

House Concurrent Resolution No. 5027

By Representative Aurand

2-28

1 A CONCURRENT RESOLUTION delegating the power to establish the
2 appropriate minimum funding levels for public elementary and
3 secondary education to certain private entities.
4

5 WHEREAS, In 2001, the legislature commissioned a study by the
6 firm of Augenblick and Myers to provide an analysis of the cost to
7 provide a public school system for grades kindergarten through 12; and

8 WHEREAS, In 2005, the legislature directed the division of
9 legislative post audit to conduct a study and provide further analysis of
10 the cost to provide a public school system for grades kindergarten
11 through 12; and

12 WHEREAS, In the case of *Montoy v. State*, the Kansas supreme court
13 essentially ruled that, by requesting such a cost analysis, the legislature
14 effectively delegated its constitutional responsibility to establish
15 appropriate minimal funding levels for elementary and secondary
16 education to nonelected private entities performing such analysis; and

17 WHEREAS, In the case of *Gannon v. State*, the Kansas supreme court
18 has strongly recommended that the legislature once again engage
19 professional public school cost analysts to determine the cost of a
20 constitutionally adequate public school system; and

21 WHEREAS, The legislature has once again engaged a professional
22 public school cost analyst to make a determination of the cost of a
23 constitutionally adequate public school system, even though section 6 of
24 article 6 of the constitution of the state of Kansas unequivocally states
25 that it is the legislature's duty to set finance policy for the public school
26 system in Kansas: Now, therefore,

27 *Be it resolved by the House of Representatives of the State of Kansas,*
28 *the Senate concurring therein:* That the legislature hereby delegates the
29 authority to establish appropriate minimal funding levels for the state's
30 public school system to the professional cost study analysts who have
31 contracted with the legislature to make such determination; and

32 *Be it further resolved:* That since the citizens of Kansas have not been
33 given the opportunity to amend the constitution of the state of Kansas so
34 as to more clearly state that the constitutional authority to establish
35 finance policy for the public school system in this state lies solely with
36 the legislature, the legislature shall continue to delegate such authority at

1 such times and in such manner as necessary; and

2 Be it further resolved: That the Secretary of State shall send enrolled
3 copies of this resolution to the members of the Legislative Coordinating
4 Council and each justice of the Kansas Supreme Court.