

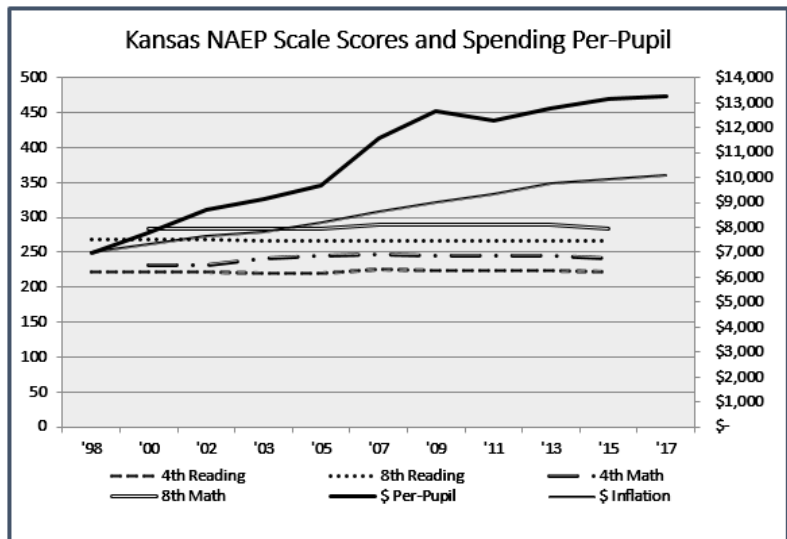


Chairman Johnson and Members of the Committee,

We appreciate this opportunity to testify in opposition to HB 2740, which would increase the mandated state property tax for schools from 20 mills to 38.43 mills over a 3-year phase-in. The legislation doesn't specify a reason but since the full rate hike would generate about \$600 million and the Supreme Court is threatening to close schools unless at least \$600 million more funding is provided, the proposed tax hike is likely related to the Court's threat.

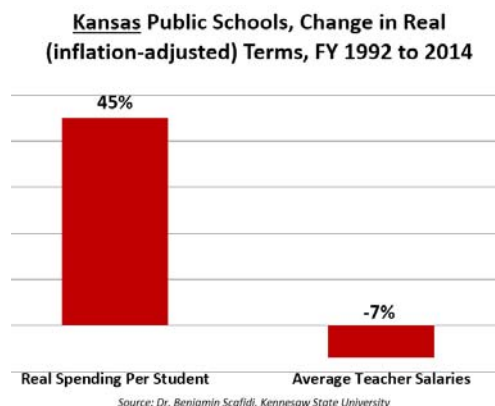
Of all the rhetoric espoused by the court and the schools' lawyers, perhaps the most absurd is the notion that simply spending more money will cause achievement to improve. Money matters, of course, but it's how money is spent that can make a difference rather than the amount spent.

Per-student spending nearly doubled since 1998 and was far greater than inflation last year, but performance on the National Assessment of Educational Progress has not improved. Taxpayers have provided billions more in resources but districts' spending choices have not produced results.



Source: National Assessment of Education Progress (NAEP), Kansas Dept. of Education, Bureau of Labor Statistics (Midwest Urban Cities, fiscal basis). Kansas began participating in NAEP in 1998, which is now given biannually. Pre-2005 spending adjusted upward for KPERS.

Nothing has more impact on achievement than having effective teachers, yet while real (inflation-adjusted) spending per-student increased 45 percent between 1992 and 2014, districts chose to reduce teacher pay by 7 percent.



Raising taxes on over-burdened citizens and businesses won't cause better student achievement or more effective resource allocation; that will only come by holding schools accountable for improvement at the building level. History shows that more money with no real accountability – as in, there's a consequence for not improving – won't help students.

The appropriate response to the court is not to raise taxes and waste more money, but to simply thank them for their opinion. The court is statutorily prohibited from closing schools and constitutionally unauthorized to appropriate money.

In fact, the court itself is on record in *Solomon v. State of Kansas* saying “by the Constitution of the United States, the government thereof is divided into three distinct and independent branches, and that it is the duty of each to abstain from, and to oppose, encroachments on either.” Solomon struck down the legislature’s attempt to amend the procedure for selecting chief judges in various judicial districts. The legislature passed a bill allowing local judges to select their chief judge for the district, rather than having each chief judge be appointed by the Kansas Supreme Court.

The court went on to say in Solomon that “[O]ne department of government usurps the powers of another department when it exercises **coercive** influence on the other.” (emphasis added) “In order for the interference by one department with the operations of another department to be unconstitutional, **the intrusion must be significant.**” (emphasis added)

Ordering the legislature to spend more money under threat of closing schools certainly seems to meet the court’s definition of a significant intrusion on legislative business – and thereby invoke the legislature’s duty to oppose encroachment on its constitutional authority.

For these reasons, we encourage the committee to reject HB 2740 and thank the committee for its consideration.