

HITE, FANNING & HONEYMAN L.L.P.
100 North Broadway, Suite 950
Wichita, Kansas 67202
Telephone: (316) 265-7741
Facsimile: (316) 267-7803

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

LUKE GANNON, *et al*,

Plaintiffs,

v.

THE STATE OF KANSAS,

Defendant.

Case No. 10-C-1569

Pursuant to K.S.A., Chapter 60

**THE STATE OF KANSAS' ANSWERS TO
PLAINTIFF'S FIRST INTERROGATORIES**

INTERROGATORY NO. 1: Please IDENTIFY the Kansas school districts you contend are adequately funded pursuant to Article 6, Section 6 of the Kansas Constitution.

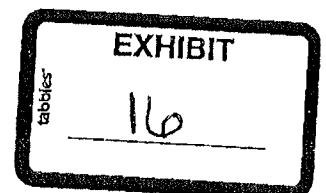
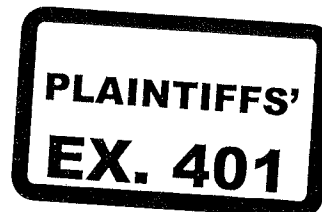
ANSWER:

Objection, the matter at issue is not adequate funding, but suitable provision of financing of K-12 public education in Kansas. The state contends it has made such suitable provision for all school districts.



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INTERROGATORY NO. 2: Please state whether you have complied with K.S.A. 72-8814 for fiscal year 2009-10. In doing so, please IDENTIFY any statutory duties required of you



under K.S.A. 72-8814; whether those duties have been fulfilled; and if not, an explanation of why such duty has not been fulfilled.

ANSWER:

The State complied with K.S.A. 72-8814 for the fiscal year 2009-10. The legislature was not required to fund the "school district capital outlay state aid fund" (COF) for fiscal year 2009-10. The appropriation bill for that fiscal year does not expressly address the COF. However, to the extent the COF was funded by that appropriation bill, its funding was removed by subsequent allotment.

[Parenthetically, the state board did not certify the director of accounts and reports the entitlements of school district under K.S.A. 72-8814(c) until after fiscal year 2009-10 ended because the COF was not funded. Thus, had any funds been appropriated for the COF for the fiscal year, they were reappropriated and were no longer available for transfer under K.S.A. 72-8814(c) after the end of 2009-10 fiscal year.]

INTERROGATORY NO. 3: Please IDENTIFY all Kansas school districts entitled to payment from the school district capital outlay state aid fund for fiscal year 2009-10, pursuant to K.S.A. 72-8814b.

ANSWER:

None.

INTERROGATORY NO. 4: Do you contend that any actions, including, but not limited to, any statutes, senate bills, house bills, gubernatorial mandates, and/OR allotments, have amended K.S.A. 72-8814b OR nullified the distributions mandated for 2009-10 by K.S.A. 72-8814b? If yes, IDENTIFY those actions.

ANSWER:

Distributions were not mandated by K.S.A. 72-8814b for fiscal year 2009-10.

INTERROGATORY NO. 5: Please IDENTIFY the PERSON OR PERSONS most knowledgeable about the following subjects: (1) any achievement gap identified among students enrolled in public schools in the State of Kansas; (2) achievement testing of students enrolled in public schools in the State of Kansas; (3) the adequacy of the current SCHOOL FUNDING FORMULA under Article 6, Section 6 of the Kansas Constitution; (4) the equity of the current SCHOOL FUNDING FORMULA under Article 6, Section 6 of the Kansas Constitution; (5) the suitability of the current SCHOOL FUNDING FORMULA; and (6) the actual cost of providing an EDUCATION to a Kansas school child.

ANSWER:

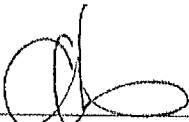
The State doesn't know and does not believe that there is any reasonable way to determine who is "most knowledgeable" on the subjects.

INTERROGATORY NO. 6: Please IDENTIFY all actions OR enactments, including, but not limited to, statutes, senate bills, house bills, gubernatorial mandates, and/OR allotments, which resulted in a change to the BSAPP between the years 2005 and 2010.

ANSWER:

Objection, the amendments of K.S.A. 72-6410(b)(1) are equally available to plaintiffs.

Subjection to this objection, see 2006 Kan. Sess. Laws ch. 197, § 11, 2008 Kan. Sess. Laws ch. 172, § 6,

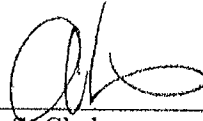


Arthur S. Chalmers

INTERROGATORY NO. 7: Please IDENTIFY any and all studies, research, OR other actions taken by the State of Kansas to determine the actual cost of providing an EDUCATION to students enrolled in Kansas public schools between the years 2005 and 2010.

ANSWER:

Objection: It is understood that the phrase “by the State of Kansas to determine” seeks information from the Kansas Legislature concerning its school finance appropriations for fiscal years starting 2005 through 2010. As such, the interrogatory attempts to invade the legislature’s privilege. Furthermore, the undefined phrase “studies, research, OR other actions” makes the interrogatory overly broad and burdensome. Finally, “studies, research, OR other actions” that do not concern present and future funding of Kansas public schools are not relevant to the subject matter of this litigation.



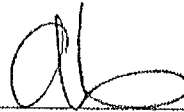
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INTERROGATORY NO. 8: Please IDENTIFY all actions taken by the LEGISLATURE during the 2006 legislative session to ensure EDUCATION was given first priority pursuant to K.S.A. 72-64c03.

ANSWER:

Objection: The interrogatory attempts to invade the legislature’s privilege.

Subject to the stated objection, see 2006 Kan. Sess. Laws ch(s). 142, 197 & 216.



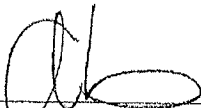
Arthur S. Chalmers

INTERROGATORY NO. 9: Please IDENTIFY all actions taken by the LEGISLATURE during the 2007 legislative session to ensure EDUCATION was given first priority pursuant to K.S.A. 72-64c03.

ANSWER:

Objection: The interrogatory attempts to invade the legislature's privilege.

Subject to the stated objection, see 2007 Kan. Sess. Laws ch(s). 167, 185 & 201.



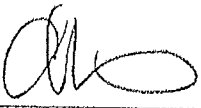
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INTERROGATORY NO. 10: Please IDENTIFY all actions taken by the LEGISLATURE during the 2008 legislative session to ensure EDUCATION was given first priority pursuant to K.S.A. 72-64c03.

ANSWER:

Objection: The interrogatory attempts to invade the legislature's privilege.

Subject to the stated objection, see 2008 Kan. Sess. Laws ch(s). 131, 172 & 184.



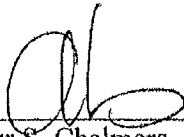
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INTERROGATORY NO. 11: Please IDENTIFY all actions taken by the LEGISLATURE during the 2009 legislative session to ensure EDUCATION was given first priority pursuant to K.S.A. 72-64c03.

ANSWER:

Objection: The interrogatory attempts to invade the legislature's privilege.

Subject to the stated objection, see 2009 Kan. Sess. Laws ch(s). 2, 60, 124, 139 & 144.



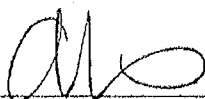
Arthur S. Chalmers

INTERROGATORY NO. 12: Please IDENTIFY all actions taken by the LEGISLATURE during the 2010 legislative session to ensure EDUCATION was given first priority pursuant to K.S.A. 72-64c03.

ANSWER:

Objection: The interrogatory attempts to invade the legislature's privilege.

Subject to the stated objection, see 2010 SENATE Substitute for HOUSE BILL No. 2354; and any other appropriation law.




Arthur S. Chalmers

INTERROGATORY NO. 13: Please IDENTIFY any and all DOCUMENTS, notes, correspondence and memoranda relied upon OR referenced in your response to these interrogatories.

ANSWER:

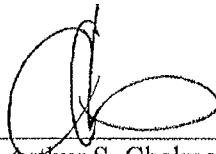
Objection: The interrogatory seeks to invade counsel for the State's mental processes, seeks identification of protected work product, and seeks to invade the State's attorney/client privilege communications.



Arthur S. Chalmers

HITE, FANNING & HONEYMAN L.L.P.

By: _____



Arthur S. Chalmers #11088

Gaye B. Tibbets # 13240

Jerry D. Hawkins # 18222

Rachel E. Avey # 23767

E-mail:

chalmers@hitefanning.com

tibbets@hitefanning.com

hawkins@hitefanning.com

avey@hitefanning.com

CERTIFICATE OF SERVICE

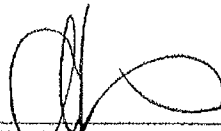
The undersigned hereby certifies that on the 10th day of January, 2011, the original and one copy of the above and foregoing **THE STATE OF KANSAS' ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES** was mailed, postage prepaid to, with a copy emailed to:

Mr. Alan L. Rupe
Kutak Rock LLP
1605 N. Waterfront Pkwy, Ste. 150
Wichita, KS 67206

And a copy and email to:

Mr. John S. Robb
Somers, Robb & Robb
110 East Broadway
Newton, KS 67114
Attorneys for Plaintiffs

Arthur S. Chalmers

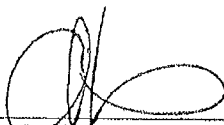


VERIFICATION

STATE OF KANSAS)
) ss:
SEDGWICK COUNTY)

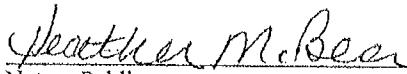
Arthur S. Chalmers, counsel of the State of Kansas, of lawful age, being first duly sworn upon oath, deposes and states:

That I am counsel for the defendant in the above and foregoing action; that I have read the answers to interrogatories and know the contents thereof; that I have answered the foregoing interrogatories based upon information available to me from the State; and that all of the facts and statements therein contained are true and correct to the best of my knowledge and belief.



Arthur S. Chalmers

SUBSCRIBED AND SWORN to before me this 10th day of January, 2010.



Notary Public

My Appointment Expires:

9-6-11

