

Senate Concurrent Resolution No. 1603

By Committee on Judiciary

6-23

1 A PROPOSITION to amend article 6 of the constitution of the state of
2 Kansas by creating a new section prohibiting the denial of a public
3 education.
4

5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of*
6 *the members elected (or appointed) and qualified to the Senate and two-*
7 *thirds of the members elected (or appointed) and qualified to the House*
8 *of Representatives concurring therein:*

9 Section 1. The following proposition to amend the constitution of
10 the state of Kansas shall be submitted to the qualified electors of the state
11 for their approval or rejection: Article 6 of the constitution of the state of
12 Kansas is hereby amended by adding a new section to read as follows:

"Article 6.—EDUCATION"

14 **"§11. Denial of public education prohibited.** In any civil action in
15 which a statute or other legislative enactment of this state has been held
16 unconstitutional as a violation of this article, no court shall issue any
17 order, the effect of which is to close schools or otherwise deny the
18 provision of public education that is required by section 1 of this article,
19 nor shall the legislature, in direct response to such court action, pass a
20 statute or other legislative enactment that would close schools."

21 Sec. 2. The following statement shall be printed on the ballot with
22 the amendment as a whole:

23 *"Explanatory statement.* The purpose of this amendment is to
24 limit the legal remedies available to both the courts of this
25 state and the legislature by prohibiting the closure of schools
26 or otherwise denying the provision of public education in
27 cases where a law is held to be unconstitutional as a
28 violation of article 6 of the constitution of the state of
29 Kansas.

30 "A vote for this proposition would add a new section to article 6
31 of the constitution of the state of Kansas that would prohibit
32 both the legislature and the courts of this state from denying
33 public education to the children in this state.

34 "A vote against this proposition would make no changes to the
35 current authority granted by the constitution of the state of
36 Kansas to the legislature and the courts of this state with

1 respect to public education."

2 Sec. 3. This resolution, if approved by two-thirds of the members
3 elected (or appointed) and qualified to the Senate, and two-thirds of the
4 members elected (or appointed) and qualified to the House of
5 Representatives shall be entered on the journals, together with the yeas
6 and nays. The secretary of state shall cause this resolution to be published
7 as provided by law and shall cause the proposed amendment to be
8 submitted to the electors of the state at the primary election in August in
9 the year 2016, unless a special election is called at a sooner date by
10 concurrent resolution of the legislature, in which case it shall be
11 submitted to the electors of the state at the special election.