

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. SHELLY KIBLINGER**

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 Hutchinson, Kansas school district, Unified School District 308 (U.S.D. 308) and have held this position since 2011. 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. 308's budgeting and financial position.

3. Under H.B. 2506, although there was a \$14.00 increase to the Base State Aid Per Pupil ("BSAPP"), U.S.D. 308 lost money in its general fund because the weighting for part-time at-risk and non-proficient students was removed from the formula. Had enrollment and weightings remained static, this change would have resulted in a net loss of approximately \$144,844.00 to U.S.D. 308's general fund. However, given changes that occurred in U.S.D. 308's enrollment and weightings, the actual loss was approximately \$132,132.00. The district had expected to gain



approximately \$207,305.00 in capital outlay equalization. Thus, while the funds are separate, U.S.D. 308 expected a net gain of approximately \$60,000.00 to \$72,000.00.

4. On February 24, 2015, U.S.D. 308 received only \$227,501.00 of the total amount of capital outlay equalization money promised to it in H.B. 2506. That is only 55% of the capital outlay equalization money to which the district was entitled. Furthermore, to date U.S.D. 308 has received \$5,164,800.00 in local option budget equalization money. That is only 80% of the local option budget equalization money to which the district was entitled pursuant to H.B. 2506.

5. U.S.D. 308 is currently approximately \$1,474,008.00 short of the equalization money to which it was entitled pursuant to H.B. 2506. This amount is composed of the following amounts:

- a. An approximate \$123,093.00 reduction in capital outlay aid equalization pursuant to S.B. 7;
- b. An approximate \$193,680.00 reduction in LOB equalization aid pursuant to S.B. 7;
- c. Approximately \$59,715.00 in capital outlay equalization that is still due in June 2015, even if S.B. 7 is allowed to take effect; and
- d. Approximately \$1,097,520.00 in LOB equalization aid that is still due in June 2015, even if S.B. 7 is allowed to take effect.

6. Thus, allowing the State to implement S.B. 7 will result in a decrease of approximately \$317,733.00 in equalization funding to U.S.D. 308 for the 2014-2015 school year, assuming the State complies with its remaining obligations for payments in June 2015 pursuant to S.B. 7.

7. The FTE enrollment for the 2013-2014 school year in U.S.D. 308 was 4,880.5. The FTE enrollment for the 2014-2015 school year was 4,821.1. The anticipated, or estimated and projected, FTE enrollment for the 2015-2016 school year is approximately 4,825.

8. The weighted enrollment for the 2013-2014 school year in U.S.D. 308 was 7,923.5. The weighted enrollment for the 2014-2015 school year was 7,860.4. The anticipated, or estimated and projected weighted enrollment for the 2015-2016 school year is approximately 7,800.

9. As these numbers indicate, the number of students that U.S.D. 308 is tasked by the Kansas Constitution with providing a suitable education has not changed substantially, nor have the actual costs and needs of those students changed significantly as captured by the weightings in the SDFQPA's formula.

10. Because of the recent decreases in funding to U.S.D. 308, and the anticipated decreases should S.B. 7 be allowed to take effect, the district is planning significant cuts to resources and planning to implement tax increases in order to shore up the deficiencies caused by the lack of state funding. Current budget reductions are estimated and anticipated at \$460,720.00, and include: (a) reduced office equipment at the district's facilities; (b) the elimination of three elementary instructional coaches; (c) the elimination of one middle school librarian; (d) the elimination of one high school teacher; (e) the elimination of a secretarial position at the Administration Office Business Center; and (f) the elimination of a Maintenance and Grounds/Warehouse position. These budget reductions are being implemented solely because of the reductions in funding and not because they are anticipated to increase educational opportunity.

11. The elementary instructional coaches whose positions will be eliminated had the primary role of providing professional training to classroom teachers so that those teachers could specifically target their instructional interventions to increase the gains that at-risk (minority, ESL, and free-school-lunch receiving) students could achieve. In my experience as an educator, such coaches are crucial in helping turn around a school that is not providing a suitable education to all of its students and making that school an effective learning environment for all of its students.

12. Given the continued lack of state funding, the reduction of the middle school library will mean that the middle school has gone from two librarians to none over the course of 2 years. The librarian who is being eliminated also taught library science and assisted classrooms and their instructors with research assignments and resources. As a result of these cuts, such research services and training will no longer be available to middle school students.

13. In addition to these cuts, U.S.D. 308 is also being forced to consider additional cuts if S.B. 7 is allowed to take its anticipated course. For example, the district is contemplating reducing one section of kindergarten through sixth grade in the district. This change will require the redrawing of building district boundaries and result in the elimination of at least seven teaching positions, and concomitant increases in class sizes. The district is further considering reducing the number of teachers in the middle school and high school for the 2016-2017 school year, and changing from an eight period day to a seven period day. This change is being contemplated solely because of the decreased funding and not because the change will increase educational opportunity.

14. These anticipated changes would likely cause 350 elementary school children to be moved from their present school to a different facility. Such transitions are not conducive to the provision of a suitable education, especially for children of poverty and other at-risk students. The more at-risk factors that a student has, the more likely a transition such as a move from one school to another will cause truancy, social maladjustment, and ultimately, lower academic achievement. In addition, the schedule changes contemplated will result in limited opportunities for other enrichment activities such as art, vocal music, and band. Students will be forced to select perhaps only one amongst such activities because the shortened schedule will not allow them to take more than one.


15. These spending cuts have specifically affected the district's ability to provide an education that meets the *Rose* factors as required by the Kansas Supreme Court in the following ways:

a. Reductions to the middle school librarian positions reduces the district's ability to provide its students with the research skills necessary to have "sufficient oral and written communication skills to enable students to function in a complex and rapidly changing society" 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."

b. Potential changes to the school schedule will almost certain affect the students' ability to obtain a "sufficient grounding in the arts to enable each student to appreciate his/her cultural and historical heritage" and will affect the effectiveness of other classes' ability to provide "sufficient knowledge of economic, social and political systems to enable the student to make informed choices"; "sufficient understanding of governmental processes to enable students to understand the issues that affect the community, state and nation;" "sufficient knowledge for students' mental and physical wellness;" and "sufficient training or preparation for advanced training in either academic or vocational fields...to enable each child to choose and pursue life work[.]

c. Indeed, the anticipated reductions are expected to impact almost every criteria set forth by the Kansas Supreme Court as constituting a suitable education.

FURTHER AFFIANT SAITH NOT.

  
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Dr. Shelly Kiblinger

STATE OF KANSAS    )  
  ) ss:  
COUNTY OF Reno    )

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of April, 2015 by Dr. Shelly

Kiblinger.

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

Mary Carson  
Notary Public

My Commission Expires:

