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## **Kansas Supreme Court ruling could bring more money to USD 480 — maybe**

By RACHEL COLEMAN

• Leader & Times

A recent ruling by the Kansas Supreme Court made national and state headlines, but only time will tell if the decision means more money for USD 480. Although the opinion released Friday seemed, on the face, to support claims that the Kansas Legislature wrongfully withheld funding from school districts across the state — Liberal included — it did not specify how the Kansas government must proceed in making things right.

“I’m conservative until I see the financing package,” said USD 480 Finance Director Jerry Clay. “On the one hand, the ruling says the state must fund the entire amount of the Local Option Budget, instead of the 78 percent we’ve been getting. But it doesn’t say where the state has to find that money.”



Clay said the state’s finance plan for the next year will not be released until May or even June, “and we really cannot answer the question of whether this is good for USD 480 until then.”

At Monday night's board of education meeting, superintendent of schools Paul Larkin was equally cautious.

"If the LOB got funded at its full levels, that would be an additional \$900,000 dollars, just shy of \$1 million," he said. "But I always shy away from assuming that money will be there. This could end up being a case of the state taking money away from one area in order to fund another."

Clay, too, raised the possibility of Kansas legislators "taking money from one hand to put it in the other, which could still hurt us," he said. "We could end up not getting anything."

In the original lawsuit, filed by four school districts across the state — Kansas City, Wichita, Hutchinson and Dodge City — schools made the argument that the Kansas Legislature acted unconstitutionally when it reduced the amount of per-pupil spending. At its high, the base figure across the state was \$4,400 per student.

"When the recession hit, that dropped down to \$3,800 per student," Clay said, "and that applied to all districts. That's when the lawsuit was filed."

USD 480, with one of the highest percentages of low-income students in the state, was invited to join the lawsuit, but the board of education declined. Even so, the Kansas Supreme Court ruling applies to all districts across the state, just as the reduction in LOB funds affected all Kansas school districts.

"Liberal has never been part of the lawsuit," Clay said. "The previous boards of education did not want to use educational dollars to sue the state. Each of those districts that participated had to pay attorney costs."

That thrifty attitude did not allow the boards of education to shelter their local communities from higher educational costs, however.

“Our local taxpayers had to make up the difference,” Clay said, noting that this was the case all over the state. “We were all hoping the (Kansas) Supreme Court would say the Legislature has to restore the base aid of \$4,400. That’s \$560 per student that we lost. When you start multiplying that out, we lost about \$3 million since 2008-2009.”

Rather than focusing on how to compel the Kansas Legislature to give money back to the districts, the ruling homed in on the question of whether districts are able to provide “an adequate education,” with existing funds Clay said.

“When the Supreme Court turns the issue around like that, it makes it difficult to answer the problem. Is Liberal providing a good education? We’re doing the best we can. But we haven’t replaced computers that are out of date for four years, because we lost funds. Are we adequate? We’re getting by. We moved things around, got rid of some things in order to make others better.”

In its discussion of the case, the Kansas Supreme Court appeared to express sympathy for districts that struggle to overcome widespread poverty. It noted on page 81 that “education in Kansas is not restricted to that upper stratum of society able to afford it ... Our test for equity in K -12 public education finance is clarified and succinctly stated as follows: School districts must have reasonably equal access to substantially similar educational opportunity through similar tax effort. Simply put, equity need not meet precise equality standards.”

The ruling continued: “... money is clearly not the only variable affecting educational opportunity, but it is one that government can effectively equalize.”

Clay hopes that the ruling will result in help for local taxpayers. He hopes the state will replenish the missing 22 percent of the LOB with new funds, rather than chipping away at existing programs. However, he’s too realistic to make assumptions, he said:

“Until I see the financing package. I’m not promising anything.”

## Not a sure thing

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