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July 17, 2023

VIA EMAIL AND PERSONAL SERVICE

USD 113 Prairie Hills Board of Education
Via Todd Evans, Superintendent
1619 S. Old Hwy 75
Sabetha, KS 66534
evanst@usd113.org

RE: USD 335, USD 380, and USD 115 Joint Counter-Proposal for Land Transfer

USD 113 Prairie Hills Board of Education:

Our firm represents USD 335, USD 380, and USD 115 (“Transferee Districts”) as part of a joint representation regarding the current land transfer proposals extended by USD 113. I have received and reviewed the letters USD 113 sent to USD 335 (Exhibit A), USD 380 (Exhibit B), and USD 115 (Exhibit C), each dated June 12, 2023 respectively. Because each of those letters requested a response no later than July 17, 2023, this letter constitutes timely response on behalf of each Transferee District for the purpose of engaging in good-faith negotiations regarding land transfer prior to the initiation of formal land transfer mediation and petition proceedings with the Kansas State Board of Education pursuant to K.S.A. 72-530 and K.S.A. 72-532 et seq. In any event, thank you for responding to these communities’ requests to initiate a land transfer process.

Please see attached and below for USD 335, USD 380, and USD 115’s joint land transfer proposal (“Joint Counter-Proposal,” attached hereto as Exhibit D and incorporating the terms of this letter). Given USD 113’s stated preference for formally documented information over face-to-face conversations, we will proceed with initiating the land transfer mediation and petition process with the state board of education so these communities can expeditiously move towards a comprehensive solution that accurately reflects the needs, preferences, and living patterns of the regional communities involved.

Land Transfer Counter-Proposal (Exhibit D)

As part of this comprehensive counter-proposal, see the attached Exhibit D for the land transfer counter-proposal demarcating the new boundary lines to be established for USD 113, USD 335, USD 380, and USD 115.

Additional funding for transportation costs in the 2023-2024 school year

Conditioned upon your acceptance of the other provisions of this Joint Counter-Proposal, my clients accept your proposal of providing \$1,258 for each former USD 113 student that enrolls at a Transferee District in the 2023-2024 school year.

FOR SETTLEMENT PURPOSES ONLY

However, it should be noted that this \$1,258 transportation payment may not be needed if USD 113 were to unilaterally move the transportation lines allowing the Transferee Districts to recover those transportation costs directly from the state. We are open to further discussing this possibility in lieu of a direct transportation payment from USD 113 to the Transferee Districts.

Base Aid Per Pupil Funding in the 2023-2024 school year

Because the current school funding formula does not allow school districts to claim current year enrollment, the Transferee Districts will not receive the \$5,088/student that state taxpayers will be paying for USD 113's former students.

According to the Kansas Department of Education, USD 113 will still be eligible to receive look-back funding for these former students in the 2023-2024 school year, thus it would be common sense for USD 113 to transfer any funding received for such students to the Transferee Districts as a form of pass through "payment" for educating these students.

For example, as of mid-June, over 100 students from the Wetmore school closure are expected to enroll in neighboring districts. Although the Transferee Schools are happy and privileged to take on this new responsibility, the unusually abrupt influx of students has required the hiring of additional staff members (many former Wetmore teachers), adding new transportation routes, the procurement of new desks and chairs for classrooms, as well as several other incremental costs associated with absorbing the former Wetmore students. The Transferee Districts believe that redirecting the base aid funding from USD 113's former students to the Transferee Districts is a fair and responsible way to use the state funds USD 113 is slated to receive.

As a result, my clients propose:

- 1) The Transferee Districts will provide USD 113 with a list of former USD 113 students enrolled at each Transferee District, respectively, as of September 20, 2023.
- 2) USD 113 will verify that the students claimed by each respective Transferee District were enrolled in USD 113 in the 2022-2023 school year (or would have been eligible to attend a USD 113 school through the Pre-K program if it was still being provided).
- 3) USD 113 will provide payment of \$5,088 per eligible student by June 1, 2024.

With both education costs and responsibility factors in mind, the total payment expected per student from USD 113 to each Transferee District is \$5,088 (base aid) plus \$1,258 (transportation) per eligible student by June 1, 2024.

Please respond to this counter proposal no later than August 1, 2023. We understand this may require USD 113 to call a special meeting prior to its next regularly scheduled meeting, but time is of the essence.

FOR SETTLEMENT PURPOSES ONLY

My clients appreciate USD 113's commitment to making sure its former students have the resources and supports they need to navigate this transition.

Sincerely,

/s/ Joshua A. Ney
Joshua A. Ney, Partner



June 12, 2023

Dear USD 335, Jackson Heights Board of Education,

The USD 113 Board of Education is interested in providing a written proposal about a land transfer to the USD 335 Board of Education. The USD 113 BOE maintains that this process is best served by exchanging written documents. This allows both boards of education and administration an opportunity to thoroughly research and consider options.

The USD 113 Board of Education does believe that a prudent transfer of territory will be a positive move for the students formerly attending the Wetmore Academic Center. This allows for constituents to have representation on the board of education where their students attend school. It also allows for districts to receive state transportation funding for these students.

In considering both USD 113 and USD 335, we believe that the geographical area dictates the most logical rationale for district boundaries outlined on the enclosed map. We have enclosed a map of the proposal for a transfer of territory that we are offering.

In addition to the proposed transfer of territory, USD 113 has carefully watched the School Finance package that has recently passed into law. With this in mind, USD 113 is willing to discuss providing USD 335 with the equivalent of transportation weighting. This offer is subject to the following:

1. Students must have attended the Wetmore School for the entire 2022-23 school year.
2. Students must live in the identified area of the proposed land transfer.
3. USD 335 offers transportation to all students from #1 and #2.
4. After September, 20, 2023, USD 335 will provide USD 113 a list of students who are eligible. USD 113 will verify those students meet the previously mentioned requirements.
5. Service must be door-to-door with consideration given to reasonable pick-up points within the municipality of Wetmore.
6. The rate of transportation weighting that USD 113 received for the 2022-23 school year will be used to determine compensation. (359 eligible students generated 88.8 FTE = 24.7% of BSAPP. With \$5,088 as 2023-24 Base State Aid Per pupil, this equates to \$1,258 per student).
7. Payment will be made on June 1, 2024.

Furthermore, as indicated on the map of the proposed transfer, USD 113 has communicated with USD 380 about a similar proposal. In the event that USD 380 is not willing to consider the land transfer offer, USD 113 is willing to discuss with USD 335 the possibility of extending land to the west as far as USD 335 desires within the USD 113 designated transfer boundary.

We feel this proposal is both fair and equitable. The USD 113 Board of Education requests a response by July 17, 2023. If we do not have an acceptable written response by that date, this offer will be rescinded.

In the interest of transparency, this information will be made public. We look forward to your prompt request.

Respectfully,

Leslie Scoby
USD 113 Board of Education President

Todd Evans | Superintendent | evanst@usd113.org

Jennifer Gatz | Assistant Superintendent | gatzj@usd113.org

1619 S. OldHwy 75 | Sabetha, KS 66534 | phone 785-284-2175 | www.usd113.org



June 12, 2023

Dear USD 380, Vermillion, Board of Education,

The USD 113 Board of Education is interested in providing a written proposal about a transfer of territory to the USD 380 Board of Education. The USD 113 BOE maintains that this process is best served by exchanging written documents. This allows both boards of education and administration an opportunity to thoroughly research and consider options.

The USD 113 Board of Education does believe that a prudent transfer of territory will be a positive move for the students formerly attending the Wetmore Academic Center. This allows for constituents to have representation on the board of education where their children attend school. It also allows for districts to receive state transportation funding for these students.

In considering both USD 113 and USD 380, we believe that the geographical area dictates the most logical rationale for district boundaries outlined on the enclosed map. We have enclosed a map of the proposal that we are offering.

In addition to the proposed transfer of territory, USD 113 has carefully watched the School Finance package that has recently passed into law. With this in mind, USD 113 is willing to discuss providing USD 380 with the equivalent of transportation weighting. This offer is subject to the following:

1. Students must have attended the Wetmore School for the entire 2022-23 school year.
2. Students must live in the identified area of the proposed land transfer.
3. USD 380 offers transportation to all students from #1 and #2.
4. After September, 20, 2023, USD 380 will provide USD 113 a list of students who are eligible. USD 113 will verify those students who meet the previously mentioned requirements.
5. Service must be door to door with consideration given to reasonable pick-up points within the municipality of Goff.
6. The rate of transportation weighting that USD 113 received for the 2022-23 school year will be used to determine compensation. (359 eligible students generated 88.8 FTE = 24.7% of BSAPP. With \$5,088 as 2023-24 Base State Aid Per pupil, this equates to \$1,258 per student).
7. Payment will be made on June 1, 2024.

Furthermore, as indicated on the map of the proposed transfer of territory, USD 113 has communicated with USD 335 about a similar proposal. USD 113 has had a conversation with USD 335 which resulted in a lack of agreement. We are reaching out to them again. In the event that USD 335 is not willing to consider the land transfer offer, USD 113 is willing to discuss with USD 380 the possibility of extending land to the east as far as USD 380 desires within the USD 113 designated transfer boundary.

We feel this proposal is both fair and equitable. The USD 113 Board of Education requests a response by July 17, 2023. If we do not have an acceptable written response by that date, this offer will be rescinded.

In the interest of transparency, this information will be made public. We look forward to your prompt request.

Respectfully,

Leslie Scoby
USD 113 Board of Education President

Todd Evans | Superintendent | evanst@usd113.org

Jennifer Gatz | Assistant Superintendent | gatzj@usd113.org

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June 12, 2023

Dear President Zinke,

Thank you for your letter dated May 17, 2023. The USD 113 Board of Education continues to maintain that our respective boards need to exchange proposals based on researched documents before we engage in a face-to-face meeting. We believe a face-to-face meeting at this time may negatively impact a resolution to this issue.

With that said, the USD 113 Board of Education does believe that a trade of territory, done prudently, will be a positive move for both districts. Such a trade of territory will allow constituents to have representation on the boards of education where their children attend school. Additionally, each district would receive state transportation funding for these students who were formerly out-of-district students.

In considering both USD 113 and USD 115, we believe that the Bern area and the Baileyville area have many similarities. Both schools were closed in a similar time frame and both areas have students attending out of district schools. USD 113 has a number of students from the Bern area that attend USD 115; and, USD 115 has a number of students attending USD 113, especially those located geographically near the Axtell facility.

In light of the similar situations between these closed attendance centers, USD 113 proposes a transfer of territory between our school districts based on the enclosed map. We developed this map by researching the residences of the students who attend out of district schools. This proposal leaves the municipalities of Bern and Baileyville with the districts with which they entered into consolidation and accomplishes the desired goal of the majority of families living within their school's territory.

We feel this proposal is both fair and equitable. The USD 113 Board of Education requests a written response by July 17, 2023. If there is not a written response by that date, we will withdraw this proposal.

In the interests of transparency, this information will be made public. We look forward to your prompt response to this proposal.

Respectfully,

Leslie Scoby
USD 113 Board of Education President

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