NO. 113,908

IN THE SUPREME COURT OF THE STATE OF KANSAS

LUKE GANNON,
by his next friends and guardians, *et al*.,
Plaintiffs/Appellees,

vs.

STATE OF KANSAS, *et al.*,
Defendants/Appellees,

and

SHAWNEE MISSION UNIFIED SCHOOL DISTRICT NO. 512,
Proposed Intervenor/Appellant.

RESPONSE BRIEF OF PLAINTIFFS/APPELLEES

Appeal from the District Court of Shawnee County, Kansas
Honorable Judges Franklin R. Theis, Robert J. Fleming, and Jack L. Burr
District Court Case No. 10-c-1569

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STATEMENT OF THE ISSUE

Did the three-judge panel abuse its discretion when it denied the motion to intervene filed by Shawnee Mission Unified School District No. 512 ("SMSD")? *See e.g. Montoy v. State of Kansas*, 278 Kan. 765, 765 (2005) ("Montoy III").

STATEMENT OF THE FACTS

A. Relevant Events Preceeding SMSD's Untimely Application to Intervene

SMSD's Statement of the Facts fails to acknowledge the timing of events preceding its application to intervene; presumably, it does so because those events dictate just how untimely SMSD's motion was. On **June 17, 2010**, Plaintiffs filed a Notice of Claims Pursuant to K.S.A. 72-64b02(a). R. Vol. 128, p. 67; R. Vol. 107, pp. 7087-7134. Plaintiffs, in part, attacked various aspects of Local Option Budgets ("LOBs"). R. Vol. 128, p. 67; Vol. 107, pp. 7094. Plaintiffs sought not only a judgment that the unconstitutional provisions of the formula be declared unconstitutional; they also explicitly requested that the State be enjoined from enforcing those provisions, including the provisions related to LOBs. R. Vol. 128, p. 67; Vol. 107, pp. 7096. Then, as they have throughout the entire history of this litigation, Plaintiffs represented the interests of *all* Kansas schoolchildren and *all* Kansas school districts in challenging the State's chronic, unconstitutional underfunding of education in Kansas.

On **December 10, 2010**, schoolchildren and parents of SMSD filed a lawsuit in federal court. R. Vol. 128, p. 71 (citing *Petrella v. Brownback*, No. 10-cv-02661, Doc.1 (D. Kan. Dec. 10, 2010)). Those plaintiffs were represented by the same attorneys now representing SMSD. Less than two weeks later, Plaintiffs filed a motion to intervene in that lawsuit. R. Vol. 128, p. 71. Within that request, Plaintiffs disclosed both the existence of this lawsuit and the fact that

they were the plaintiffs in the lawsuit. *Id.* Thus, counsel for SMSD has been aware of Plaintiffs' lawsuit since at least December of 2010. SMSD did not choose to seek to intervene in the lawsuit in 2010.

As a result of the claims alleged by Plaintiffs, on March 7, 2014, the Kansas Supreme Court ordered that, in part due to the operation of the provisions of the formula related to LOBs, the system was unconstitutional. The Kansas Supreme Court then instructed this Panel that if the Legislature failed to cure the constitutional inequities, "the panel should **enjoin operation of the local option budget funding mechanisms**, K.S.A. 2013 Supp. 72-6433 and 72-6434, **or enter such other orders as it deems appropriate.**" *Gannon v. State*, 298 Kan. 1107, 1250-52 (Kan. 2014) (emphasis added). At that time, SMSD was well aware that there was a risk that the Kansas courts would either order that LOB funding be enjoined or craft a remedy to the chronic unconstitutionalities present in the funding of Kansas public education.

An entire year after the Supreme Court's Order, and almost five years after Plaintiffs first requested relief in their notice of claims, SMSD sought to intervene in this matter. R. Vol. 28, pp. 3597-3621. The basis for intervening: <u>because Plaintiffs asked this Panel to enforce the Kansas Supreme Court's March 7, 2014 Order</u>. *See e.g.* R. Vol. 28, pp. 3598.

B. <u>SMSD's Motion to Intervene is Built on a False Premise: SMSD Does Not Receive Less Education Funding Than the Plaintiff School Districts</u>

Plaintiffs generally dispute the facts set forth by SMSD in its brief. Specifically SMSD misleads this Panel when it claims that it is "far behind Plaintiffs" in spending per pupil. SMSD contends that "Kansas school funding punishes property-wealthy districts by awarding them less per-pupil funding for the same tax effort, *even after* accounting for different student demographics." SMSD Brief, at p.2. But, SMSD's calculations are based on expenditures per

pupil available on the Kansas State Department of Education's website. R. Vol. 28, p. 3599. Those expenditures are calculated using Full-Time Equivalency ("FTE"). R. Vol. 128, p. 69, 76-80. Using FTE is misleading because it does not compare *similarly-situated* students. R. Vol. 128, p. 69.

SMSD represents to this Court that its calculations take into account "different student demographics." SMSD Brief, at p.2. But, dividing funding by *FTE*, rather than dividing that funding by *weighted enrollment*, as SMSD does, assumes that all students cost the same to educate. Vol. 128, p. 69. This is plainly false. As the SDFQPA's formula recognizes, all students do not cost the same to educate. *Id.* This is significant *because SMSD has less of the students that the current formula recognizes cost more to educate*. *Id.* For instance, Wichita (USD 259) is responsible for educating a group of students, of which 78.06% are considered economically disadvantaged. *Id.* Only 37.81% of SMSD's students are considered economically disadvantaged. *Id.* Not surprisingly, this has a significant effect on *weighted enrollment*. When weightings are taken into account, it becomes clear that SMSD receives more weighted, per-pupil funding than approximately 90% of Kansas school districts. *Id.* Out of 283 districts, SMSD is the 23rd highest funded district when per-pupil funding is properly computed using *weighted enrollment* as the divisor. *Id.* at p. 69, 81-88. When properly comparing funding based on weighted enrollment, it is clear SMSD is not nearly as underfunded as it asks this Court to assume for purposes of deciding this appeal. *Id.* at p. 69.

Plaintiffs' Exhibit 632 demonstrates how misleading SMSD's numbers are. *See* Appendix A: Plaintiffs' Exhibit 632; R. Vol. 131, at Ex. 632; R.Vol. 135, p.1413 (Order, filed 6/24/15, p.6).

Funding Per Weighted Pupil for 2014-15 Under Operation of SDFQPA					
District	**U.S.D. 259 (Wichita)**	**U.S.D. 500 (Kansas City)**	**U.S.D. 443 (Dodge City)**	**U.S.D. 308 (Hutchinson)**	**U.S.D. 512 (Shawnee Mission)**
Funding Per Pupil (FTE)	$10,058	$10,061	$10,608	$8,650	$8,988
Funding Per Weighted Pupil	$5,502	$5,400	$5,364	$5,259	$5,967

Adapted from R. Vol. 131 (cite to 5/4/15 Brief), at Ex. 632.

Comparing funding per FTE pupil, as SMSD does, suggests that SMSD is receive less funding than three of the four Plaintiff districts. However, properly comparing funding *per weighted pupil*, shows that SMSD is actually receiving the most money per pupil of all five school districts when demographics are taken into account. SMSD has:

- $465 more per weighted pupil than U.S.D. 259 (Wichita);
- $567 more per weighted pupil than U.S.D. 500 (Kansas City);
- $603 more per weighted pupil than U.S.D 443 (Dodge City); and
- $708 more per weighted pupil than U.S.D. 308 (Hutchinson).

R. Vol. 131 (cite to 5/4/15 Brief), at Ex. 632. SMSD's claim that they are among the lowest funded districts in Kansas would be akin to Charles Koch arguing that he is disadvantaged because he receives the least amount of food stamps of any Kansan. Any claim by SMSD that it receives *less funding* than the Plaintiff districts is designed to mislead and should not be a factual basis for concluding that intervention is appropriate.

C. SMSD Had Ample Opportunity to Participate in These Proceedings

SMSD requested intervention before the Panel set its May 2015 hearing. On the same date that the Court set the May 7, 2015 hearing, it provided SMSD with notice of that hearing. R. Vol. 128, pp. 17-20. In that same order, the Panel sustained SMSD's motion to intervene "for the limited purpose of participation in the pre-hearing" process. *Id.* at p. 18. It explicitly allowed SMSD to participate in the discovery process. *Id.*; SMSD Brief, at p.6. Prior to the May hearing, the Panel informed SMSD of its decision to deny intervention and invited SMSD "to enter an appearance as a friend of the Court in aid of a just decision." R. Vol. 130, at p. 110-15. SMSD "entered its appearance as a friend of the court, submitted two amicus briefs (one prior to the May 7-8 hearing and one after), and gave a brief [oral] argument at the hearing on May 8." SMSD Brief, at p.7. Plaintiffs dispute any allegations by SMSD that they were not given an opportunity to participate in these proceedings.

D. SMSD's Unsupported Factual Contentions Should be Disregarded by this Court

SMSD's brief contends several factual contentions that are wholly unsupported by the record on appeal. "The court may presume that a factual statement made without a reference to volume and page number has no support in the record on appeal." S. Ct. R. 6.02(a)(4). Therefore, Plaintiffs respectfully request that the Court disregard the following unsupported factual contentions, which have no support in the record on appeal:

- That SMSD's "voters have consistently made the choice to spend more on local education, even if it imposes a greater tax burden [based on] a desire by the taxpayers to voluntarily tax themselves more to try to achieve parity with better-funded districts that the state funds at higher levels." SMSD Brief, at p.8.

- SMSD dedicates a whole portion of its factual section to arguing that the Panel's relief adversely affects SMSD. *See e.g.* Brief, at pp. 7-9. However, SMSD has provided no support for its contention that it will receive *less* money under the Panel's order.

SMSD has offered no support, either before the district court or in its appellate briefing, for these contentions and they should be disregarded by the Court.

ARGUMENTS AND AUTHORITIES

A. Standard of Appellate Review

Intervention is a matter of judicial discretion. *Montoy III*, 278 Kan. at 766 (citing *Mohr v. State Bank of Stanley*, 244 Kan. 555, 561 (1989). "Judicial discretion is abused only when no reasonable person would take the view adopted by the trial court." *Id.* (citing *Varney Business Services, Inc. v. Pottroff*, 275 Kan. 20, 44 (2002). When a party seeks to intervene in a school finance lawsuit pursuant to K.S.A. 60-224(a), this Court should determine whether that judicial discretion was abused. *Montoy III*, 276 Kan. at 765-766 (analyzing a request for intervention pursuant to K.S.A. 60-224(a)).

B. The Panel Did Not Abuse Its Discretion in Denying SMSD's Motion to Intervene

Allowing a party to intervene in this lawsuit for the sole purpose of undermining this Court's previous orders with regard to the equity of school finance would unnecessarily clutter this already-complicated litigation. R. Vol. 128, p. 68. And, it would do so for no legitimate purpose.

SMSD seeks intervention under the guise of a conflict between SMSD and Plaintiffs over the proper remedy for the State's continued, unconstitutional funding of education. But, SMSD has a wholly unrelated agenda: to secure for itself the ability to raise unlimited local

funds for its own district through the elimination of the LOB Cap. *See* SMSD Brief, at p.18. SMSD's agenda has no place in this litigation. This Court has already declared that a constitutional funding system is one in which school districts "have reasonably equal access to substantially similar educational opportunity through similar tax effort." *Gannon*, 298 Kan. at 1175. And, this Court has already suggested that fully funding the formula, as it existed in K.S.A. 72-6405 *et seq*. (which included the LOB Cap) would meet that equity test. *Gannon*, 298 Kan. at 1198-99. If SMSD wanted to challenge the validity of the LOB Cap in this litigation, it should have intervened long ago. As the Panel found:

> It is far past time in this case, and this Court presents no forum at this point, to adjudicate anew the inequitable features, subject of remedy, affirmed to exist in *Gannon* . . . . U.S.D. No. 512 can bring no more substance to this proceeding as party than it could bring to it with a status as friend of the Court.

R. Vol. 130, at p. 113-14.

As it is, allowing SMSD to intervene would only allow it to opine as to how the remaining inequities should be resolved. By affirming the following district court finding, this Court has already indicated that a district court may deny a motion to intervene when all that remains is to determine a proper remedy:

> Kansans for the Separation of School and State had ample opportunity to file a motion to intervene prior to trial in this matter. This action has been pending for nearly five years. The facts have already been heard and determined in this action. A preliminary interim order was entered by this Court on December 2, 2003. This party did not file their motion to intervene until December 18, 2003. <u>All that remains is to determine a proper remedy</u>. As the motion to intervene is untimely, the Court hereby denies the request.

Montoy III, 278 Kan. at 276 (emphasis added).

Therefore, this Court should affirm the Panel's denial of SMSD's motion to intervene.

1. SMSD's Motion to Intervene Was Properly Denied Because It Was Untimely

SMSD sought intervention under both K.S.A. 60-224(a) and (b). Both subsections require timely application for intervention. R. Vol. 128, p. 70. If the application is untimely, "intervention must be denied." *Id.* SMSD's failure to timely request intervention *alone* was a sufficient basis for the Panel to deny SMSD's motion to intervene. *Id.* (citing *Ntoy v. State*, 278 Kan. 765 (2005) ("[A] prospective party's untimely application to intervene in an action is the same as voluntarily declining to intervene."); *Davis v. Prudential Property and Casualty Ins. Co.*, 961 F. Supp. 1496 (D. Kan. 1997)); *NAACP v. New York*, 413 U.S. 345, 365 (1973)).

SMSD filed a late request for intervention under the false premise that SMSD was previously unaware that intervention was necessary. But the request came an entire year after the Supreme Court ordered the very relief to which SMSD allegedly objected. R. Vol. 128, p. 70-71. And, it came almost five years after Plaintiffs first requested that relief in their notice of claims in June of 2010. R. Vol. 128, at p. 71. By any measure, SMSD's request is untimely. The Panel did not abuse its discretion in concluding that it "is far past time in this case" for SMSD to intervene. R. Vol. 130, at p. 113.[1]

"[T]he length of time since the applicant knew of [its] interest in the case" is an important factor in determining whether intervention is proper. *Utah Ass'n of Ctys. v. Clinton*, 255 F.3d 1246, 1250 (10th Cir. 2001)). SMSD, through its counsel, has known about this lawsuit since at least December of 2010. *See supra* Statement of Facts. In fact, SMSD all but admits that it knew of its interests at the outset of the litigation – but allowed Plaintiff School

[1] Moreover, this Court should ignore SMSD's contention that "timeliness" "never entered the Panel's analysis." Brief, at p. 20. A simple review of the Panel's Order reveals that this allegation is not true. R. Vol. 130, at p. 113-14.

Districts to do the toiling in the fields and "ripe[n]" the issues. R. Vol. 130, at p. 7. SMSD justifies that decision because it would be a "waste of precious resources" for SMSD to have intervened any earlier. *Id.* That does not change the fact that SMSD's intervention is untimely. Nor does it change the fact that the effects of Plaintiffs' lawsuit on the LOB were even more abundantly clear following the Kansas Supreme Court's March 7, 2014 Order. There, the Kansas Supreme Court instructed this Panel that if the Legislature failed to cure the constitutional inequities related to LOBs, "the panel should enjoin operation of the local option budget funding mechanisms, K.S.A. 2013 Supp. 72-6433 and 72-6434, or enter such other orders as it deems appropriate." *Gannon*, 298 Kan. at 1198-99. Nonetheless, SMSD still took no action to intervene in this lawsuit.

It is inexplicable why SMSD waited four years and three months before seeking to intervene in the lawsuit. And, SMSD offers no explanation, other than a half-hearted, unconvincing attempt to claim that they were unaware that LOBs could be affected until recently. The District of Kansas has denied intervention when sixteen months elapsed and the prospective interveners provided no justification for the delay. *See Harris v. Heubel Material Handling, Inc.*, No. 09-1136, 2011 U.S. Dist. LEXIS 33474 (D. Kan. Mar. 29, 2011). The same result is appropriate here.

Moreover, SMSD has improperly changed its theory on appeal to now claim that ***the Panel's remedy*** is the basis on which they seek to intervene. "[A] party cannot be permitted to change its theory or present issues which were not raised before the trial court." *See e.g. Burcham v. Unison Bancorp, Inc.*, 276 Kan. 393, at Syl. ¶6 (2003). If SMSD wanted to change the basis for seeking intervention based on the Panel's Order, the proper procedural method for

it do so would have been filing a post-judgment motion for reconsideration of the Panel's denial of the motion to intervene. *See e.g.* K.S.A. 60-259; K.S.A. 60-260. It did not do so, and this Court should not now entertain SMSD's changing theory on appeal.

Finally, SMSD, much like the appellant in *Montoy III*, relies on cases holding "that posttrial intervention is timely." These cases, however, "stand[] for the principle that intervention may be timely even after judgment *if* the party who represented the intervenor-applicant's interest at trial refuses to appeal, in which case the intervenor's interest would no longer be adequately represented by an existing party." *Montoy III*, 278 Kan. at 767 (internal citations omitted). The statute governing intervention (K.S.A. 60-224(a)) "has no application until such time as adequate representation ceases." *Id.* (citing *Hukle v. City of Kansas City*, 212 Kan. 627, Syl. P3, 512 P.3d 457 (1973)). As shown below, SMSD's interests in this lawsuit are adequately represented.

2. SMSD's Motion to Intervene Was Properly Denied Because Their Interests are Adequately Represented

"[R]epresentation is *adequate* when the objective of the applicant for intervention is identical to that of one of the parties." *City of Stillwell, Okla. V. Ozarks Rural Elec. Co-op. Corp.*, 79 F.3d 1038, 1042 (10th Cir. 1996) (internal citations omitted). SMSD admits that it shares the same objectives as Plaintiff: "the constitutionality of the state of Kansas' school finance formula." SMSD Brief, at p.11. Moreover, in its Proposed Petition, SMSD sought the exact same relief as Plaintiffs: a permanent injunction prohibiting Defendant from administering, enforcing, funding or otherwise implementing the unconstitutional provisions of the current funding formula. R. Vol. 128, at p. 72.

SMSD contends that, because Plaintiffs and SMSD are "adverse on equity," they must be allowed to intervene. But, Plaintiffs have merely asked (and continue to ask) that this Court's March 7, 2014 Order, which "succinctly" stated the applicable equity test, be enforced. *Gannon*, 298 Kan. at 1175. SMSD may disagree with the Court's order, but that does not justify intervention in this lawsuit, especially at this late date. Allowing a party to intervene for the sole purpose of undermining this Court's previous orders with regard to the equity of school finance would unnecessarily clutter this already-complicated litigation. *Kobach v. The United States Election Assistance Cmmsn.*, No. 13-cv-4095, 2013 U.S. Dist. LEXIS 173872 (D. Kan. Dec. 12, 2013) ("Where intervention 'clutter[s] the action' without aiding the current parties or issues, the application's motion to intervene may be denied.") (citations omitted). Since allowing intervention would serve no legitimate purpose, Plaintiffs respectfully request that this Court affirm the denial of SMSD's request to intervene.

3. SMSD Has Waived Any Ability to Challenge the Lack of Factual Findings

SMSD contends that the Panel made "no explicit factual findings." SMSD Brief, at p.9. To the extent SMSD intends to challenge whether the Panel's findings in its order were sufficient, SMSD has waived those arguments. If a party intends to challenge whether the district court properly entered factual findings, it must file a motion in district court invoking the judge's duty under Rule 165. *State v. Boleyn*, 297 Kan. 610, 630-631 (2013). This issue cannot be raised for the first time on appeal. *State v. Gibson*, 299 Kan. 207 (2014). SMSD filed no such motion with the district court and its arguments in this regard are waived.

4. The Panel Could Have Denied the Motion to Intervene For Numerous Reasons

If a trial court reaches the right result, its decision will be upheld even though the trial court relied upon the wrong ground or assigned erroneous reasons for its decision. *Montoy III*, 278 Kan. at 768 (citing *Bergstrom v. Noah*, 266 Kan. 847, 875-876 (1999)). As shown herein, there are numerous reasons that would justify denial of the motion to intervene – regardless if they are the reasons on which the Panel relied.

The Panel, for instance, could have denied intervention because allowing SMSD to intervene "would allow numerous third-parties [namely, other school districts] to seek intervention on the same bases." R. Vol. 128, at p. 73 (citing *Hodes v. Moser*, No. 2:11-cv-02365, 2011 U.S. Dist. LEXIS 112186 (D. Kan. Sept. 29, 2011)). If SMSD were allowed to intervene, every school district with an opinion as to the remedy would also want to join this litigation. And, given that *all* Kansas school districts are underfunded at this time, such a result is highly likely. Unfortunately, the State has caused a situation in which school districts are now arguing over which is *the most* underfunded. R. Vol. 128, at p. 69-70. But, this lawsuit would not be aided by joining each and every school district and allowing them to ponder how best to remedy the State's unconstitutional funding levels. Such a result would "unnecessarily delay the underlying lawsuit and prejudice the parties." *See Hodes*, 2011 U.S. Dist. LEXIS 112186. Considering that allowing SMSD to intervene would have significantly hindered the parties, the lawsuit, and judicial economy would be significantly hindered, the Panel did not abuse its discretion in denying the motion.

Moreover, Plaintiffs urged the Panel to deny the motion to intervene because SMSD's proposed pleading was defective. As recognized by counsel for SMSD in their opposition to

Plaintiffs' motion to intervene in the *Petrella* lawsuit: "A motion to intervene will thus be denied where the proposed complaint-in-intervention fails on its face to state a cognizable claim." *Petrella*, Case No. 10-cv-02661, Doc. 22, at p. 6 (D. Kan. Jan. 6, 2011) (citing *Holmes v. Boal*, 2005 WL 2122315, *2 (D. Kan. 2005)). R. Vol. 128, at p. 73. SMSD has proposed to file a defective pleading that does not comply with K.S.A. 72-64b02(a). *Id.* Any party, such as SMSD, who intends to file a lawsuit alleging violations of Article 6 of the Kansas Constitution must file appropriate notice before doing so. *Id.* (citing K.S.A. 72-64b02(a)). Otherwise, "no action shall be commenced." *Id.* Therefore, it was inappropriate to allow SMSD to intervene because its proposed pleading was defective and the Panel did not abuse its discretion in denying the motion.

C. SMSD Was Not Denied "Due Process"

SMSD contends that it was denied "due process" by relying on a concurring opinion in a non-binding United States Supreme Court opinion. Brief, at pp. 15-17. These arguments should be disregarded. First, SMSD's arguments are premised upon the basis that it has lost some property (*i.e.* – funding) by way of the Panel's Order. SMSD has offered no factual support for this contention, however, and it should be disregarded. *See supra* Statement of Facts. Second, SMSD cannot show that it was not given all the process it was due. *Jenkins* specifically discussed the process due in terms of whether the affected parties were "served with process" or "heard in court." SMSD Brief, at p.17 n.3 (citing *Missouri v. Jenkins*, 495 U.S. 33, 66 (1990) (Kennedy, J. concurring)). SMSD received both. SMSD requested intervention before the Panel set its May hearing. On the same date that the Court set the May 7, 2015 hearing, it provided SMSD with notice of that hearing. R. Vol. 128, pp. 17-20. The Panel

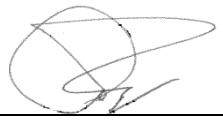
sustained SMSD's motion "for the limited purpose of participation in the pre-hearing" process. *Id.* at p. 18. It explicitly allowed SMSD to participate in the discovery process. *Id.*; SMSD Brief, at p.6. Prior to the May hearing, the Panel informed SMSD of its decision to deny intervention and invited SMSD "to enter an appearance as a friend of the Court in aid of a just decision." R. Vol. 130, at p. 110-15. SMSD "entered its appearance as a friend of the court, submitted two amicus briefs (one prior to the May 7-8 hearing and one after), and gave a brief argument at the hearing on May 8." SMSD Brief, at p.7. It is unclear what further process SMSD contends that it was due. If SMSD did not use these numerous opportunities to communicate with the Panel to effectively represent itself, the fault lies with SMSD – not the Panel. SMSD was denied no due process.

CONCLUSION

For reasons stated above, Plaintiffs respectfully request this Court affirm the Panel's denial of Appellant's motion to intervene.

Dated this 11th day of September, 2015.

Respectfully submitted,



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I hereby certify that on this 11th day of September, 2015, I sent two copies of the foregoing to each the following addresses via U.S. First Class Mail, postage prepaid to:

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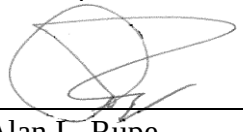

Alan L. Rupe

APPENDIX A:
Plaintiffs' Exhibit 632

2014-15 Kansas School Finance Scheme Under SDFQPA

		U.S.D. 259 Wichita	U.S.D. 500 Kansas City	U.S.D. 443 Dodge City	U.S.D. 308 Hutchinson	USD 512 Shawnee Mission
1.	**Enrollment**	46373.3	20229.2	6364.6	4852.5	26248.2
2.	**+ At Risk 4 year olds**	963.5	285.0	78.5	30.0	53.0
3.	**+ Low enrollment weighting**	0	0	0	0	0
4.	**+ High enrollment weighting**	1658.7	718.8	225.8	171.1	921.6
5.	**+ Bilingual weighting**	2367.3	1630.1	897.0	43.9	425.6
6.	**+ Vocational (Career Tech) weighting**	788.4	370.4	139.4	114.4	352.6
7.	**+ At-risk weighting**	15356.3	8144.6	2232.1	1276.3	3654.8
8.	**+ High Density at-risk weighting**	3536.0	1875.4	514.0	293.9	0
9.	**+ New facilities weighting**	55.8	0	0	0	0
10.	**+ Transportation weighting**	2173.2	466.3	458.9	9.7	813.0
11.	**+ Virtual student weighting**	240.5	0	0	17.1	0
12.	**+ Ancillary local levy weighting**	0	0	0	0	0
13.	**+ Special Education weighting**	11258.0	3969.6	1676.5	1172.2	4888.5
14.	**+ Declining enrollment local levy weighting**	0	0	0	0	827.4
15.	**+ KAMS weighting**	2.0	0	0	0	1.0
16.	**+ Cost of living local levy weighting**	0	0	0	0	1348.0
17.	**= Total Weighted Enrollment**	84773.0	37689.4	12586.8	7981.1	39533.7
18.	**x Base State Aid Per Pupil ($3852)**	$3852	$3852	$3852	$3852	$3852
19.	**= Legal General Fund***	$326,545,596	$145,179,569	$48,484,354	$30,743,197	$152,283,812
20.	**Authorized Local Option Budget Percentage**	30%	30%	30%	30%	33%
21.	**Actual LOB Percent Actually Used**	30%	29.96%	29.59%	28.56%	33%
22.	**x Legal General Fund *Re-computed (at $4490) less Virtual***	$372,359,252	$166,692,671	$55,445,114	$35,010,482	$181,655,764
23.	**= Legal LOB**	$111,707,776	$49,940,047	$16,408,181	$10,000,000	$59,946,402
24.	**Capital Outlay Taxes Levied Locally**	$20,570,509 (8 mills)	$5,326,806 (7.989 mills)	$1,659,459 (8 mills)	$820,618 (3.998 mills)	$23,682,958 (8 mills)
25.	**Capital Outlay Equalization**	$7,611,088	$3,089,547	$962,486	$410,309	0
26.	**Legal General Fund + Legal LOB + Capital Outlay**	$466,434,969	$203,535,969	$67,514,480	$41,974,124	$235,913,172
27.	**Funding Per Pupil (FTE)**	$10,058	$10,061	$10,608	$8,650	$8,988
28.	**Funding Per Weighted Pupil**	$5,502	$5,400	$5,364	$5,259	$5,967

*Dodge City and Kansas City subject to republication

Data from KSDE 2014-15 Legal Max 11/6/2014 and KSDE 2/16/2015 Capital Outlay Aid FY15.xlsx

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