

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 28**

As Amended by House Committee on Education  
Budget

**Brief\***

House Sub. for SB 28 would provide that in any action which challenges the adequacy of the state's funding of school districts, no less than 65.0 percent of all state moneys appropriated, distributed or otherwise provided by or through the school districts would be considered by the court to have been first applied to pay the costs related to areas of instruction and for the courses included in the pre-college curriculum, as prescribed by the Board of Regents. The burden to prove that moneys appropriated were not sufficient to fund the costs related to areas of instructions and for courses included in the pre-college curriculum prescribed by the Board of Regents would rest with the party challenging the adequacy of the state's provision for financing the educational interests of the state at all times. Programs that are required to be provided by school districts per federal law would not be included for purposes of determining the adequacy of state funding.

**Background**

House Sub. for SB 28 was originally introduced by the House Appropriations Committee as HB 2397. The original HB 2397 included aspects of House Sub. for SB 28, except it did not include the language requiring no less than 65.0 percent of all state moneys be considered by the court to apply first to pay costs associated with areas of instruction

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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>

and courses included in the pre-college curriculum prescribed by the Board of Regents.

Testifying as a proponent of the bill was Speaker Mike O'Neal. Opponents of the bill included Mark Tallman, Kansas Association of School Boards; and Mark Desetti, Kansas National Education Association. Written testimony was submitted by Cheryl Semmel, United School Administrators of Kansas.

The fiscal note provided by the Division of the Budget on the original bill states that enactment of the bill would have no fiscal effect on the state.