

IN THE SUPREME COURT OF THE STATE OF KANSAS

CASE NO. 113,267

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

Plaintiffs/Appellees,

County Appealed From: Shawnee

v.

District Court Case No.: 10-C-1569

**STATE OF KANSAS, et al.**

Defendants/Appellants.

**RULE 6.09(b) LETTER**

Plaintiffs/Appellees direct the Court's attention to the document attached to this letter as Exhibit A. This statement by the Kansas State Board of Education is publically available at <http://www.ksde.org/Home/Quick-Links/News-Room/kansas-state-board-of-education-clarifies-kansas-attorneys-remarks>.

In Exhibit A, the State Board addresses what it calls "misstatements made by Jeff King" during this week's oral argument. In pertinent part, the State Board states:

In his remarks to the Supreme Court, King referenced the Successful Schools Calculation, which was prepared by the Kansas Legislative Research Department and detailed in a May 12, 2017, memorandum addressed to the Senate Select Committee on Education Finance. King implied the Successful Schools Calculation was prepared in collaboration with the Kansas State Board of Education and presented by Kansas Commissioner of Education Dr. Randy Watson to the Senate Select Committee on Education Finance on May 10, 2017.

....

Neither the Kansas State Department of Education (KSDE) nor the State Board of Education collaborated in the preparation of the Successful Schools Calculation or participated in identifying the 41 successful schools.

....

The State Board of Education is disappointed to be linked to a calculation with which it had no involvement.

Plaintiffs wanted to alert the Court to the State Board's position, as set forth in Exhibit A.

Respectfully submitted,

**/s/ Alan L. Rupe**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of July, 2017, I electronically served the foregoing to:

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Alan L. Rupe



## KANSAS STATE BOARD OF EDUCATION CLARIFIES KANSAS ATTORNEY'S REMARKS

Posted: Jul 19, 2017

July 19, 2017

For Immediate Release

Kansas State Board of Education  
clarifies Kansas attorney's remarks

TOPEKA - The Kansas State Board of Education would like to clarify what it believes were misstatements made by Jeff King, an attorney representing the state, during Kansas Supreme Court oral arguments on K-12 education funding Tuesday, July 18, 2017.

In his remarks to the Supreme Court, King referenced the Successful Schools Calculation, which was prepared by the Kansas Legislative Research Department and detailed in a May 12, 2017, memorandum addressed to the Senate Select Committee on Education Finance. King implied the Successful Schools Calculation was prepared in collaboration with the Kansas State Board of Education and presented by Kansas Commissioner of Education Dr. Randy Watson to the Senate Select Committee on Education Finance on May 10, 2017.

When asked by Justice Biles as to what year's data was used in the Successful Schools Calculation, King responded: "I don't know the year off the top of my head ... I do know that the data was used, the analysis to determine those 41 schools was not a legislative analysis, but was actually a state board analysis done using their calculations as presented by Commissioner Watson to the Senate and House Committees. I don't know what years the state board used for that." (Reference: July 18, 2017, archived video, 58:16)

Neither the Kansas State Department of Education (KSDE) nor the State Board of Education collaborated in the preparation of the Successful Schools Calculation or participated in identifying the 41 successful schools.

During the entirety of his remarks, King repeatedly implied the board was involved in generating the list of 41 schools used in the Successful Schools Calculation and that calculation is something the board is applying to its current work. This is not the case.

The information Commissioner Watson presented to the Senate Select Committee on May 10, 2017, was a five-year look at Kansas high school graduation rates and the state's rate of postsecondary success and effectiveness. High school graduation rates and postsecondary success are two of the five outcomes identified by the State Board of Education to measure progress toward achieving its vision for Kansas education – Kansas leads the world in the success of each student.

The State Board of Education is disappointed to be linked to a calculation with which it had no involvement.

EXHIBIT  
A

KSDE and the State Board of Education appreciate the hard work of the legislature and the courts, and we believe it is important to clarify this information.

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Kansas State Board of Education

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Kansas State Board of Education

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