

# KANSAS LEGISLATIVE RESEARCH DEPARTMENT

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**To:** Legislative Educational Planning Committee  
**From:** Reagan Cussimano, Senior Fiscal Analyst  
**Re:** Overview of *Gannon, et al v. State of Kansas*

Four school districts, which include USD No. 443 (Dodge City), USD No. 308 (Hutchinson), USD No. 500 (Kansas City) and USD No. 259 (Wichita), as well as parents and students of those school districts, filed suit against the State of Kansas claiming the State had not met its obligation to provide a suitable education.

In June 2012, proceedings began in Shawnee County District Court, with a three judge panel consisting of the Honorable Franklin Theis, the Honorable Robert Fleming, and the Honorable Jack Burr. Much of the month was spent on testimony from each individual school district, regarding demographics, spending, accreditation, curriculum, programs and opportunities provided to students, professional development, assessments administered by districts and their results, test results of the National Assessment of Educational Progress (NAEP), ACT, and SAT. In addition, the attorneys reviewed changes in how funding is calculated since *Montoy*, revenue changes and budget reductions since 2009, the 2006 Legislative Post Audit report, and recommendations of the 2010 Commission. Teachers, superintendents, principals, budget directors, lobbyists, representatives from the Kansas Department of Education, legislators, and Legislative Post Audit staff testified before the panel regarding the above subjects. Plaintiff's counsel presented expert testimony by Dr. Bruce Baker and John Myers (Augenblick and Myers). The State presented expert witnesses, Dr. Eric Hanushek and Dr. Michael Podgursky. Witness testimony was completed on June 29, with the exception of Dr. Diane DeBacker, Kansas Commissioner on Education, who was deposed at a later time.

On August 29, 2012, the panel convened to hear closing arguments during which both attorneys focused on the definition of suitable funding for public school and how the panel should evaluate the State's efforts to provide a suitable education for Kansas students. Judge Theis indicated it would take approximately 60 to 90 days for the panel to reach a decision. Any appeal to the Kansas Supreme Court, based on that decision, must be filed within 30 days.

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Legislative Educational  
Planning Committee  
Date 9/9/12  
Attachment# 4