

HOUSE BILL No. 2209

By Representative Decker

2-5

AN ACT concerning school districts; relating to the consolidation thereof.

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

Section 1. (a) On or before July 1, 2005, school districts in a county having a population of 10,000 or less and which has two or more school districts within the county boundaries shall consolidate to form one consolidated unified school district.

(b) The state board shall issue an order establishing the unified school district. Such order shall assign a number and describe the boundaries of such district.

(c) School districts which are located in more than one county shall be considered to be part of the county where the majority of the land lying within the boundaries of such county is located.

Sec. 2. (a) The boards of education of any two or more school districts which are required to consolidate pursuant to section 1, and amendments thereto, are hereby authorized to enter into agreements to form one consolidated unified school district. The territory of the consolidated unified school district shall be all of the territory of the school districts being consolidated. The agreement shall provide for school board representation from each of the former school districts.

(b) The election of board members at the next following school election shall be by the method of election and voting plan provided in the agreement for the consolidated unified school district, and at such election seven new board members shall be elected. The four candidates receiving the highest number of votes at the general school election shall serve as board members for four-year terms commencing on the July 1 following such election and the three candidates receiving the next highest number of votes shall service for two-year terms commencing on the July 1 following such election, except where a member-district method of election is in effect in which case persons elected to even-numbered board member positions shall serve for two-year terms commencing on the July 1 following such election and persons elected to odd-numbered member positions shall serve for four-year terms commencing on the July 1 following such election. Thereafter at school elections in odd-numbered

1 years board members shall be elected to serve for four-year terms.

2 (c) The newly elected board members of the consolidated unified
3 school district shall be responsible for decisions regarding school building
4 closures and administrative downsizing.

5 Sec. 3. Upon the consolidation of school districts the consolidated
6 unified school district shall assume and agree to pay all of the bonded
7 indebtedness of the former school districts of which it is comprised, unless
8 the agreement to consolidate provides otherwise as hereinafter provided.
9 Any consolidation agreement entered into under authority of this act may
10 provide that in lieu of the consolidated unified school district assuming
11 the bonded indebtedness of the school districts being disorganized. If
12 such agreement provides for bonded indebtedness to remain a charge
13 upon the territory of the school districts being disorganized, the provisions
14 of K.S.A. 10-119, and amendments thereto, shall apply with the date of
15 the disorganization of such school districts being the date to be used in
16 making such application.

17 Sec. 4. The assets of the school districts being consolidated shall be
18 transferred to the consolidated unified school district on a day agreed
19 upon in the consolidation agreement. The property, records and all funds
20 on hand and to be collected of each of the school districts being consol-
21 idated shall be turned over and paid to the consolidated unified school
22 district and shall become the property of the consolidated unified school
23 district, and the consolidated unified school district shall thereupon be
24 entitled to possession thereof. The consolidated unified school district
25 shall thereupon become liable for and pay all lawful debts of the school
26 districts which were consolidated except as may be otherwise provided
27 by the consolidation agreement for bonded indebtedness. It shall be the
28 duty of all county officers and officers of the school districts being con-
29 solidated to transfer the funds (including state foundation finance funds
30 and funds collected from state aid, taxes, interests, and penalties subse-
31 quent to such consolidation), records and property of the school districts
32 being consolidated in accordance with the provisions of this section and
33 the consolidation agreement. Any county treasurer or school district of-
34 ficer or former officer having in such person's possession any property,
35 records or funds of any of the school districts being consolidated who
36 shall fail or refuse to turn over such property, records or funds to the
37 consolidated unified school district shall be ordered to do so by the state
38 board.

39 Sec. 5. (a) All disorganizations of districts under this section shall be
40 effective for school instruction and attendance purposes on July 1, 2005.

41 (b) Upon mutual agreement of any employee of a disorganized dis-
42 trict and the board of education of any district to which territory of the
43 disorganized district is attached, such employee shall become an em-

1 ployee of the board of education. The contract of any such employee shall
2 be mutually agreed to by the board and the employee. All such employees
3 shall retain all retirement benefits which had accrued to or vested in such
4 employees prior to July 1,2005.

5 Sec. 6. This act shall take effect and be in force from and after its
6 publication in the statute book.

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