

4 Johnson County school districts move to sue state over special education funding

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The four biggest school districts in Johnson County are joining together to prepare for possible legal action against the state of Kansas over what they say is a yearslong failure to adequately fund special education.

In a statement on Wednesday, Olathe Public Schools, Blue Valley Schools, the USD 232 De Soto School District and the Shawnee Mission School District said they’ve “reached a tipping point” after 15 years of special education underfunding.

Together, the districts serve about 83,000 students and said that they collectively took out more than \$119 million from their general education budgets for the 2024-2025 school year to cover the state’s special education funding gap.

“Enough is enough and something must change,” the districts said in their joint press release. “Public school districts can no longer sustain the financial burden required to cover the state’s shortfall.”

The districts announced on Wednesday that they had signed a memorandum of understanding establishing the “Kansas Public School Funding Coalition,” a collaborative effort focused on addressing the underfunding.

As part of that effort, the districts issued a request for proposals seeking legal counsel to help evaluate potential litigation, advise districts on school funding issues and develop a legal strategy.

The coalition has not yet selected an attorney or filed a lawsuit, according to Wednesday’s release

Under Kansas statute, the state is supposed to reimburse districts for 92% of the “excess costs” associated with special education. “Excess costs” refer to the average amount it takes to serve a student with special needs above what it costs to educate a student in general education.

The districts say Kansas has failed to hit the statutorily required 92% threshold since 2011.

“The Legislature and state elected officials have consistently and deliberately chosen to shift those costs onto school districts and local taxpayers rather than fulfill their legal obligation,” the coalition wrote.

During the 2026 legislative session, Kansas lawmakers debated several proposals to increase funding.

Democratic Governor Laura Kelly proposed adding \$50.6 million to special education funding, while the Kansas State Department of Education recommended \$150 million. That would have brought funding for special education services to about 70% and 80% of excess costs, respectively.

During a K-12 Education Budget Committee meeting this winter, Rep. Susan Estes, a Wichita Republican, proposed adding \$10 million to the budget beginning in 2027, bringing the total to \$621 million, or 65.7% of excess costs.

Estes, at that time, emphasized wanting to keep the budget as tight as possible.

“I think we all have hearts that want to do more,” she said, “but I think that in light of the budget stabilization that we’re trying to achieve, adding more than we can stabilize and maintain in the long run does a disservice.”



A special educator works with a Cedar Trails Exploration Center student in Olathe. Photo credit Kate Mays.

In order to meet the 92% mark, the legislature would have had to add \$225 million to the budget. In the end, lawmakers this year approved a \$6 million increase.

This would not be the first time Kansas has faced litigation over school financing. A lawsuit, Gannon v. Kansas, was first filed by parents and school districts in 2010. The plaintiffs in that

case argued that the state was violating its constitution by not adequately funding public schools.

Between 2014 and 2019, the Kansas Supreme Court ruled seven times that the state’s level of school financing was unconstitutional. The suit led to new school financing formulas and hundreds of millions of dollars in increased K-12 funding.

The Court officially closed the case in 2024 after it determined the state had fulfilled all its mandated increases.

The Post has reached out to the governor’s office, several Democratic and Republican lawmakers from Johnson County and school board leaders in Olathe and Shawnee Mission for comment and will update this story with their comments when we hear back.

Olathe residents fought new apartments for months. Here’s why city planners approved them anyway

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Plans for a 318-unit apartment complex in southern Olathe are moving forward despite concerns from nearby residents about traffic, flooding and privacy.

The Olathe Planning Commission on May 11 voted 6-0 to recommend approval of a preliminary site development plan for Gateway Landing, a multifamily development northwest of 175th Street and Black Bob Road.

The lot has been zoned for multifamily housing since 2007. A previous apartment proposal for the site, which would have included 264 units in 22 two-story buildings, was approved at that time but never built.

The vote for this multifamily project came after months of pushback from nearby residents, who packed neighborhood meetings, submitted petitions and urged city leaders to reject the proposal.

Overland Park-based real estate developer Grata Development submitted a proposal for 10 three-story apartment buildings on 26 acres of undeveloped land. Grata already has two single-family communities adjacent to the proposed development.

Amenities for Gateway Landing would include a pool and clubhouse, dog park and a pond. The site plan includes 581 parking spaces and more than 69,000 square feet of open space total.

Developers said rates for the apartments would be determined through a market study, but didn’t specify when that



Grata Development built a similar apartment complex in Gardner. Photo from Grata.

would be.

There wasn’t a public hearing on the project at the planning commission meeting, but about a dozen residents still attended.

Before the commission voted, Chairman Wayne Janner acknowledged residents’ frustration, but said the board’s authority is limited.

“The preliminary site development plan for Gateway has garnered a lot of interest obviously,” Janner said. “This property was rezoned to the RP-3 zoning district in 2007, which allows the requested multifamily apartments by right on this property.”

Janner said the commission could only vote on whether the proposal complies with the city’s Unified Development Ordinance.

“We don’t have the power here to make any change at this point on how this proceeds,” he said.

Janner encouraged residents to voice their concerns to the Olathe City Council.

“Our City Council has a little bit wider range of what they can look at and what they can take into consideration,” he said. “If there’s anything that can be done, that’s where change can take place.”

City Council will be able to

take a broader look at the project, including impact to nearby neighborhoods. A date hasn’t been set for City Council’s vote.

The developers hosted a neighborhood meeting in March that brought almost 50 nearby residents. Questions focused on traffic, drainage, density and construction impacts.

Residents later submitted two unofficial petitions in opposition to the project, one with 130 signatures and an online petition with 273 signatures.

Some neighbors said that when they bought their homes, they believed the area would eventually be developed with

lower-density housing like duplexes and fourplexes.

Several residents also expressed concerns about traffic near Timber Sage Elementary School, which sits across from the proposed site.

“With the preliminary plan of 300+ units and 600+ parking places, the traffic will be horrific,” residents John and Elizabeth English wrote in an email to the city. “Scores, if not hundreds, of children will be crossing 173rd Terrace to get to school.”

Others raised concerns about flooding and stormwater runoff in nearby neighborhoods.

“Over the past year, as Boulder Hills has become fully built out, I have observed a noticeable increase in stream flow during rain events,” resident Rod McGruder wrote in an email to the city.

Staff said developers submitted both traffic and stormwater studies that comply with city requirements.

The stormwater study found there would be “minor increases” in the stream’s flow depth if it were to be built.

The traffic study noted there could be some additional delays at 175th and Black Bob, but that the development shouldn’t have a significant impact on traffic.

As part of the project, developers would also construct a new public road, Tomashaw Drive, that would connect 172nd Terrace and 175th Street.

Some residents also worried about privacy, saying the three-story buildings would overlook nearby backyards.

After the neighborhood meeting, developers added additional landscaping buffers around parts of the site in design plans, to help create a barrier between it and nearby houses.

According to city staff, the proposal would preserve about 85% of existing trees on the property.

According to staff, the Spring Hill School District, which serves Timber Sage Elementary, had “no concerns at this stage” about the development because the property has had multifamily designation since 2007.

The city council will vote on the development at a future meeting.