

SPECIAL SESSION OF 2005

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 5**

As Amended by Senate Committee of the Whole

**Brief\***

SB 5 would stipulate that no court of the state or no special master or other appointee of such court would have the authority to enforce any remedy that would result in the closure of public schools or prevent the distribution of funds for public education as the result of any case involving a violation of Article 6 of the *Kansas Constitution*, including the school finance case *Montoy, et al. v. State of Kansas, et al.*

The bill also provides the Legislature, not the State Board of Education, would be responsible for determining the amount of money to be allocated to school districts under the various state aid programs and for distributing the money. The Legislature would certify to the Director of Accounts and Reports the amount of money due to each district, which would be payable to the district pursuant to vouchers approved by the Legislature.

The act would take effect upon its publication in the *Kansas Register*.

**Background**

Section 5 of Article 6 of the *Kansas Constitution* states that public schools shall be *maintained, developed, and operated* by locally elected boards of education [emphasis added]. Advocates of SB 5 point out that, historically, education has been important to Kansans and contend that Article 6 of the *Kansas Constitution* was ratified in order to provide for the operation and maintenance of elementary and secondary schools.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Sponsors of SB 5 believe that any order of a court that would close public schools or prevent the allocation of funding for schools would thwart the will of the People of Kansas and would violate the constitutional directives that public schools be maintained and operated.

The Senate Committee of the Whole amended the bill to make the Legislature, not the State Board of Education, responsible for distributing state aid to schools.