

Testimony on **SCR 1601**
before the
Senate Committee on Judiciary

by

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Mr. Chairman, Members of the Committee:

Thank you for the opportunity to appear today on **SCR 1601**, which removes the language in the Kansas Constitution requiring the Legislature make “suitable provision” for finance of the educational interest of the state and instead allow the Legislature to solely determine educational finance. We strongly oppose this proposal.

Over the past several years, KASB members have become acutely aware of the constitutional issues regarding school finance. These issues were debated extensively over the years at our Fall Regional Meetings, and resulted in the adoption of several policy statements by our members.

In December, our Delegate Assembly adopted the following position: “KASB supports the role of an independent judiciary in enforcing constitutional provisions.” Our Board of Directors also adopted as a priority for the 2007 session to “Maintain the current system of checks and balances that allow the courts to enforce constitutional rights in the education article.” Finally, we have a long-standing position that universal public education is fundamental right.

Certainly, not all of our members agreed with the goals or outcomes of the *Montoy* lawsuit and Supreme Court decision in that case, or in previous cases. But the majority of our members believe public education is too important to leave either the level or funding or the allocation of funds solely to shifting majorities of the Legislature. We believe there should be a higher standard of appeal for basic rights, and our members understand that under our judicial system, that is the appropriate role of the judiciary.

We believe **SCR 1601** would weaken the rights provided in Article Six of the Kansas Constitution and the ability of the Courts to enforce those rights, and therefore urge you to reject this concurrent resolution.

Thank you and I would be happy to answer any questions.