



State of Kansas
Office of Judicial Administration
Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507
(785) 296-2256

NEWS RELEASE

March 2, 2017

Contact: Lisa Taylor
Public Information Director
785-296-4872
taylorl@kscourts.org

**Kansas Supreme Court issues decision
in adequacy portion of school funding case**
No. 113,267: *Luke Gannon, et al v. State of Kansas, et al*

TOPEKA— The Kansas Supreme Court today issued a [unanimous decision in *Gannon v. State*](#), holding that the Kansas K-12 public education financing system does not meet the adequacy requirements of the people's constitution. The court stayed the enforcement of its decision until June 30, 2017, to give the state Legislature time to respond.

If by June 30 the state has not satisfactorily demonstrated to the Supreme Court that any K-12 public education financing system the Legislature enacts is capable of meeting the adequacy requirements of the constitution, then a lifting of the stay will mean that Kansas will be without a legally valid system.

The plaintiffs in this case are four school districts that sued the state in 2010, alleging K-12 public school funding in Kansas was unconstitutionally inadequate. After a 16-day trial, a three-judge panel agreed with the plaintiffs that the then existing school finance system — the School District Finance and Quality Performance Act (SDFQPA) — was unconstitutional under Article 6, § 6(b) of the Kansas Constitution.

On appeal, the Kansas Supreme Court held that Article 6, § 6(b) contains an adequacy component. It adopted a seven-prong adequacy test initially expressed by the Kentucky Supreme Court in *Rose v. Council for Better Education, Inc.* (1989), which had essentially been codified earlier by the Kansas Legislature. The adequacy question then was sent back to the three-judge panel for it to "assess whether the public education financing system provided by the Legislature for grades K-12 — through structure and implementation — is reasonably calculated to have all Kansas public education students meet or exceed the standards set out in *Rose* [citation omitted] and as presently codified in K.S.A. 2013 Supp. 72-1127."

The panel again held — now under the *Rose*-based test — that the SDFQPA was still constitutionally inadequate. The Legislature then repealed the SDFQPA and replaced it with the Classroom Learning Assuring Student Success Act (CLASS). The Legislature set CLASS and its block grants to expire on June 30, 2017, with the intention of installing a new financing system by that time. The plaintiff school districts challenged CLASS as constitutionally inadequate under Article 6, § 6(b), and the panel agreed after reviewing the new law under the *Rose*-based test.

On appeal, the Supreme Court affirmed the panel's conclusion that CLASS is unconstitutionally inadequate.

In reaching this conclusion, the court determined that the panel properly exercised its jurisdiction over the question of CLASS's constitutional adequacy. It also reaffirmed the ruling of its previous *Gannon* decisions that the question of Article 6 compliance is a justiciable question suitable for resolution in the courts of Kansas.

The Supreme Court further held that the panel did not abuse its discretion in refusing to reopen the trial record on remand, and that it correctly utilized the judicial notice procedures allowed under state law. Additionally, the court determined that the panel's written decisions were sufficient to provide the Supreme Court with a meaningful review of the panel's analysis.

To determine whether the *Rose*-based test for adequacy had been met, the court reviewed the panel's findings. It also reviewed updated information concerning both the education system's inputs, such as funding and other resources the state made available to school districts, and outputs such as student scores on statewide standardized tests.

The court determined the plaintiff school districts had shown through the evidence before the panel — and through the updated results on standardized testing since the trial — that the state is failing to provide approximately one-fourth of all its public school K-12 students with the basic skills of both reading and math, and that it is leaving further behind significant groups of other students.

Nearly one-half of Kansas' African American students, and more than one-third of its Hispanic students, are not proficient in reading and math — subjects at the heart of an adequate education. The total of these students equates to approximately all the K-12 public school students in every school district in every county with an eastern boundary beginning west of Salina — more than one-half of the state's geographic area.

###