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Testimony in Support of SB 304
Submitted to the Kansas Senate Education Committee
By Joshua Ney, Partner
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Chairwoman Baumgardner and Members of the Committee:

SB 304 was drafted to do two things: 1) create a streamlined process for reviewing the **reasonableness** of local school board's decision to close a school; and 2) spell out an **orderly process** for communities to form or attach to other districts when citizens vote to disorganize.

My firm currently represents citizen groups in Wilson and Wetmore, cities in Kansas that are separated by over 200 miles. In the fall of 2022, our firm was contacted by citizens in these separate towns who were concerned that their respective school boards intended to close their community's K-12 school building pursuant to the limited statutory power vested in the school board by K.S.A. 72-1431. The citizens were especially alarmed about the clear vindictiveness behind the local boards' express motives and stated reasons for the decisions.

In USD 112 Central Plains (which includes Wilson, KS), the school board held a hearing on the proposed building closure on January 9, 2023. Of the hundreds of people in the gym that night, not one citizen spoke in favor of closing the school. The board proceeded at the next meeting to close the building by a 5-2 vote, along community lines. In USD 113 Prairie Hills (which includes Wetmore, KS), the school board held a closure hearing on February 4, 2023. The board summarily voted 5-2 to close the school 11 days later, again, along community lines.

Other conferees including my clients will describe the vindictive and unreasonable nature of these votes, but from my view as their legal counsel advising them on their rights under current law, the only clear statutory recourse my clients have is to file a petition to disorganize a school district. There is no middle ground. There is no appeal process for the decision to close a school building, even if the express reasons of the school board are expressly or clearly unreasonable.

SB 304 would encourage **deliberation, reasonableness, and compromise solutions** in the local school board proceedings and deter unreasonable and political school board decisions that prioritize raw political competition between rural communities over the best interests of school children. The bill would provide more clarity to currently vague and ambiguous statutes and facilitate orderly deliberation regarding school board closures and district reorganization.

I urge you to support SB 304 to provide adequate due process for local citizens and increase reasonableness and deliberation at the local school board level.