



Family Concerns

"Bridging the Information Gap"

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Kansas Judge Legislates School Funding Increase

By Linda Holloway

Judge Terry Bullock has once again opined about the inadequacy of funding for Kansas public schools, finding the school finance formula unconstitutional. This is the same judge that determined school finance unconstitutional because it was inequitable and ordered a new method in 1992. The Legislature complied and handed Kansas citizens a huge tax increase, abolished much local control, and enacted Quality Performance Accreditation (QPA). On Dec. 2, 2003, Judge Bullock issued a preliminary order stating that Kansas must increase spending by \$1 billion dollars and has given the Legislature until July 1, 2004 to raise the money. If it does not comply, Bullock will "enforce our Constitution if the other branches of government fail to do so." According to the *Journal-World*, Dec. 3, 2003, the attorney for the plaintiffs gleefully observed that Bullock's "ruling amounted to a court-ordered tax increase for schools."

What's wrong with this picture? It is not the job of the judicial branch of government to determine the amount of money spent on education. That budgeting responsibility lies with the legislative branch. Many entities give input to the Legislature regarding school finance, including the governor and the State Board of Education. However, the budget still remains with the Legislature. The governor can use the power of her office to shape the budget, but the responsibility is the Legislature's.

The State Board of Education filed a motion to go directly to the Kansas Supreme Court for its

opinion on the preliminary order, but this had to go through Judge Bullock for permission. He refused. Not only did he refuse, he gave a tongue-lashing to the Board for even filing such a motion. He told the Legislature to just "fix it!"

School finance is extremely complicated and hard to understand. The per-pupil base aid always appears in the media; however, there are many more categories of funding that districts receive from the state, i.e. extra money for a small districts, extra money for districts with declining enrollment, etc. No district receives solely the per-pupil base aid.

Judge Bullock has determined not only that the school-finance system is unconstitutional, but also that Kansas is not adequately educating all students. He cites poor and vulnerable students as most affected. I would like to see how the judge defines several words in his order, i.e. "adequately," "educating," "poor" and "vulnerable." Again, he seems to march from the judicial to the legislative branch.

The Legislature convenes in January. Leadership has indicated that there is little interest in huge tax increases. Will they fold to Judge Bullock once again? Contact your state Senator and Representative, and ask them to stand firm against judicial activism.

After January 12, 2004, you can reach any legislator through the switchboard at the Capitol in Topeka: 785-296-0111.

To find their local phone numbers, go to the Kansas Legislature's web site: www.kslegislature.org, and click on the "House Roster" or "Senate Roster."