

# NEWS RELEASE

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[www.robblaw.com/html/school\\_finance.html](http://www.robblaw.com/html/school_finance.html)

## SCHOOLS FOR FAIR FUNDING FILES NOTICE FOR NEW SCHOOL FUNDING LAWSUIT.

(NEWTON, Kansas) Today, attorneys for Schools For Fair Funding filed a required “Notice of Claims” with the Kansas Senate and the Kansas House of Representatives alleging that the Legislature continues to violate Article 6 of the Kansas Constitution, regarding school funding. The notice is a prerequisite to the filing of a new school finance lawsuit. Kansas law requires that such a notice be filed at least 120 days before a new lawsuit can commence, when violations of the Education Article of the Kansas Constitution are involved.

Schools For Fair Funding, a coalition of 72 Kansas school districts representing 164,141 school children, filed the notice to begin the process of filing a lawsuit to show that the \$303 million in school funding cuts over the past 16 months, when considered in conjunction with the inadequacy of school funding levels prior to and after those cuts, violate Article 6 of the Kansas Constitution.

The notice names U.S.D. 259 Wichita, U.S.D. 500 Kansas City, U.S.D. 443 Dodge City and U.S.D. 308 Hutchinson as plaintiff districts along with representative students from those districts. The notice names the State of Kansas, Governor Mark Parkinson, the State Department of Education, Kansas Commissioner of Education Dr. Diane DeBacker and the 10 elected members of the State Board of Education as defendants. The notice sets forth the history of school finance litigation in Kansas and enumerates the specific duties of the State under the Kansas Constitution, Kansas statutes and federal laws.

Specifically, the notice states that the legislature settled the last school finance lawsuit, *Montoy vs. Kansas*, in 2006 by adopting a three-year funding plan, but that the legislature then failed to follow through with sufficient appropriations to complete the plan in the third year. While the court approved plan called for \$755 million in new funding, the legislature and governor have thus far cut over \$303 million from the schools. The cuts were made against the recommendations of the State Board of Education and the 2010 Commission, a legislatively appointed committee charged with monitoring and recommending action to the legislature regarding school finance issues.

The recently adopted temporary increase in state sales tax has stopped further education cuts thus far, but did nothing to replace the \$303 million already cut from schools.

John Robb, general counsel for Schools For Fair Funding, said “Recent legislative action has stopped the bleeding for now, but has done nothing to repair the damage already done. This disaster was foreseeable and preventable and is only partly related to the current recession. The legislature has simply not kept the promise made by the Constitution to the kids of Kansas.”

Alan Rupe, trial counsel for Schools For Fair Funding, said “The Kansas Legislature knew when it adopted the three-year plan there was no way to fund it without revenue increases. Yet, it continued to cut taxes, offer abatements, and hand out tax exemptions knowing that it could not fund the plan. Then the recession hit and aggravated the problem more. Kansas law and the Kansas Constitution require that schools be funded to adequate levels. That simply has not happened and our kids’ future again depends on the court system making the Legislature live up to its statutory and Constitutional responsibilities.”

It is anticipated that the suit will be filed in October and may go to trial in the latter part of 2011.