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

Be it enacted by the Legislature of the State of Kansas:

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

(b) The number of valid signatures on petitions filed as provided in subsection (a) of pursuant to this section shall be determined as follows: (1) The county election officer of any such school district which had the election at-large at-large method at the last preceding election of board of education members shall determine the total number of ballots
cast and counted in such general school election. In any such school
district, a number equal to twenty percent (20%) of the number of ballots
cast and counted at such preceding general election—determined as
provided in this subpart (1)—shall be the number of signatures required for
a valid petition.

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

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

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

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

(d) The proceeds of any bonds of any school district disorganized
under the provisions of this act, which proceeds are section not
encumbered by contractual obligations of such school district being
disorganized, shall be transferred to and deposited in a special fund in the
office of the county treasurer of the home county of the school district
being disorganized not later than the July 1 that such disorganization is
effective for school instruction and attendance purposes. All moneys in
any such fund shall be appropriated and used by such county treasurer to
pay the principal, interest, and other charges on the bonds from which such
funds were produced, and the tax levy provided for under article chapter
10 of the Kansas Statutes Annotated, and amendments thereto, for
payment of such principal, interest, and other charges shall be reduced
accordingly, so long as there remains a balance in such fund. Such county
treasurer shall make a levy in accordance with article chapter 10 of the
Kansas Statutes Annotated, and amendments thereto, on the assessed
taxable tangible property in the territory of the school district disorganized
under this act section, to pay the principal, interest, and other charges on
any such bonds to the extent not paid from bond proceeds as provided above. Any such bond proceeds shall be invested by the county treasurer in accordance with K.S.A. 10-131, and amendments thereto, to the extent not needed for current payment of principal, interest, and other charges on such bonds, and the interest on such investments shall be deposited in such special fund with such bonds proceeds and shall be used for the same purpose.

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

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

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

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

(b) The board of education of any unified school district, by adoption of a resolution, may close any school building at any time the board determines that the building should be closed to improve the school system of the unified school district. The board of education may close more than one school building in one resolution. A resolution adopted pursuant to this section shall require a majority vote of the members of the board of education and shall require no other approval.
(c) Prior to adopting a resolution closing any school building, the board of education shall call and hold a hearing on the proposal. The notice of such hearing shall include the reasons for the proposed closing, the name of any affected school building and the name of any school building to which the involved pupils students shall be reassigned. Such notice also shall include the time, date and place of the public hearing to be held on the proposal. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district. The last publication shall be at least 10 but not more than 20 days prior to the date of the public hearing.

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

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

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

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

(h) No resolution adopted pursuant to this section shall be effective until the 30-day time period provided under subsection (e) has elapsed.
without a request for administrative review or the 30-day time period
provided under subsection (g), if applicable, has elapsed without any
action being filed in the appropriate district court, or, if an action is filed
pursuant to subsection (g), then after a final adjudication in such action
that such resolution is reasonable.

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

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