

Brownbackistan

by Gregg Primo Ventello

Every state in the U.S. has language in its constitution guaranteeing to its citizens a free public education, yet many states are failing to meet this fundamental right. From New York to California, lawsuits have been brought against state governors and legislatures who have not funded schools adequately. The field of false prophets grows and sermons on “reform” and on improving “teacher quality” only veil the very real problem of poverty as the source of students’ educational failures. Swindlers blame teachers and unions, even going so far as to claim that the schools are full of “excess and greed.” The founding American tenet that a healthy democracy requires a free public education is being challenged, and Kansas may well be the frontline, with the *New York Times* calling the state “the epicenter of a new battle over states’ obligation to adequately fund public education.”

Last October, a *New York Times* editorial titled “Shortchanging Kansas Schoolchildren” criticized Governor Sam Brownback and the Kansas State Legislature. The *Times* editorial board wrote in support of a state court decision to increase education funding in Kansas, and they distrusted the decision made by Kansas lawmakers, after the state reported a boost in revenue, to create “huge tax cuts” instead of restore school funding. Kansas education spending “has fallen an estimated 16.5 percent since 2008, including \$500 million in cuts under the Brownback administration.”

Gregg Primo Ventello is a professor of English at Kansas City Kansas Community College. He is a 2014–2015 Fulbright Lecturer in Japan. His narrative essay “Das Schweinehund” was recognized as a “Notable Essay” in *The Best American Essays 2013*, and his most recent fiction appeared in the Spring 2014 issue of *Consequence* magazine.



David Loewenstein is a muralist, writer, and printmaker based in Lawrence, Kansas. For more, visit www.davidloewenstein.com.

In response to this criticism, Brownback sent a letter to the *New York Times* in which he wrote, “Kansas has great schools.” I was surprised to read it. I teach in Kansas and, while it is true Kansas has strong schools, this is not the message that has been conveyed in word or action by Governor Brownback, by his administration, or by the supermajority in the Kansas State Legislature. Instead, like officials in many states, Brownback has taken the position that public education is wasteful and inefficient.

It's difficult not to conclude that the objectives of Brownback and his cronies have been to obstruct and suppress dissenting views.

WHEN IN DOUBT, CREATE A TASK FORCE

In September of 2012, Brownback established his School Efficiency Task Force. “Inefficient spending impacts Kansas taxpayers,” he told the press. The problem was that the task force had 10 initial appointees, none of whom worked in education. Criticism forced Brownback to appoint an 11th member, a young superintendent from Iola, who Brownback described as “open to new ideas.” Still, the task force was curiously dominated by accountants whose most innovative idea was to launch a website where anyone could anonymously report perceived inefficiencies. The task force was the precursor to the recently established K-12 Student Performance and Efficiency Commission. Any hope that this new commission might include people with expertise and open minds was quashed with the first two appointees. Kansas House Speaker Ray Merrick selected the president and CEO of the Kansas Chamber of Commerce, along with the president of the Kansas Policy Institute, a conservative think tank. Neither man has any professional experience in K-12 education, nor has either been shy to share his preconceived agenda. From the outset, Governor Brownback has shown little interest in the expertise of professional educators or in viewpoints contrary to his own.

Not only has the governor ignored expertise, but the Kansas Legislature is working to silence it. Bills have been proposed to restrict teachers' collective bargaining rights and to prohibit teachers from using an automatic payroll deduction for paying association dues. With bills like these, along with bills that exempt lawmakers from the Kansas Open Meetings Act, it's difficult not to conclude that the objectives of Brownback and his cronies have been to obstruct and suppress dissenting views, to garner as much control as possible, and to protect themselves from both public and judicial review.

Their most blatant attempt to circumvent the courts has been during the

on-going fight for school funding. In 2005 and 2006, the Kansas Supreme Court ruled that the school finance system was unconstitutional and ordered the legislature to increase funding. The court's ruling has not only remained unfulfilled, but as the *New York Times* pointed out, Brownback has reduced funding and slashed taxes.

Legislators found the judiciary even more meddlesome in January 2013 when it ruled on a second lawsuit filed in 2010 by a coalition of school districts. A three-judge panel determined that the Kansas Legislature violated its constitutional duty to provide suitable funding for public schools. In their 326-page opinion

A three-judge panel determined the Kansas Legislature violated its constitutional duty to provide suitable funding for public schools.

they wrote, "It seems completely illogical that the state can argue that a reduction in education funding was necessitated by the downturn in the economy and the state's diminishing resources and at the same time cut taxes further, thereby reducing the sources of revenue on the basis of a hope that doing so will create a boost to the state's economy at some point in the future."

In response, the legislature changed the way appellate judges were appointed. They blocked Kansas Bar Association participation by eliminating the nine-member nominating commission who screened potential applicants before forwarding to the governor three finalists from which to choose. Now, Brownback and the legislature have sole authority to appoint judges at the appellate level. In addition, they plan to amend the Kansas Constitution. First, they hope to abolish judiciary oversight on school finance, guaranteeing that the legislature is the final word. And second, they want the governor and the senate to have exclusive power to appoint Supreme Court justices. Of course, they also appealed the 2013 decision by the three-judge panel, and in anticipation of that ruling by the Kansas Supreme Court, the behavior of some legislators was almost comical.

One lawmaker, Jerry Lunn, told state university officials to prepare for cuts to higher education. He warned if the Supreme Court orders an increase in funding for public schools, that the additional monies would be squeezed out of an already parched university system. Lunn told Kansas University Chancellor Bernadette Gray-Little, "You really do have a horse in this race" and suggested that she "talk to [her] friendly Supreme Court justices." In other words, a Kansas state official encouraged the chancellor to commit the crime of trying to influence the decision of a Supreme Court justice.

COURT RULES, LEGISLATORS RETALIATE

The long-awaited Supreme Court ruling came in March. While the justices did not rule on whether or not K-12 funding was adequate—remanding it back to the three-judge panel to consider further—they did rule that current funding was inequitable. They upheld the lower court’s decision that cuts made during the Great Recession were in violation of the Kansas Constitution because they inequitably affected low-income districts.

The legislature responded with House Bill 2506 increasing state funding to poorer districts by \$129 million. Included in the bill, however, came a host of con-

*Because of Brownback’s massive tax cuts,
just where this money will come from is a mystery.
State tax revenue has plummeted.*

troversial policy changes without warning or public hearing. HB 2506 eliminates tenure for teachers, reduces services for at-risk students, allows people without teaching degrees to teach math and science, and offers a tax credit to any business offering a scholarship to a private school. Additionally, regardless of the \$129 million, the new funding formula will result in the overall loss of funds for most Kansas school districts. Outrage at HB 2506 was best expressed to legislators at a forum where retired teacher Leota Coats stressed the importance of due process rights for teachers. She reminded them that in 1980 she’d been fired for refusing to change the failing grade of a high school football star. “A winning football team,” she said, “was more important than what was going on in my classroom.” Coats fought her firing to the Kansas Supreme Court and was reinstated.

House Bill 2506 might satisfy the judiciary on the issue of equity, but the question of adequacy is being deliberated by the three-judge panel for a second time. It’s difficult to believe that their decision won’t align with previous rulings ordering the state to increase K-12 funding by hundreds of millions of dollars. However, because of Brownback’s massive tax cuts, just where this money will come from is a mystery. State tax revenue for April, May, and June 2014 has plummeted a total of \$338 million below expectations, causing Moody’s Investors Service to downgrade state bonds. Tax shortfalls and other indicators confirm that Brownback’s economic policy is highly risky. Even Brownback’s Council of Economic Advisors, for which he serves as chairman, issued a report showing that Kansas is behind six states in the region in population, GDP, personal income, private-industry wage level, and private business establishment. How did the governor respond to this news? His spokesperson said, “Kansas is closing the gap with states in our surrounding region.”

HAS BROWNBACK HEARD OF KANSAS PROGRESSIVISM?

Restructuring the tax system to benefit the rich, politicizing the appointment of judges, narrowing the bargaining rights and protections for teachers, and enabling legislators to work behind closed doors are just a few examples of how the Brownback administration and other state governments operate today. They start from the paternalistic view that “management” will always be fair and impartial, and they jettison the system of checks and balances to upset the balance of power in their favor. They carry on as if they have no historical perspec-

Has Sam Brownback never heard of Kansas Progressivism? His brand of “trickle down” economics is bankrupting the state.

tive or foresight. Do they believe that their successors will all be like-minded, that every future legislature and governor will be of the same political persuasion? Has Sam Brownback never heard of Kansas Progressivism? His brand of “trickle down” economics is bankrupting the state, yet his brand of shortsightedness still trickles down to some college administrators who do not understand or choose to ignore the academic culture in which they work, and whose actions are attempts to dismantle shared governance, to weaken the faculty association, and to turn the teaching profession into a service industry. But worst of all, in their zeal for “efficiency,” these types of administrators treat students like inventory.

Unlike government officials and school administrators in our state, Kansas teachers have both foresight and historical perspective. This is one reason Kansas schools are great, but also why we can’t help but notice the parallels between Governor Brownback and a bygone leader. During the Great Depression, Herbert Hoover could not free himself from the prevailing economic theory of the Efficiency Movement of that era. Sam Brownback is on a similar trajectory. Teachers know it, and Kansans are growing tired of being Brownback’s “real live experiment,” as he described it on MSNBC’s Morning Joe. Unfortunately, some Kansans have grown so tired that they’re leaving. A kind of exodus has started, an outward migration according to the Census Bureau. Not only has this been covered by the media, but it is also evident to me as I watch good people leave Kansas, friends and colleagues, core faculty leaving or looking for work elsewhere.

Those who remain will continue to fight. As I write this, Kansas National Education Association is preparing its legal challenge to House Bill 2506 and its repeal of tenure. The troops are rallying because we know that Brownback’s first priority is not Kansas, it’s his political career. We know that long after the current governor is gone, we’ll all still be here doing what we know to be the best prac-

tices. We'll all still be teaching long after Brownback hits his inevitable political nadir. It won't be long before "Brownbackistan" takes its place alongside "Hooverilles" in the American lexicon. And, I look forward to teaching that. 

ENDNOTES

1. Alex, "Christie calls for teachers' union to forgo member dues." During an appearance on CNBC's *Squawk Box*, New Jersey Governor Chris Christie said, "I love the public schools, but the fact of the matter is there is excess and greed there."
2. Sciarra and Henderson, "What's the Matter With Kansas' Schools?"
3. "Shortchanging Kansas Schoolchildren."
4. "Brownback responds to *NY Times*."
5. Rothschild, "Dems blast website seeking examples of school waste."
6. Marso, "Brownback adds superintendent to schools task force."
7. "Editorial: K-12 Agenda."
8. "Editorial: What Meeting?"
9. Hancock, "Court: Kansas Legislature's level of funding for schools unconstitutional."
10. Rothschild, "GOP sounds alarm in school case," p. 1A.
11. Lefler, "Teachers, supporters give Kansas Lawmakers an earful at legislative forum."
12. "Kansas officials: June revenues miss mark by \$28M." Associated Press; Rothschild, "Moody's Investors Service downgrades state bonds, citing Kansas' sluggish economy, tax cuts." Rothschild, "Economic report shows Kansas lagging in numerous categories of growth." The Council of Economic Advisors report can be found at www.kansascommerce.com/DocumentCenter/View/4770. The six states Kansas was compared to include: Arkansas, Colorado, Iowa, Missouri, Nebraska, and Oklahoma. National coverage includes, among many others, Barro, "Yes, if You Cut Taxes, You Get Less Tax Revenue" and, Ingraham, "Tax cuts in Kansas have cost the state money – and job creation's been terrible."
13. Rothschild, "Experts say tax plan 'experiment' will be difficult to measure," pp. 1A, 2A.
14. Mann, "Census: More people moving out of Kansas than moving in."
15. "Editorial: KU Loss," and "KU professor and Lawrence school board member named dean of Utah architecture school."
16. Hancock, "KNEA still planning lawsuit over repeal of teacher tenure," and Hancock, "Davis calls for delay in further tax cuts."

WORKS CITED

- Alex, Patricia. 2010. "Christie calls for teachers' union to forgo member dues." *North Jersey.com*, (April 13). Accessed at: www.northjersey.com/news/041310_Christie_calls_for_teachers_union_to_forgo_member_dues.html.
- Barro, Josh. 2014. "Yes, if You Cut Taxes, You Get Less Tax Revenue" *New York Times*, (June 27). Accessed at: www.nytimes.com/2014/06/29/upshot/kansas-tax-cut-leaves-brownback-with-less-money.html?ref=business&_r=0
- "Brownback responds to *NY Times*." 2013. *Lawrence Journal World*, (October 30). Accessed at: www2.ljworld.com/news/2013/oct/30/your-turn-brownback-responds-ny-times/.
- "Editorial: KU Loss." 2014. *Lawrence Journal World*, (May 23). Accessed at: www2.ljworld.com/news/2014/may/23/editorial-ku-loss/.
- "Editorial: K-12 Agenda." 2014. *Lawrence Journal World*, (June 12). Accessed at: www2.ljworld.com/news/2014/jun/12/editorial-k-12-agenda/.

- “Editorial: What Meeting?” 2013. *Lawrence Journal World*, (February 22). Accessed at: www2.ljworld.com/news/2013/feb/22/editorial-what-meeting/
- Hancock, Peter. 2013. “Court: Kansas Legislature’s level of funding for schools unconstitutional.” *Lawrence Journal World*, (January 11). Accessed at: www2.ljworld.com/news/2013/jan/11/court-rules-plaintiffs-school-finance-case/
- Hancock, Peter. 2014. “Davis calls for delay in further tax cuts.” *Lawrence Journal World*, (July 1). Accessed at: www2.ljworld.com/news/2014/jun/30/davis-proposes-postponing-future-kansas-tax-cuts/
- Hancock, Peter. 2014. “KNEA still planning lawsuit over repeal of teacher tenure.” *Lawrence Journal World*, (July 1). Accessed at: www2.ljworld.com/news/2014/jul/01/knea-says-its-still-planning-lawsuit/
- Ingraham, Christopher. 2014. “Tax cuts in Kansas have cost the state money – and job creation’s been terrible.” *Washington Post*, (June 27). Accessed at: www.washingtonpost.com/blogs/wonkblog/wp/2014/06/27/tax-cuts-in-kansas-have-cost-the-state-money-and-jobs/
- “Kansas officials: June revenues miss mark by \$28M.” 2014. *Associated Press*, KSN-TV. (June 30). Accessed at: <http://ksn.com/2014/06/30/state-to-release-tax-collections-numbers/>
- “KU professor and Lawrence school board member named dean of Utah architecture school.” 2014. *Lawrence Journal World*, (April 16). Accessed at: www2.ljworld.com/news/2014/apr/16/ku-architecture-professor-named-dean-utah-architec/
- Lefler, Dion. 2014. “Teachers, supporters give Kansas Lawmakers an earful at legislative forum.” *The Wichita Eagle*, (April 28). Accessed at: www.kansas.com/2014/04/28/3428684/teachers-supporters-give-lawmakers.html
- Mann, Fred. 2014. “Census: More people moving out of Kansas than moving in.” *Kansas City Star*, (March 28). Accessed at: www.kansascity.com/news/local/article343447/Census-More-people-moving-out-of-Kansas-than-moving-in.html
- Marso, Andy. 2012. “Brownback adds superintendent to schools task force.” *Topeka Capital Journal*, (October 17). Accessed at: cjonline.com/news/2012-10-17/brownback-adds-superintendent-schools-task-force
- Rothschild, Scott. 2012. “Dems blast website seeking examples of school waste.” *Lawrence Journal World*, (October 19). Accessed at: www2.ljworld.com/news/2012/oct/19/dems-blast-website-seeking-examples-school-waste/
- Rothschild, Scott. 2013. “GOP sounds alarm in school case.” *Lawrence Journal World*, (November 4).
- Rothschild, Scott. 2014. “Economic report shows Kansas lagging in numerous categories of growth.” *Lawrence Journal World*, (March 31). Accessed at: www2.ljworld.com/news/2014/mar/31/economic-report-shows-kansas-lagging-numerous-cate/
- Rothschild, Scott. 2013. “Experts say tax plan ‘experiment’ will be difficult to measure.” *Lawrence Journal World*, (November 24).
- Rothschild, Scott. 2014. “Moody’s Investors Service downgrades state bonds, citing Kansas’ sluggish economy, tax cuts.” *Lawrence Journal World*, (May 1). Accessed at: www2.ljworld.com/news/2014/may/01/bond-rating-agency-downgrades-state-bonds-cites-sl/
- Sciarra, David and Wade Henderson. 2014. “What’s the Matter With Kansas’ Schools?” *New York Times*, (January 7). Accessed at: www.nytimes.com/2014/01/08/opinion/whats-the-matter-with-kansas-schools.html?_r=0
- “Shortchanging Kansas Schoolchildren.” 2013. *New York Times*, (October 13). Accessed at: www.nytimes.com/2013/10/14/opinion/shortchanging-kansas-schoolchildren.html