

SPECIAL COMMITTEE ON EDUCATION TESTIMONY

October 10, 2023

Chad Tenpenny

Counsel

Prairie Hills USD 113

INTRODUCTION

Madam Chair, Madam Vice-Chair and members of the Committee. It is truly an honor to be with you.

My name is Chad Tenpenny. For twenty-three years I served on the staff of Senator Pat Roberts, and I also served as General Counsel to our current Senator - Roger Marshall. Through that service I had the opportunity to work with many of you, and travel to all four corners of our state many times specifically learning about the challenges and opportunities in rural America.

I also had the opportunity to experience the awesome impact of federal, state and local governments on Kansans. And, generally, I learned that difficult decisions are best made at the local level with constituent and community input with local folks working together rather than depending on far away mandates to solve our issues. In addition, I witnessed our federal government's unsustainable approach to fiscal policy coupled with an unwillingness to make difficult decisions.

And, those really are the three issues I would like to focus on today: fiscal responsibility, local control and working together in our local communities to solve difficult issues.

I am now a private practice attorney and am here representing the Prairie Hills School District #113 efforts to follow the law and educate, in a fiscally responsible manner, any and all students who want to attend our schools no matter where they may reside. USD 113 is a small rural school district with 926 students. We have many challenges and opportunities.

SUMMARY

In February 2023, the Prairie Hills school board made a difficult, courageous, and fiscally responsible decision to close the K-12 Wetmore Academic Center. The local decision was made after years of study, including a [2015 Legislative Post Audit Report](#) recommending closure when the Wetmore Attendance Center had 170 Students.

When the emotional decision was finally made eight years later after significant community input (including five public meetings) and a systematic effort to follow the law, the K-12 Wetmore school's attendance had dwindled another 30% to only 120 students. Three classes had enrollments of five (5) or less. Closure did not happen haphazardly or with malice. This situation had become an unsustainable financial burden.

Some, but certainly not all, of our friends and neighbors were understandably frustrated with the outcome of this local decision causing significant community turmoil. With that in mind, USD 113 made provisions to continue employing all staff from the Wetmore Academic Center. Most importantly, we have the capacity and welcome the opportunity to educate all the students.

USD 113 also understands that some families and students may choose to attend school in other districts, which is absolutely common throughout Kansas. As many as 7.3% of Kansas students attend school out of district statewide. In fact, one Kansas school district educates 77% of its students from out

of district. Prairie Hills happily educates 127 students from outside the district and has the capacity for more. As you are aware, the Kansas Legislature passed into law a provision encouraging “open enrollment,” ensuring that out of district attendance will become even more customary in the future.

Data shows that of the one hundred twenty (120) 2022-23 Wetmore Academic Center students six (6) of those students have transferred to USD 380 Vermillion and two (2) have transferred to USD 115 Nemaha-Central. By any measure, those are not “substantial and weighty” numbers requiring a wholesale reconfiguration of school district lines.

Meanwhile, seventy-nine (79) 2022-23 Wetmore Academic Center students have transferred to USD 335 Jackson Heights, and there have been limited discussions about adjusting district lines in the southern portion of USD 113 to more accurately align student residence with the school district they attend.

USD 113 is absolutely open to having reasonable discussions, but there are limits. Attorneys have suggested that USD 113 surrender 40% of district territory after 8.4% of the student body transferred to these three districts. That is not reasonable.

Three petitions separate petitions have been filed by three neighboring school districts with the Kansas State Board of Education to appoint a mediator to work through ongoing issues. The Prairie Hills school district welcomes the opportunity to visit school district to school district, superintendent to superintendent, attorney to attorney, one on one in an effort to solve these separate claims locally. Superintendent Todd Evans and I invite Superintendent Desormiers and his counsel to visit one on one at any time convenient to him so that we can work toward local solutions.

While USD 113 is here focused like a laser on sorting through enrollment and territorial issues on a local level, I would like to note for this Committee and especially the Kansas State School Board that our local issue has the potential to initiate a real “cooling effect” on school boards statewide. Frankly, our school board feels punished for making the courageous decision. The late-night meetings, gut-wrenching votes, Facebook commentary and unnecessary legal maneuvers have come with an emotional cost. Future school boards may view our experience and choose to avoid pain. Instead, these difficult decisions might then be deferred to the Legislature or the State School Board where outcomes may be influenced by other forces with agendas much different than Prairie Hills. Our motto is “Preparing Kids, Shaping the Future.”

With that in mind, we formally ask that this Committee request a Legislative Post Audit Study of the information required by the Kansas State School Board’s Land Transfer Petition Form as it relates to the separate petitions from USD 115, 335 and 380. A neutral source is required in order to provide objective and factual information as it relates to the impact on Supplemental General, Capital Outlay, and Bond and Interest Funds for all districts involved. This information needs to span multiple years in order to reflect the longitudinal impact of land transfer proposals on the area constituents and taxpayers in the state of Kansas. USD 113 desires to know the facts and not dispute varying information regarding valuations, mill rates and other items.

Finally, we ask that our neighboring school districts work with us at the local level to find reasonable solutions to solvable issues.

Thank you.

[2015 LEGISLATIVE POST AUDIT REPORT “K-12 Education: Efficiency Audit of Prairie Hills School District”](#)

“The district could save about **\$460,000 annually by closing the Wetmore school and moving the students to Sabetha schools**. The Prairie Hills school district serves about 1,100 FTE students at three separate locations—Axtell, Wetmore, and Sabetha. The Axtell and Wetmore schools have significantly smaller enrollments and spend about **15% to 20% more per student than the Sabetha schools**. Closing either the Wetmore or Axtell building could reduce district expenditures by about \$1.0 million in staff and building costs. However, we estimate about 50% of Wetmore parents would likely transfer their students to another district which would reduce state funding, leaving a net savings of about \$460,000 by closing the Wetmore school.” *Legislative Post Audit Performance Audit Report Highlights*.

TIMELINE

1964-65 - Sabetha unified with Wetmore when schools forming USD 441. This option allowed Wetmore to keep a school open as opposed to other options for unification.

March 11, 2003 - USD 441 Board of Ed votes to keep Wetmore open – Wetmore constituents projected future enrollment to be 200+

2009 - Nemaha Valley turned down consolidation with USD 488 (Bern, Axtell, Summerfield).

2010 - Sabetha, USD 441 agreed to consolidate with USD 488. Voters from both districts voted to have the land in the newly formed Prairie Hills USD 113 district.

Spring of 2012 - USD 113 Board of Education votes to close the Bern school.

June 10, 2013 - USD 113 Board voted 3 – 2 to not transfer Bern land from “O” road west.

2015 - Legislative Post Audit study recommending consideration of closing the Wetmore Attendance Center due potential for \$460,000 in savings – enrollment was 170. Did not close at that time.

Fall of 2022 - USD 113 Board of Education has open meeting conversations about the potential closure of Wetmore. Members of the public spoke to the Board of Education in regard to this issue at meetings on five occasions including: Nov. 14, 2022; December 12, 2022; January 9, 2023; February 4, 2023, and February 13, 2023.

Dec. 2022 - rumors of disorganization petition began circulating. References to this document are made at Board meetings indicating that this will be filed if the Board does not do what it’s told by the Wetmore Community Action Group.

January 11, 2023 - 1st of 2 consecutive notices published in the Sabetha Herald regarding the closure hearing to be held February 4, 2023 in accordance with KSA 72-1431.

January 22, 2023 - Jackson Heights declined the offer from USD 113 of the Wetmore School and land prior to closure.

February 13, 2023 - Board voted 5-2 to close Wetmore.

February 14, 2023 - signed Memorandum of Understanding with Prairie Hills Education Association extending the deadline for teachers to participate in district retirement options from the deadline of Jan. 15 to Feb. 24. This allowed teachers choosing to retire as a result of the decision on Feb. 13 to still receive retirement benefits even after the deadline had passed

Spring 2023 - guaranteed all USD 113 Wetmore employees jobs for the 2023-24 school year. There was no Reduction in Force.

2023 USD 113 - offered to give 335 Jackson Heights the Wetmore School and district-owned real estate to be used for educational purposes. They declined this offer.

March 29, 2023 - met with the Jackson Heights Board of Education.

June 12, 2023 - USD 113 initiated an offer to trade land, including rationale, with USD 115. This trade decreases USD 113 and increases USD 115 valuation by \$1,056,836. Note: USD 115 enrolled 0.19% of the USD 113 Headcount from 2022-23 (formerly Wetmore students).

June 12, 2023 - USD 113 initiated an offer to give USD 335 - 60 square miles of USD 113 land (11% of the district). Note: USD 335 enrolled 7.61% of the USD 113 Headcount from 2022-23 (formerly Wetmore students).

June 12, 2023 - USD 113 initiated an offer to give USD 380 13 square miles of USD 113 land (2.39% of the district). Note: USD 380 enrolled 0.56% of the students of the USD 113 Headcount from 2022-23 (formerly Wetmore students).

June 30, 2023 - "Sold" 3 tracts of land to the City of Wetmore for \$1 in order to continue to serve the residents of that community.

July 17, 2023 - USD 113 received a counter proposal from Josh Ney, Attorney for all 3 districts. Proposal called for USD 115 to receive 77.5 Square miles (14.27%) of 113 property. USD 335 to receive 117 square miles (21.55%) of USD 113 property. USD 380 to receive 25 square miles (4.6%) of USD 113 Property. Totaling over 40% of USD 113 territory.

August 30, 2023 - received news that 3 collective districts requested mediation.

September 12, 2023 - Kansas State School Board requires each petitioning district in accordance with KSA 72-530 to submit separate petitions for mediation indicating that these claims are to be addressed individually school district to school district.

October 6, 2023 - USD 113 receives a copy of incomplete and inaccurate information regarding valuations, Mill Rates, and other information.