

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DIANE PETRELLA, *et al.*,  
Plaintiffs.

vs.

CASE NO. 10-CV-2661-JWL-KGG

SAM BROWNBACK, Governor of Kansas, in his  
official capacity, *et al.*,

Defendants,

and

L.G., by his next friends and guardians, Jeff and  
Meredith Gannon, *et al.*,

Intervenor-Defendants.

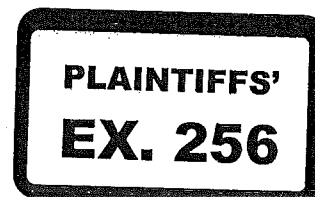
**AFFIDAVIT OF DR. CYNTHIA LANE**

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 declaration. 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 ("USD 500" or the "District"), and have held this position since 2010. I am familiar with the State of Kansas' school financing system and USD 500's budgeting process and financial position.

3. The Kansas City, Kansas Public Schools has been forced to respond to a reduction of over \$21 million in state funding over the past two years. This drastic loss of funding has been compounded by a corresponding decrease in assessed valuation, and increases in health insurance costs of over \$5 million.



4. The district's primary strategy for absorbing the decrease in funding has been through cuts in staff, primarily teaching staff. In the 2008-2009 school year, the district cut 136 teaching positions, six principal and assistant principal positions, and 33 other central office and support positions. These cuts saved \$11.5 million.

5. In addition, the district has made the following major cuts:

a. Eliminated tuition for Teaching Fellows (non-traditional teaching candidates in difficult to fill positions, for whom we paid tuition). This eliminates funding for a program that was bringing in excellent teaching candidates to work in hard-to-fill areas such as math, science and special education.

b. Reduced budgets for maintenance and repair, transportation, and Technical Information Services. In some cases, the inability to perform timely maintenance has created larger problems for us, given the age of many of our buildings.

c. Reduced tuition for students attending vocational programs at the Technical Education Center, thus reducing the vocation education opportunities available to our students.

d. Reduced funding for Special Education by \$1,000,000.

e. Reduced the funds set aside to cover workers' compensation claims by \$1,000,000. As of now, the district runs the risk of not having sufficient resources set aside to cover such claims.

f. Cut preschool to 4 days per week in order to save on transportation costs.

g. Reduced the travel expenses allowed for professional development purposes.

h. Eliminated the uniform allowance. This is a safety issue because uniforms helped our staff to identify who was in the building

6. If the District is forced to make additional cuts for this year, as it appears is a

strong possibility, the District is considering the following:

a. Making salary adjustments. This is an extremely difficult choice to make because the district already struggles to be competitive with salaries in neighboring districts, and this will just make that situation even worse.

b. Reducing instructional support. As the District works to continue to make academic improvements, instructional support to schools is crucial. Reducing this support will make it even harder for the District to meet the state targets.

c. Superintendent's reorganization.

d. Further reducing the workers' compensation set aside.

e. Eliminating pilot school support.

f. Accessing the Board of Education's contingency reserve. The USD 500 Board of Education has worked hard to be fiscally responsible and to have funds set aside that could be tapped in an emergency. Using contingency funds now would eliminate our ability to respond to emergencies in the future.

g. Changing the District's transportation guidelines to the state limits for middle and high school students. Currently, the USD 500 Board of Education has reduced the distances in the state guidelines in order to respond to community needs and to ensure the safety of students.

h. Eliminating the School Resource Officer program, which would significantly impact the atmosphere in District buildings.

i. Instituting a one-day furlough.

j. Eliminating or reducing athletic, band, and vocal music programs in middle schools and high schools. Because many students are significantly motivated to attend school by these programs, reducing or eliminating these programs would significantly impact our student

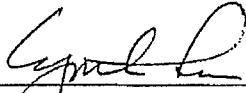
body, as well as our community.

6. If the cap on the Local Option Budget is removed, the district would be significantly and severely impacted. Kansas City, Kansas is located in a metropolitan area of more than a million people. The KC Metro area is a very competitive marketplace for staff. In the years before the *Montoy* decision, the district lost an average of 150-200 staff (primarily teachers and administrators) who left to work for a neighboring district, where they frequently were able to get an immediate \$5,000 - \$10,000 pay raise. The district lost experienced staff, who were usually replaced with less experienced individuals, and incurred additional costs to train the new staff. With the additional resources provided by the *Montoy* decision, the district was able to increase staff salaries to a level competitive with other surrounding districts. Many of those additional resources are no longer available.

8. Surrounding districts have the highest mill levy in the area, but Wyandotte County has the lowest assessed valuation in the region. This mean that, if the cap on the Local Option Budget is removed, surrounding districts will be able to raise significant resources from their patrons, while USD 500 would likely be unable to get patrons to agree to even a modest increase in the LOB. USD 500 would return to having a non-competitive salary structure, and would again facing losing the teaching talent it needs to get all students to high levels of achievement.

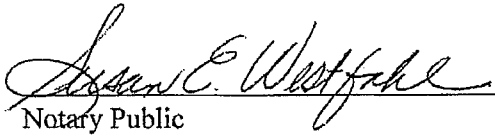
FURTHER AFFIANT SAITH NOT.

STATE OF KANSAS )  
 ) ss:  
COUNTY OF WYANDOTTE )

  
\_\_\_\_\_  
Dr. Cynthia Lane

SUBSCRIBED AND SWORN to before me this 7 day of February, 2011 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.

  
Notary Public

My Commission Expires:

**Susan E. Westfahl**  
**Notary Public**  
**State of Kansas**  
My Appointment Expires: 4-29-2013