

HOUSE BILL No. 2458

By Committee on Federal and State Affairs

3-13

1 AN ACT concerning school districts; authorizing the state board of
2 education to establish new school districts for purposes of attachment
3 of territory of a disorganized school district; providing for
4 administrative and judicial review of resolutions to permanently close a
5 school building; amending K.S.A. 72-635 and 72-1431 and repealing
6 the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 72-635 is hereby amended to read as follows: 72-
10 635. (a) Except as provided in subsection ~~(d) of this section~~ (e), whenever
11 a petition, signed by ~~a~~ the number of electors as is provided in subsection
12 ~~(b) of this section~~, requesting the disorganization of the unified school
13 district; is filed with the county election officer of the home county of such
14 school district, such officer shall call an election in accordance with law
15 upon the proposition: ~~Provided, however, That~~. No such election shall be
16 held between January 1 and July 1 in any year. If a majority of those
17 voting in such election ~~shall~~ vote in favor of disorganization of the unified
18 school district such county election officer shall ~~so~~ notify the state board of
19 education, and ~~it~~ the state board shall issue ~~its~~ an order disorganizing the
20 unified school district. ~~The orders so issued~~ Such order shall comply with
21 the provisions ~~of this act and~~ of article 6 of chapter 72 of the Kansas
22 Statutes Annotated, and amendments thereto, and shall attach the territory
23 of the school district being disorganized to one or more adjacent school
24 districts, which may include any school district established pursuant to
25 subsection (c). Such order shall specify the disposition of property owned
26 by the school district being disorganized and such disposition shall be in
27 conformity with the provisions of law for the transfer of assets to another
28 school district. The disorganization shall be effective for the same
29 purposes ~~and at the same times~~ as is provided in ~~this act~~ article 6 of
30 chapter 72 of the Kansas Statutes Annotated, and amendments thereto, for
31 disorganization of other unified school districts.

32 (b) The number of valid signatures on petitions filed ~~as provided in~~
33 ~~subsection (a) of~~ pursuant to this section shall be determined as follows:

34 (1) The county election officer of any such school district ~~which that~~
35 had the election ~~at large~~ at-large method at the last preceding election of
36 board of education members shall determine the total number of ballots

1 cast and counted in such general school election. In any such school
2 district, a number equal to ~~twenty percent (20%)~~ of the number of ballots
3 cast and counted at such preceding general election ~~determined as~~
4 ~~provided in this subpart (1)~~; shall be the number of signatures required for
5 a valid petition.

6 (2) In school districts in which the last preceding election of *board of*
7 *education* members was by a member district method, *the county election*
8 *officer shall determine* the number of signatures required for a valid
9 petition ~~shall be computed as provided in subpart (1) of this subsection~~;

10 (A) If one or more members were elected in each of the member
11 districts of the school district, or if voting plan-B was in effect. ~~In school~~
12 ~~districts in which the last preceding election of members was by a member~~
13 ~~district method, in accordance with paragraph (1); or~~

14 (B) if members were not elected in all the member districts of the
15 school district and if voting plan-C was in effect at such preceding
16 election, ~~the number of valid signatures required shall be computed as~~
17 ~~follows: Divide by dividing~~ the total number of ballots cast and counted in
18 the general school election by the number of member districts in which
19 members were elected ~~and multiply, multiplying~~ the result by number of
20 member districts in the school district; ~~then, multiply the amount so~~
21 ~~determined by twenty hundredths (.20) and multiplying the resulting~~
22 ~~product by 0.20.~~

23 (c) *As part of any order to disorganize a school district, the state*
24 *board of education may establish one or more unified school districts and*
25 *attach all or any portion of the territory of the school district being*
26 *disorganized to such newly established school districts.*

27 (d) The proceeds of any bonds of any school district disorganized
28 under the provisions of this ~~act, which proceeds are~~ *section* not
29 encumbered by contractual obligations of such school district being
30 disorganized, shall be transferred to and deposited in a special fund in the
31 office of the county treasurer of the home county of the school district
32 being disorganized not later than the July 1 that such disorganization is
33 effective for school instruction and attendance purposes. All moneys in
34 any such fund shall be appropriated and used by such county treasurer to
35 pay the principal, interest; and other charges on the bonds from which such
36 funds were produced, and the tax levy provided for under ~~article chapter~~
37 *10 of the Kansas Statutes Annotated, and amendments thereto,* for
38 payment of such principal, interest; and other charges shall be reduced
39 accordingly, so long as there remains a balance in such fund. Such county
40 treasurer shall make a levy in accordance with ~~article chapter~~ *10 of the*
41 *Kansas Statutes Annotated, and amendments thereto,* on the assessed
42 taxable tangible property in the territory of the school district disorganized
43 under this ~~act section~~, to pay the principal, interest; and other charges on

1 any such bonds to the extent not paid from bond proceeds as provided
2 above. Any such bond proceeds shall be invested by the county treasurer in
3 accordance with K.S.A. 10-131, *and amendments thereto*, to the extent not
4 needed for current payment of principal, interest, and other charges on
5 such bonds, and the interest on such investments shall be deposited in such
6 special fund with such bonds proceeds and shall be used for the same
7 purpose.

8 ~~(d)~~(e) No petition for disorganization of any school district under this
9 section shall be filed with the county election officer sooner than two years
10 after the date of any election for disorganization of such school district
11 held under this section.

12 ~~(e)~~(f) All disorganizations under this section shall be effective for
13 school instruction and attendance purposes on the July 1 following the date
14 of issuance of the order for disorganization. Any school district to which
15 territory is attached under this section shall, for the purpose of taxation,
16 have included in its taxable territory, the territory so attached as of the
17 December 31 preceding the July 1 upon which the disorganization is
18 effective for school instruction and attendance purposes. For the purposes
19 of budgeting and levying of taxes therefor and for the purposes specified
20 in K.S.A. 10-119, *and amendments thereto*, the disorganization shall be
21 effective for budgets and tax levies to be certified in the August following
22 the effective date for school instruction and attendance purposes. For the
23 purpose of elections, the disorganization shall be effective at the first
24 election of school district officers occurring ~~one hundred twenty (120)~~
25 days or more after the date of issuance of the order of disorganization; and
26 for bond elections occurring ~~sixty (60)~~ days or more after the date of
27 issuance of the order of disorganization.

28 (g) The provisions of this section shall be deemed to provide an
29 additional and alternative method for the ~~doing of the things authorized~~
30 ~~thereby~~, *disorganization of a unified school district* and shall be regarded
31 as separate from procedures for approval of disorganization of school
32 districts prescribed by other laws.

33 Sec. 2. K.S.A. 72-1431 is hereby amended to read as follows: 72-
34 1431. (a) As used in this section, "school building" means any building or
35 structure operated or maintained by the board of education of a unified
36 school district.

37 (b) The board of education of any unified school district, by adoption
38 of a resolution, may close any school building at any time the board
39 determines that the building should be closed to improve the school system
40 of the unified school district. The board of education may close more than
41 one school building in one resolution. A resolution adopted pursuant to this
42 section shall require a majority vote of the members of the board of
43 education and shall require no other approval.

1 (c) Prior to adopting a resolution closing any school building, the
2 board of education shall call and hold a hearing on the proposal. The
3 notice of such hearing shall include the reasons for the proposed closing,
4 the name of any affected *school* building and the name of any school
5 building to which the involved ~~pupils~~ *students* shall be reassigned. Such
6 notice also shall include the time, date and place of the public hearing to
7 be held on the proposal. Such notice shall be published at least once each
8 week for two consecutive weeks in a newspaper of general circulation in
9 the school district. The last publication shall be at least 10 but not more
10 than 20 days prior to the date of the public hearing.

11 (d) At any such hearing, the board shall hear testimony as to the
12 advisability of the proposed closing, and a representative of the board shall
13 present the board's proposal for such closing. Following the public
14 hearing, or any continuation of such hearing, and after considering all of
15 the testimony and evidence presented or submitted at the public hearing,
16 the board shall determine whether the school building should be closed to
17 improve the school system of the unified school district.

18 (e) *Not later than 90 days after the adoption of a resolution pursuant*
19 *to this section, any resident of the school district who is dissatisfied with*
20 *such resolution may request an administrative review of such resolution by*
21 *the state board of education. Such request shall be made in such form and*
22 *manner as prescribed by the state board of education. Upon receipt of any*
23 *such request, the state board of education shall review the resolution to*
24 *determine the reasonableness thereof. Not later than 60 days after receipt*
25 *of any such request, the state board shall issue an advisory determination*
26 *to the school district that states whether the school district's resolution is*
27 *reasonable under the totality of the circumstances. Such advisory*
28 *determination may include recommendations regarding modifying or*
29 *rescinding the resolution.*

30 (f) *Upon receipt of an advisory determination issued pursuant to*
31 *subsection (e), including any advisory determination that the resolution is*
32 *reasonable, the board of education of such school district shall reconsider*
33 *such resolution. In reconsidering such resolution, the board of education*
34 *shall hold a public hearing in accordance with the provisions of*
35 *subsections (c) and (d) and may approve, modify and approve or rescind*
36 *such resolution upon the conclusion of such hearing.*

37 (g) *Not later than 30 days after the approval of a resolution pursuant*
38 *to subsection (f), any resident of the school district who is dissatisfied with*
39 *such resolution may bring an action in the district court for the home*
40 *county of such school district to determine the reasonableness of such*
41 *resolution.*

42 (h) *No resolution adopted pursuant to this section shall be effective*
43 *until the 30-day time period provided under subsection (e) has elapsed*

1 *without a request for administrative review or the 30-day time period*
2 *provided under subsection (g), if applicable, has elapsed without any*
3 *action being filed in the appropriate district court, or, if an action is filed*
4 *pursuant to subsection (g), then after a final adjudication in such action*
5 *that such resolution is reasonable.*

6 Sec. 3. K.S.A. 72-635 and 72-1431 are hereby repealed.

7 Sec. 4. This act shall take effect and be in force from and after its
8 publication in the Kansas register.