Preventing the Ghost Town: Rural Communities in the Modern Economy
February 21, 2014

Donna L. Whiteman, Attorney
Kansas Association of School Boards
Kansas: Are you ready for the future?
“…No hablo español. ¿Habla usted inglés?..”
Jim Hays
Research Specialist
February 21, 2014

The Future, or the Present, of Kansas Public Education?

Demography
➢ Everyone is born, and everyone dies
➢ Every Year, everyone who is alive gets a year older
➢ Every Year, some people move and all the rest don’t
Kansas Census 2010 Issues?

- Population change during 20th century
- Population change since 2000
- Concentration of population and economic activity in VERY few areas
- What effect do Hispanics have on population change and school enrollment?
- Hispanic kids in Kansas schools
Growth Rates

- US rate of population growth has been above 10% each decade for most of the 20th century. **2010 Census: USA + 9.7%**

- Colorado has been often above 20% growth each decade for the past 40 years; **2010 Census +16.9%**

- Oklahoma and Kansas suffered greatly from the Great Depression, with declines in population during and after. **2010 Census: KS + 6.1%, OK + 8.7%**
Kansas Population

- Kansas is the smallest % of Total US now, since early statehood
- Without Hispanics, Kansas population growth would be less than ½ what it is…
- Kansas has 105 counties: 54 have less population today than they had 110 years ago
54 Counties with less population in 2010 Census, than in 1900 Census

1930 to 1950: Kansas becomes Irrelevant

- The Great Depression “Dust Bowl” era and WWII made the Great Plains irrelevant in terms of total US population growth
- During this 20 years, total US population grew by 28.6 million persons; +23.3%
- During this 20 years, total Kansas population grew by 24,300 persons; +1.3%

Rate of Growth Since WWII by Decade
Three Areas of Change

➢ Great Plains
➢ Mississippi Delta
➢ Intermountain West
US 36 Hwy and US 24 Hwy

- US 36 goes across Kansas through 13 counties; NONE have grown since 1930.

- US 24 goes across Kansas through 15 counties; 5 grew since 2000 and 10 declined.
US 36 Hwy and US 24 Hwy

- US 36 goes across Kansas through 22 USDs: in 1967, it went through 34 USDs
- US 24 goes across Kansas through only 1 less USD than in 1967.

Original USDs: What happened?

- Unification: TWO out of three criteria, 200 sq miles, 400 students, $2 million valuation
- USDs 200 through 512 created………100 numbers reserved for further consolidations
- USDs disappear by: consolidation; dissolution; transfer of territory
- Baby Boom had a BIG IMPACT on enrollments; p.83

Original USDs: pp 73-82
<table>
<thead>
<tr>
<th>2010 and 2011 Data</th>
<th>Sales Tax</th>
<th>Income Tax</th>
<th>Population</th>
<th>FTE Enrollment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Johnson</td>
<td>24.84%</td>
<td>29.40%</td>
<td>19.26%</td>
<td>19.57%</td>
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<tr>
<td>Sedgwick</td>
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<td>5.92%</td>
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<tr>
<td>Wyandotte</td>
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<td>5.51%</td>
<td>5.93%</td>
</tr>
<tr>
<td>Douglas</td>
<td>3.53%</td>
<td>3.79%</td>
<td>3.91%</td>
<td>2.81%</td>
</tr>
<tr>
<td>rest of state*</td>
<td>40.19%</td>
<td>38.06%</td>
<td>47.64%</td>
<td>48.87%</td>
</tr>
<tr>
<td>*100 Counties</td>
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54 Counties with less population in 2010 Census, than in 1900 Census

KASS Enrollment Projections: Kansas Public Schools

Kansas Headcount Enrollments
### Process for projecting first grade enrollment

<table>
<thead>
<tr>
<th>Birth Years</th>
<th>Total Births</th>
<th>Ratio of 1st grade enrollment to births</th>
<th>Actual First Grade Enrollment</th>
<th>School Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-00</td>
<td>39,392</td>
<td>88.8%</td>
<td>34,971</td>
<td>2006-07</td>
</tr>
<tr>
<td>2000-01</td>
<td>39,076</td>
<td>91.7%</td>
<td>35,820</td>
<td>2007-08</td>
</tr>
<tr>
<td>2001-02</td>
<td>39,166</td>
<td>91.1%</td>
<td>35,662</td>
<td>2008-09</td>
</tr>
<tr>
<td>2002-03</td>
<td>39,494</td>
<td>92.6%</td>
<td>36,582</td>
<td>2009-10</td>
</tr>
<tr>
<td>2003-04</td>
<td>39,273</td>
<td>93.0%</td>
<td>36,529</td>
<td>2010-11</td>
</tr>
<tr>
<td>2004-05</td>
<td>39,738</td>
<td>92.6%</td>
<td>36,814</td>
<td>2011-12</td>
</tr>
</tbody>
</table>

**Average Ratio** 91.6%

### Birth Years | Total Births | Average Ratio | Projected First Grade Enrollment | School Years
---|--------------|---------------|----------------------------------|--------------|
| 2005-06      | 40,463       | 91.6%         | 37,076                           | 2012-13      |
| 2006-07      | 41,758       | 91.6%         | 38,263                           | 2013-14      |
| 2007-08      | 41,782       | 91.6%         | 38,285                           | 2014-15      |
| 2008-09      | 41,321       | 91.6%         | 37,862                           | 2015-16      |
| 2009-10      | 40,994       | 91.6%         | 37,563                           | 2016-17      |
Most Important Public Policy Issue Facing Kansas in the 21st Century:

Who Wants to Live Here?

Who Wants to Live Here?
In 1865, Kansas advertised, trying to attract immigrants.

Kansas advertised its natural resources for settlers with brochures and publications such as *The State of Kansas. A Home for Immigrants. Agricultural, Mineral and Commercial Resources of the State. Great Inducements Offered To Persons Desiring Homes In A New Country*. The Kansas Bureau of Immigration noted in 1865, "The climate in Kansas is, without exception, the most desirable in the United States... The grass is green in the forests and on the prairies until midwinter... herds of horses, mules and cattle roam at large during the entire winter, without any additional food or care...During the summer there is always a cool, refreshing breeze which makes the hottest days and nights pleasant and delightful."
The Hispanic population of the United States grew from 35.3 million in 2000 to 50.5 million in 2010, accounting for more than half of the nation’s overall population growth during that decade.

58% of this Hispanic population increase came from births rather than the arrival of new immigrants.
Kansas Population Growth 1980s

- Hispanic: 26.8%
- Other: 73.2%

Source: Pew Research Center
Kansas Population Growth 1990s

- Hispanic: 44.9%
- Other: 55.1%

Kansas Population Growth Since 2000

- Hispanic: 32.1%
- Other: 67.9%

Top 10 Kansas Counties in Hispanic Population – 2010 Census

<table>
<thead>
<tr>
<th>County</th>
<th>2010</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sedgwick</td>
<td>64,636</td>
<td>36,397</td>
</tr>
<tr>
<td>Wyandotte</td>
<td>41,633</td>
<td>25,257</td>
</tr>
<tr>
<td>Johnson</td>
<td>38,949</td>
<td>17,957</td>
</tr>
<tr>
<td>Shawnee</td>
<td>19,303</td>
<td>12,330</td>
</tr>
<tr>
<td>Ford</td>
<td>17,321</td>
<td>12,231</td>
</tr>
<tr>
<td>Finney</td>
<td>17,182</td>
<td>17,548</td>
</tr>
<tr>
<td>Seward</td>
<td>12,990</td>
<td>9,486</td>
</tr>
<tr>
<td>Lyon</td>
<td>6,755</td>
<td>6,010</td>
</tr>
<tr>
<td>Douglas</td>
<td>5,651</td>
<td>3,268</td>
</tr>
<tr>
<td>Saline</td>
<td>5,403</td>
<td>3,228</td>
</tr>
</tbody>
</table>
### Top 10 Kansas Counties in % Hispanic Population – 2010 Census

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<thead>
<tr>
<th>County</th>
<th>2010</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seward</td>
<td>56.6%</td>
<td>42.1%</td>
</tr>
<tr>
<td>Ford</td>
<td>51.2%</td>
<td>37.7%</td>
</tr>
<tr>
<td>Finney</td>
<td>46.7%</td>
<td>43.3%</td>
</tr>
<tr>
<td>Grant</td>
<td>43.9%</td>
<td>34.7%</td>
</tr>
<tr>
<td>Stanton</td>
<td>37.0%</td>
<td>23.7%</td>
</tr>
<tr>
<td>Stevens</td>
<td>32.6%</td>
<td>21.7%</td>
</tr>
<tr>
<td>Hamilton</td>
<td>30.7%</td>
<td>20.6%</td>
</tr>
<tr>
<td>Kearny</td>
<td>28.5%</td>
<td>26.6%</td>
</tr>
<tr>
<td>Haskell</td>
<td>27.0%</td>
<td>23.6%</td>
</tr>
<tr>
<td>Wyandotte</td>
<td>26.4%</td>
<td>16.0%</td>
</tr>
</tbody>
</table>

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### Who Wants to Live Here Now?

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### % Non-Hispanic Whites in US Population

<table>
<thead>
<tr>
<th>Year</th>
<th>% Non-Hispanic Whites</th>
</tr>
</thead>
<tbody>
<tr>
<td>1492</td>
<td>8%</td>
</tr>
<tr>
<td>1722</td>
<td>50%</td>
</tr>
<tr>
<td>1787</td>
<td>64%</td>
</tr>
<tr>
<td>1800</td>
<td>64%</td>
</tr>
<tr>
<td>1850</td>
<td>64%</td>
</tr>
<tr>
<td>1900</td>
<td>64%</td>
</tr>
<tr>
<td>1950</td>
<td>64%</td>
</tr>
<tr>
<td>2000</td>
<td>49%</td>
</tr>
<tr>
<td>2042</td>
<td>49%</td>
</tr>
</tbody>
</table>
Over 50,000 Hispanic citizens turn 18 years old........

EVERY MONTH
Challenges for Kansas (and US)
Schools:

- Immigrants and their children are THE major source of population growth in Kansas (and US)
- Children of immigrants are THE major source of school enrollment growth in Kansas (and US)
- People who WANT to live in Kansas, are OUR FUTURE!
- Their Children’s SUCCESS is Ours also!

Other Sources of Immigration, than Central and South America

- Asian and Indian students and others
- Middle eastern
- Mediterranean

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Immigrants and US Economy

- Foreign Born Population
- Silicon Valley Companies
- Technology Patents
- US Tech workforce with Degree
- US Science workforce with PhD
It's a Numbers Game: Their top 25% is more than ALL OF OURS, including IMMIGRANTS

Even with the waiver.................
We need every single one..........
So, future Kansas enrollment trends and staffing needs and numbers of Kansas school districts require knowledge of the three rules of Demography

Datos Demográficos

- Cada uno nace, y cada uno muere
- Cada año, todo ser vivo envejece un año más
- Cada año, algunas personas se mudan y el resto se queda
School District Organization: Declining Student Population in Rural Communities

Donna L. Whiteman, Attorney
Assistant Executive Director Legal Services, KASB
K.U. Law School
February 21, 2014

2014 Legislature
Constitutional Duties

- Fund courts, Article 3, Section 13
- Organizing, equipping and disciplining militia, Article 8, Section 2
- Mentally or physically incapacitated or handicapped persons, Article 7, Section 1
- Education, Article 6, Sections 5 and 6

Local Public Schools

- Local public schools shall be maintained, developed and operated by locally elected boards, Article 6, Section 5
- The Legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools..., Article 6, Section 1
“The future has a way of arriving unannounced. We are either progressing or retrograding all the while. There is no such thing as remaining stationary in this life.”

James Freeman Clarke

School District Options
- Local Option Budget
- Increased state funding
- Remain as is and slowly become a smaller school district
- Close buildings
- Cooperative agreements with other districts
- Consolidate with another unified school district
- Disorganize district and transfer land to another district

Cooperative Agreements
Broad authority to enter into cooperative agreements to provide educational services
- Agreement must be for cooperative operation and administration of educational programs
- Cooperative program under general supervision of state board
- Agreements subject to change, limitation or termination by legislature
- K.S.A. 72–8230
Cooperative Agreement Opportunities

- Extraordinary School Programs
- School Attendance Review Boards
- Bilingual Programs
- Child Care
- Pre-school Programs
- Summer Programs
- Library Services
- Educational Programs
- Certified Personnel
- Post Secondary Education Institutions
- Parent Education Programs
- Adult Education Programs
- Technology Education Programs
- Elementary Guidance Programs
- Activities/Sports Programs
- Professional Development Programs

Agreement To Share Certified Personnel

Two or more school districts may agree to share certified personnel. Board must adopt resolution declaring in best interest of educational system. Cooperative agreement for sharing certified staff subject to following:

1. Length of agreement must be specified
2. Subject to change or termination by legislature
3. May be changed or terminated by mutual agreement of participating boards
4. Address how responsibilities for appointment, supervision and evaluation of staff

K.S.A. 72-8235

Most Common Cooperative Agreements

- Special Education Cooperative Agreement
- Professional Development Programs
- Interscholastic Activities
- Agreement to Share Certified Personnel
- Shared Instruction Agreement
“Change is the law of life and those who look only to the past or present are certain to miss the future.”

John F. Kennedy

CLOSING BUILDINGS

Closing School Buildings

- Board of education may close any building at any time with majority vote. K.S.A. 72–8213b
- Board adopts resolution to close any school system
- Board must determine building should be closed to improve school system
- Board may close more than one building in resolution
Prior to adopting resolution to close building, board must hold public hearing. Notice of hearing must include:
- Reason for proposed closing
- Name of Building
- Name of school pupils reassigned to
- Time, date and place of public hearing
- Must be published at least once each week for two consecutive weeks
- Last publication must be at least 10 but not more than 20 days prior to hearing

Board must hear testimony of reasons for proposed closing. Representative of board must present board’s proposal for closing. After considering testimony and evidence at public hearing, board must determine whether school building should be closed to improve school system.
Boards have authority to enter into agreements to form new consolidated school district. Any agreement to consolidate must be:

1. Approved by state board
2. Approved at a special election conducted in district that will comprise consolidated unified district
3. Territory that will comprise consolidated district may be noncontiguous.

Must specify:

- Home county of consolidated district
- Date of election—Approved by majority in each district or majority of total voters
- Method of election and voting plan of consolidated district
- Description of member districts (if method of election not at-large)
- Membership of temporary board until new board elected
- Date to transfer assets of previous district
- Address responsibility for previous bonded indebtedness. K.S.A. 72-8701 et seq.

Method of Election

- Board Members
  - Two member districts—three board members in each district and one at-large
  - Three member districts—two board members in each district and one at-large
  - Six member districts—one board member in each district and one at-large
  - All board members elected at large
  
  K.S.A. 72-8009
Voting Plans

- Plan A – all voters to vote for all candidates in both primary and general
- Plan B—all voters vote for all positions in general but in primary vote for candidates in their member district
- Plan C—a voter votes for only candidates in their member district in both general and primary

K.S.A. 72–8003

Board Member District Boundaries

- The board shall draw boundaries of board member districts that are as compact and equal in population as possible. The boundaries of board member districts shall be drawn to the extent practical, to include whole voting precincts. K.S.A. 72–6769
- Population of any board member district is not greater than 5 percent above or 5 percent below mean population of all board member districts.

Election

1. Proposition to consolidate and notice of election must include, “Shall school districts ____ and ____ form a consolidated school district?
3. All electors in districts being consolidated may vote in election
4. Conducted by election clerk in home county of consolidate district
5. Majority vote in combined districts or majority vote in each district
Voters Approve Consolidation

1. Agreement may specify that consolidation is not approved unless majority of voters in each school district or majority of total voters
2. County canvasser certifies results of election
3. State board issues order establishing new school district
4. State board’s order
   a) Assigns new district number
   b) Specifies home county
   c) Contains description of new district’s boundaries

Temporary Board

1. Temporary board serves until July 1 following next school board election
2. Authority to:
   a. Enter into contracts
   b. Adopt resolutions
   c. Take any other action necessary to provide maintenance, finance and operation of consolidated district
   d. May recognize professional organization for negotiations
   e. Power to enter into employment contracts

Financial Incentives – Kansas School Consolidation and School Disorganization
K.S.A. 72–6445a
**District(s) Less Than 150**
- If any of districts enrollment less than 150
- Combined state aid for 3 years (before 2011)
- After July 1, 2011
  - If any of the districts had enrollment of **less than 150**—combined state aid available for only **two (2)** years

**150 – 200 Or More**
- All have 150 but any one has **less than 200**
  - Combined state aid—4 years
- All have 200 or more
  - Combined state aid—5 **years**
- **Three or more** school district consolidation
  - Combined state aid 5 **years** (regardless of enrollment)
- Based on September 20 enrollment on **year preceding** consolidation or disorganization

**Advantages Of Consolidation**
- Manage change
- Opportunities to preserve elementary buildings
- Curriculum advantages
- Better utilization of staff and resources
- Opportunity to participate in new school district
- Maintain some identity and buildings
Consolidation And Local Taxes

- Review local option budget
- Review bond levy
- Review capital outlay
- Review local mill levies
- Review recreation commission

Why Consider Consolidation

- Declining enrollment
- Reduction in funding
- Goal to provide quality education to all students
- The future is now

Disorganization Of School Districts

- K.S.A. 72–7301 through K.S.A. 72–7307
  - Go out of existence
  - Four methods of disorganizing
  - When disorganization becomes effective, disorganized district becomes part of one or more existing school districts
I. Board petition to state board to disorganize and attach territory to one or more school districts
   Factors considered by state board
   • Only one high school in the district and it cannot meet the 30 units of instruction accreditation requirements, or
   • District fails to meet minimum requirements for establishment of a unified district, and
   • The education system of the state and the area where the district is located will be improved by disorganization
   • After considering factors, state board will issue order disorganizing school district effective July 1

II. Patron petition to disorganize
   Patron can force disorganization by filing petition with county election officer seeking election to disorganize school district
   • Election cannot be held between January 1 and July 1
   • If majority of voters favor disorganization, county election officer notified state board which issues order disorganizing
Disorganization

- Patron petition (cont.)
  - Petitions require signatures equal to 20 percent ballots case at last general board election
  - If member district method and members were not elected in all member districts and if Voting Plan C in place number of signatures determined as follows:
    - Number of member districts in which members were selected and then;
    - Multiple result by the number of member districts in the school district; and
    - Multiply the amount by 20

- Elective date for disorganization
  - K.S.A. 72-7302(c)—July 1 following the date of the issuance of the order for disorganization

- Taxation
  - A school district to which territory is attached shall have the new territory included in taxable territory
  - Proceeds of bonds
  - Proceeds not encumbered by contractual obligations are transferred to special fund in county treasurer’s office of home county of disorganized school district. Treasurer has authority to make levy on the assessed taxable, tangible property in disorganized district to pay principal interest and other changes on bonds.

- Board of Education Petition to Disorganization and attachment to one other district—K.S.A. 72-7304
  - Board of education initiates; approval by election
  - Board adopts resolution proposing disorganization, election and attachment
  - Election required to allow patrons to vote on disorganization after adopting resolution
  - If disorganization passes, county election officer certifies the result to board clerks and state board
Disorganization
K.S.A. 72–7304 (cont)

- Assumption of debt
  - Disorganization proposal may include agreement by attached territory to assume proportional share to bonded indebtedness
  - Board of district to which such territory is proposed to be attached must approve of the proposition

Disorganization

IV. K.S.A. 72–7305
- Attachment to more than one school district
  - Board initiates; approval by election
  - Board resolution and an election
  - Proposal must be approved by state board of education
  - Once proposal is approved by the patrons, results certified to the board of education
  - Within 30 days of certification, the board of education must adopt a resolution to approve or reject the proposed attachment

Financial Incentives For Disorganized Districts

1. School district disorganizes and territory of disorganized district attached to more than one district
2. State financial aid of disorganized district allocated to districts to which territory of former district attached
3. State financial aid allocated on same proportional basis assessed valuation of territory attached to each district bears to assessed valuation of entire disorganized district
Transfer of Territory

- Two ways to transfer
  - Written agreement and approved by Kansas State Board of Education

- Petition for transfer
  - Mediation required
  - If no agreement, petition to KSBOE
  - Hearing and order by KSBOE

- Financial incentive if all territory transferred to another district

Factors State Board Considers In Transferring Territory

- City boundaries and 3-mile area surrounding with more than one district
- Capacity of districts to serve existing or additional students
- Condition and age of buildings, physical plant
- Overall costs including renovation of existing buildings versus construction
- Cost of bussing
- Food service

Factors State Board Considers In Transferring Territory (cont.)

- Administration and teachers
- Areas of interest—access and distances to travel to participate in student activities
- Matters of commerce, regular shopping areas, meeting places, community activities and youth activities
- Districts that are landlocked with changing demographics that cause declining enrollment
- Effect on students living in the area
Residents of territory transferred become liable for bonds and other indebtedness incurred by receiving district.

Residents of territory transferred shall not be liable for bonds or other indebtedness incurred by the giving district on or after such date. K.S.A. 72-7103a.

"Neither a wise man nor a brave man lies down on the tracks of history to wait for the train of the future to run over him."

Dwight D. Eisenhower

Importance of Education

“To give every citizen the information he needs for the transaction of his own business to enable him calculate for himself and to express and preserve his ideas, his contracts and accounts in writing: to improve, by reading, his morals and faculties; to understand his duties to his neighbors and country and to discharge with competence the functions confided to him by either; to know his rights; to exercise with order and justice those he retains, to choose with direction the fiduciary of those he delegates; and to notice their conduct with diligence, with candor and judgment; and in general to observe with intelligence and faithfulness all the social relationships under which he shall be placed.”

Thomas Jefferson: Report for University of Virginia, 1818
Education for a Democratic Society

“Nothing can more effectively contribute to the cultivation and improvement of a country, the wisdom, riches and strength, virtue and piety, the welfare and the happiness of a people than a proper education of youth.”

Benjamin Franklin, 1789

Questions?
dwhiteman@kasb.org