absolute funding equality among districts, but it emphasized that 'school districts must have reasonably equal access to substantially similar educational opportunity through similar tax effort.'"*
 - In other words, the local effort must be comparable, regardless of property valuation differences between school districts.
 - Regardless of a community's resources, the state has a responsibility to fund education for all kids.
2. With this in mind, the court said certain education funding cuts in 2010, 2011, and 2012 created unconstitutional funding gaps negatively impacting school districts with less property value.
3. This equity piece has a due date of July 1st. Specifically, the state must reinstate \$80-120 million in funding to districts by July 1, or the court will act to enforce restitution.
 - This will be the #1 topic for the remainder of the session. It will impact every nuance of policy, funding, and politics.

Adequacy

1. The Supreme Court sent the topic of adequacy back to the Shawnee District Court. The lower court's original decision on the case based adequacy on cost studies, not educational standards. In the absence of minimum educational standards, it isn't possible to determine if the adequate funding requirement is being met. The lower court is assigned the responsibility of coming up with those standards based on



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Resources

Tom Phillips serves the 67th District, which includes Manhattan and part of Riley County. He has lived in the district for more than 20 years.

[Map of the 67th District](#)
[City of Manhattan](#)
[Riley County](#)
[USD 383 Schools](#)
[Kansas State University](#)
[Manhattan Area Technical College](#)
[Kansas Legislature](#)
[Kansas Secretary of State](#)
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precedent set forth in *Rose v. CBE*(Kentucky) by July 1;

- Concern: This adds to the confusion and prolongs the debate on school finance, creating upheaval for students, parents, educators, taxpayers, and the legislature;

However, it is also an opportunity to define what our priorities are as a state – what do we want our students to learn and do – what learning outcomes should we expect as citizens who pay for education?

- Opportunity: There is a need for a plan and standards on how to make these decisions, not just what kind of revenues we want to allocate to schools or what is available at the time.
- The funding currently being appropriated falls short of what's needed in today's economy, most of us – and now the court – agree on this point.

2. The bulk of funding should be based on these standards, not on the budget available at the moment. This segment address what's commonly known as BSAPP (Base State Aid Per Pupil).

- If we believe in education for all kids, it should be funded as if it is our priority.
- Without an overall increase to the BSAPP, the ruling doesn't address the rising cost of operations. Just like local businesses, school districts are facing constantly increasing operations costs for insurance, utilities, and employee benefits. When school districts are funded on a per-pupil measure, even the loss of one student reduces the year-over-year budget, while the cost of doing business continues to increase.

3. The Supreme Court did not set a date-specific deadline to recommend standards.

Resources

The most non-partisan assessment I have read: [Kansas Bar Association](#)

Good historical review: Topeka Capital-Journal: [*School finance shaped by history of lawsuits*](#)

The Lawrence Journal-World backgrounder includes a helpful visual breakdown: [*School Finance Case: Gannon v. Kansas*](#)

Teachers respond: [KNEA response](#)

[Kansas Public Radio](#)

[Kansas Policy Institute](#)

It is an honor to serve you in Topeka. Please do not hesitate to contact me if I can be of service to you.

Rep. Tom Phillips

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