

IN THE SUPREME COURT OF THE STATE OF KANSAS

15-113267-S

LUKE GANNON, BY HIS NEXT FRIENDS AND GUARDIANS, *et al.*,

*Plaintiffs-Appellees,*

v.

STATE OF KANSAS, *et al.*,

*Defendants-Appellants.*

Appeal from Appointed Panel  
Presiding in the District Court of Shawnee County, Kansas

Honorable Franklin R. Theis  
Honorable Robert J. Fleming  
Honorable Jack L. Burr

District Court Case No. 2010-CV-1569

**APPLICATION TO FILE AMICUS CURIAE BRIEF OF THE STUDENTS'  
ADVISORY COMMITTEE TO THE KANSAS BOARD OF REGENTS**

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ATTORNEYS FOR AMICUS CURIAE  
THE STUDENTS' ADVISORY  
COMMITTEE TO THE KANSAS  
BOARD OF REGENTS

IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 113,267

LUKE GANNON, BY HIS NEXT FRIENDS AND GUARDIANS, *et al.*,  
*Appellees*,

v.

STATE OF KANSAS,  
*Appellant*.

APPLICATION TO FILE AMICUS CURIAE BRIEF OF THE STUDENTS'  
ADVISORY COMMITTEE TO THE KANSAS BOARD OF REGENTS

Pursuant to Supreme Court Rule 6.06, the Students' Advisory Committee to the Kansas Board of Regents ("The Students' Advisory Committee") respectfully move for leave to file an *amicus curiae* brief to urge the Court to consider the arguments and interests of the students at the Kansas Regent universities in its interpretation of Article 6 §6(b) of the Kansas Constitution.

In support of this motion, the Students' Advisory Committee states the following:

*Amicus curiae* The Students' Advisory Committee (SAC) is a committee that was created by the Legislature in 1975 and is presently codified under K.S.A. § 74-3299. The committee is composed of the Student Body Presidents of Emporia State University, Fort Hays State University, Kansas State University, Pittsburg State University, the University of Kansas, and Wichita State University, with the Student Body President of Washburn University serving as an *ex-officio* member. Their duties include making recommendations to the Board of Regents concerning course and curriculum planning and faculty evaluation; advising and consulting with the Board of Regents in the formulation of policy decisions on student affairs; identifying student concerns;

considering any problems presented to it by the Board of Regents and giving advice thereon; and disseminating information to their peers and fellow students concerning the philosophies and standards of education developed by the Board of Regents and stimulating awareness of student rights and responsibilities.

The Students' Advisory Committee and its constituencies, consisting of the students at the universities listed above, have a strong interest in this case and the questions it raises about the scope of the Kansas Constitution's provision of suitable funding for the educational interest of the state. The Students' Advisory Committee has a duty to advocate on behalf of students in the Regents system. Accordingly, the Students' Advisory Committee believes the Court should consider the impact of this case on the suitable provision of funding for educational interests of all students in Kansas public education institutions, not just K-12 students.

In its brief, the Students' Advisory Committee will provide the Court with a perspective no party to this case has presented to date: the perspective of the students in Kansas public colleges and universities. More specifically, *amicus* will argue that the Kansas Constitution includes all levels of public education, not just K-12, in the Article 6 §6(b) mandate that "[t]he legislature shall make suitable provision for finance of the educational interests of the state." In agreement with the Plaintiff-Appellees, the Students' Advisory Committee will argue that the "suitable provision for finance of the educational interests of the state" is not being met by the State. However, the Students' Advisory Committee believes that the evaluation of the aforementioned claim has been inadequate to date, given the fact that only K-12 education has been considered, to the exclusion of higher education. Furthermore, no consideration has been given to the impact that the Court's decision mandating increased funding for K-12 education, and the

Legislature's response to that decision, will have on higher education. *Amicus* will provide a compelling statistical demonstration that in the past decade students in Kansas' institutions of higher education have been forced to pay more for less: skyrocketing tuition, shorter academic terms, and shrinking faculties.

In light of the numerous references to the Kansas Board of Regents in Article 6 of the Constitution, the Students' Advisory Committee believes that the Constitution mandates that higher education be considered when evaluating the provision of financial support to public education.

The Students' Advisory Committee commits to follow all relevant and applicable provisions of the Court's Rules in preparing and presenting its brief *amicus curiae* to the Court.

Wherefore, the Students' Advisory Committee moves the Kansas Supreme Court to grant its motion to file an *amicus* brief in this proceeding.

Dated: March 7, 2018

Respectfully submitted,

/s/ Mark P. Johnson

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2018, I filed the foregoing with the Clerk of the Court via the Court's electronic filing system, which will send notice and a copy of the same to all counsel of record.

/s/ Mark P. Johnson  
Mark P. Johnson