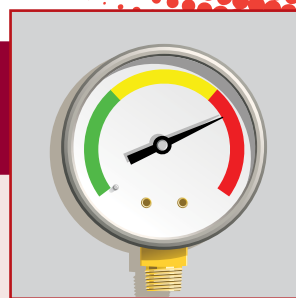


States Under Stress

Suing for Funding in Kansas



Lawsuits on education financing have consumed Kansas politics for 40 years. There's nothing unusual about states' being sued for undersupporting public education. Most states have some constitutional or statutory obligation to contribute financially to public education; supporters of public education at the local level—parents, students, and the policymakers who have to set and levy property taxes—often think that contribution is too modest. The upshot is that the vast majority of states are dragged into court over this issue at one time or another. Kansas, though, takes this scenario to another level. No matter what the state's legislators are talking about at a given moment, school finance hangs over them like a menacing storm cloud that just won't go away.

In 2014 the legislature was sent scrambling to comply with a state supreme court decision declaring that school funding levels (a) were too low and (b) varied way too much from one school district to another. The cost of complying with the ruling was somewhere in the neighborhood of \$130 million. That merely set the stage for the next big legal battle over whether the state's entire public education system was inadequate to meet the needs of Kansas's children.

At the root of much of this conflict is a mandate in the state's constitution that "the legislature shall make suitable provision for finance of the educational interests of the state." Dating back to at least 1973, the state has been sued for failing to meet that standard. In the 1990s,

for example, per-pupil spending in some districts was 4 or 5 times higher than in other districts. The constitutional implications of that imbalance prompted the legislature to shore up minimum state aid per student. Another legal kerfuffle in 2005 led the legislature to kick in an extra \$147 million to fund public education.

In the past 6 or 7 years, two things happened to bring the conflict over state aid for public schools in Kansas to a particularly acrimonious peak. First the recession hit in 2008. Then in 2011 Republicans took full control of the state government on a promise to cut taxes. The net result was a hefty cut in state aid; per-pupil state aid fell by roughly 15 percent, from \$4,492 to \$3,838 (overall, per-pupil spending in Kansas dropped by roughly 17 percent in inflation-adjusted dollars between 2008 and 2014). The state was sued for failing to adequately fund public schools and, again, lost. This time, though, the courts were not just saying that the state needed to pony up more cash to meet its legal obligations; they were strongly hinting that money was not the only problem—the whole system for determining state aid might fail constitutional muster.

And so the fight wages on. Kansas has been embroiled in a four-decade debate about how to finance schools, with no end in sight as of mid-2014. Barring some unlikely outbreak of feasible consensus and practical compromise, it is a pretty safe bet that some version of this same conflict will be playing out in Topeka 40 years from now.