



January 26, 2023

The Honorable Laura Kelly, Governor of Kansas
Capitol
300 SW 10th Ave., Ste. 241S
Topeka, KS 66612-1590

Dear Governor Kelly,

As you know, this year will be another critical year for public schools in Kansas. With your support, working collaboratively with the Kansas Legislature, we are confident the state will fulfill the final year of the Gannon agreement. This will satisfy the dictates of the Kansas Supreme Court and the plain meaning of the Kansas Constitution. We deeply appreciate the consistent support that you have shown for public education.

While fulfilling the mandate of Gannon is vitally important, we strongly believe that we can do more this year than simply “maintain the status quo”. The state is in a strong financial position, and that gives us the opportunity to really move Kansas schools forward in a positive direction. There are three critical issues that we believe deserve significant focus and attention during the upcoming legislative session.

First, thanks to a strong economy and responsible state leadership, we are now in a position to fulfill a broken promise: We can fully fund special education in Kansas. We cannot consider ourselves to be a leading state in education until we satisfy what is both a moral and a legal obligation, and finally fund special education in Kansas at 92% of excess costs, as required by Kansas law. Meeting our obligation as a state will collectively free up more than \$35 million in general fund dollars to support the education of all children in our schools in Johnson County. We know that this is a priority for you as well, and we stand ready to provide whatever support is needed to finally make this happen.

Next, it is critical that during this legislative session, the state provides clarity on the open enrollment bill that was passed last session. We know that the intention behind the legislation was to ensure all kids have access to a high-quality education, but strongly believe that there are adjustments that need to be made to the legislation in order to fulfill that promise. First, it is critical that the legislation explicitly reinforces the authority of local boards of education to make decisions around the education of students in their community. Having a “one-size-fits-all” approach to decisions around enrollment could never account for all of the complexities surrounding enrollment, and would inevitably create hardships for children and families.

It is also important that clarity be provided in the open enrollment law around service for students who receive special education services. Federal law requires school districts to provide transportation for many of these students, and as written, districts would be required to pay for that transportation, regardless of how far away an incoming student lived from the school where they wanted to enroll. Requiring a district to pay to transport a student who lives far outside their geographic boundaries is an inefficient use of scarce taxpayer resources.

Another challenge with the law as currently written is that a district would not receive funding for students who come to them through open enrollment until one year after they enroll (as districts are currently funded on enrollment from prior years.) This could be fixed either with up-front funding or a mid-year count.

Also, understanding that the intention behind the Open Enrollment legislation is to give all students access to a high-quality education, and that students do best when they are able to grow up and be



educated in their own communities, we would support elimination of the sunset on high-density at-risk funding. This would provide districts that have significant numbers of students who live in communities with dense concentrations of poverty access to the resources they need to serve those students well.

Finally, we are concerned about the mental health of our students. We know that the last several years have been really hard on our children, and in many cases the stresses that children are experiencing interfere with the learning process. While students primarily access mental health services in community settings, having access to these services has a strong impact on their ability to be successful in school. We believe that sufficient resources to support the mental health of students will have a profound positive effect on their well-being and future success.

Governor Kelly, we recognize that there are a lot of claims on state resources and focus, but we strongly believe that addressing the issues outlined above will be critical for districts in Johnson County and across the state of Kansas, and will put us in the best position to be successful. Like you, we believe that an investment in our schools is an investment in our state and its future. We appreciate your attention to our requests and we look forward to working with you during this legislative session.

Sincerely,

Dr. Tonya Merrigan
Superintendent, Blue Valley

Dr. Brent Yeager
Superintendent, Olathe

Dr. Brian Huff
Superintendent, Gardner Edgerton

Dr. Michelle Hubbard
Superintendent, Shawnee Mission

Dr. Frank Harwood
Superintendent, USD No. 232

Dr. Link W. Luttrell
Superintendent, Spring Hill