

IN THE THIRD JUDICIAL DISTRICT  
DISTRICT COURT OF SHAWNEE COUNTY KANSAS  
CIVIL DEPARTMENT

LUKE GANNON,  
By his next friends and guardians, *et al.*,

Plaintiffs,

v.

STATE OF KANSAS,

Defendant.

Case No.: 10-C-1569

**AFFIDAVIT OF DR. CYNTHIA LANE**

The undersigned, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of 18 and have personal knowledge of each of the facts set forth in this affidavit. If called to testify, I could and would competently testify thereto. I understand that I am submitting this affidavit for use in the above proceeding.

2. I am Superintendent of the Kansas City, Kansas school district, Unified School District 500 (U.S.D. 500) and have held this position since 2010. I am familiar with the State of Kansas' school finance system, with the adoption of House Bill 2506 (H.B. 2506), with the adoption of House Substitute for Senate Bill 7 (S.B. 7), and with the effects of both of those laws on U.S.D. 500's budgeting and financial position.

3. U.S.D. 500 was promised approximately \$3,085,665.00 in capital outlay equalization money by operation of H.B. 2506, as well as approximately \$35,747,086.00 in local option budget equalization aid.

4. On February 24, 2015, U.S.D. 500 received only \$1,713,040.00 of the total amount of capital outlay equalization money promised to it in H.B. 2506. That is only 56% of the capital outlay equalization money to which the district was entitled. In addition, to date, U.S.D. 500 has received



only \$28,577,112.00 of local option budget equalization aid money it was promised in H.B. 2506. That is only 80% of the local option budget equalization aid money to which the district was entitled.

5. U.S.D. 500 is currently \$8,546,481.00 short of the equalization money to which it is entitled under operation of H.B. 2506.

6. The loss of the funding promised in H.B. 2506 required U.S.D. 500 to immediately defer maintenance that includes roof replacement/repair of \$1.2 million; concrete and asphalt repair of \$600,000; plumbing and sheet metal replacement of \$200,000; asbestos abatements of \$70,000; HVAC control upgrades and boiler replacements of \$75,000; replacement of aging ceilings, floors, doors, and locks of \$50,000. In addition, the district cancelled a planned replacement of the student information system.

7. Allowing the State to implement S.B. 7 will result in an additional decrease of approximately \$2,631,200.00 in funding to U.S.D. 500.

8. The FTE enrollment for FY 14 in U.S.D. 500 was 20,109.8. The FTE enrollment for FY 15 was 20,514.2. The anticipated FTE enrollment for FY 16 is 21,000.

9. Based on these numbers, the district expects increased costs to provide a suitable education to an increasing number of students. S.B. 7 does not provide additional funding in response to increased enrollment. However, enrollment in U.S.D. 500 is always increasing; average growth for the district is 500 students annually. There are significant costs that are associated with increasing enrollment, and those costs will not be offset by additional funding under the operation of S.B. 7. For instance, to hire additional teachers to educate an additional 500 students would cost the district approximately \$2,200,000. Under S.B. 7, the district will receive no increase in funding associated with the expected increase in enrollment.

10. Nonetheless, because of the recent decrease in funding to U.S.D. 500, the district, in addition to the cuts discussed in Paragraph 6, also expects to defer necessary expansions to services in early childhood intervention as well as implementation of key aspects of the district's college and career pathways (estimated cut of \$4,000,000); implementation of the Diploma+ program will be put on hold (estimated cut of \$3,600,000); and additional necessary technology replacement will be deferred totaling \$6,500,000 over the course of S.B. 7's expected term. These budget reductions are being considered solely because of the reductions in funding and not because they are anticipated to increase educational opportunity.

11. These cuts have also affected the district's ability to provide an education that meets the *Rose* factors as required by the Kansas Supreme Court, affecting almost every factor. Especially, however the anticipated cuts and delays to the district's college and career pathways and the Diploma+ programs impact the district's ability to provide "sufficient training or preparation for advanced training in either academic or vocational fields...to enable each child to choose and pursue life work" and "sufficient levels of academic or vocational skills to enable public school students compete favorably with their counterparts in surrounding states, in academics and the job market."

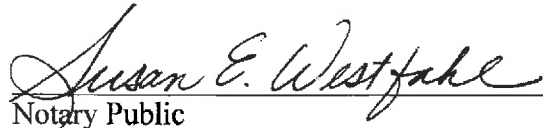
FURTHER AFFIANT SAITH NOT.

  
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Dr. Cynthia Lane

STATE OF KANSAS    )  
                                  ) ss:  
COUNTY OF Wy    )

SUBSCRIBED AND SWORN to before me this 23 day of April, 2015 by Dr. Cynthia Lane.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

  
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Notary Public

My Commission Expires: *4-29-2017*

Susan E. Westfahl  
Notary Public  
State of Kansas  
My Appointment Expires: *4/29/2017*