

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.

ORDER

The court has considered and denies the application to file *amicus curiae* brief of the Students' Advisory Committee (SAC) to the Kansas Board of Regents. SAC's proposed brief will argue that Article 6 of the Kansas Constitution requires suitable funding for "all levels of public education, not just K-12." SAC acknowledges only K-12 education funding has been considered during this litigation.

An *amicus* brief cannot raise issues not raised to the trial court. *Bussman v. Safeco Insurance Company of America*, 298 Kan. 700, 728, 317 P.3d 70 (2014); see also *Sierra Club v. Moser*, 298 Kan. 22, 88, 310 P.3d 360 (2013) ("Kansas appellate procedure does not allow a nonparty, including an *amicus curiae*, to raise an issue for appellate review"); *State ex rel. Six v. Kansas Lottery*, 286 Kan. 557, 561, 186 P.3d 183 (2008) (court will not address arguments raised only by nonparty *amici curiae*).

The State did not file a response. Appellees' response is noted.

BY ORDER OF THE COURT this 22 day of March 2018.



LAWTON R. NUSS,
Chief Justice