

# **Bond Case Briefs**

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## **TAX - KANSAS**

### **Petrella v. Brownback**

**United States Court of Appeals, Tenth Circuit - June 1, 2015 - F.3d - 2015 WL 3452663**

Students and their parents brought § 1983 action against various state officials, alleging that provision of Kansas School District Finance and Quality Performance Act (SDFQPA) which capped districts' ability to raise extra money by levying additional property taxes violated their constitutional rights. The United States District Court dismissed the suit for lack of standing. Plaintiffs appealed. The Court of Appeals for the Tenth Circuit vacated in part, reversed in part, and remanded. On remand, the District Court denied plaintiffs' motions for preliminary injunction and reconsideration, and granted in part officials' motions to dismiss. Plaintiffs appealed.

The Court of Appeals held that:

- Changes to state's system of school financing did not render the case moot;
- SDFQPA's cap provision did not violate plaintiffs' right to free speech;
- The cap did not violate plaintiffs' right to association;
- The cap was subject to rational basis, not strict scrutiny, standard of review; and
- Cap was enacted to meet legitimate government interest of promoting equity in education funding.