

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.

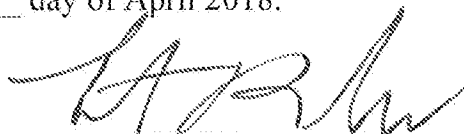
ORDER DENYING MOTION TO RECONSIDER

The Students' Advisory Committee (SAC) to the Kansas Board of Regents filed a motion seeking reconsideration of its application to file an *amicus curiae* brief. The court denied SAC's application because an *amicus* brief cannot raise issues not raised to the trial court. *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).

SAC attempted to rearticulate its argument, but the same problem remains. SAC's argument rests on the assumption that Article 6, Section 6(b) of the Kansas Constitution applies to higher education funding—an issue not raised to the trial court. The motion for reconsideration is denied.

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

BY ORDER OF THE COURT this 18 day of April 2018.



LAWTON R. NUSS,
Chief Justice