

## HOUSE BILL No. 2210

By Representative Decker

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AN ACT concerning school districts; relating to the consolidation of administrative services; concerning consolidation of small school districts; amending K.S.A. 72-8202b and repealing the existing section.

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

New 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 administrative services.

(b) The superintendent's office shall be located in the county seat of such county.

(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.

(d) The boards of education of any two or more school districts which are required to consolidate administrative services pursuant to subsection (a) are hereby authorized to enter into agreements to form a consolidated administrative service.

(e) For the purposes of conducting business, such consolidated administrative services shall be known as "administrative school services of \_\_\_\_\_ County," filling in the blank with the name of the county where such services are located.

New Sec. 2. (a) At any time after July 1, 2005, any school district which has an enrollment of 125 or less shall consolidate with the school district which is in the closest proximity to such school district 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.

New Sec. 3. (a) The boards of education of any two or more school districts which are required to consolidate pursuant to section 2, 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

1 representation from each of the former school districts.

2 (b) The election of board members at the next following school elec-  
3 tion shall be by the method of election and voting plan provided in the  
4 agreement for the consolidated unified school district, and at such elec-  
5 tion seven new board members shall be elected. The four candidates  
6 receiving the highest number of votes at the general school election shall  
7 serve as board members for four-year terms commencing on the July 1  
8 following such election and the three candidates receiving the next high-  
9 est number of votes shall serve for two-year terms commencing on the  
10 July 1 following such election, except where a member-district method  
11 of election is in effect in which case persons elected to even-numbered  
12 board member positions shall serve for two-year terms commencing on  
13 the July 1 following such election and persons elected to odd-numbered  
14 member positions shall serve for four-year terms commencing on the July  
15 1 following such election. Thereafter at school elections in odd-numbered  
16 years board members shall be elected to serve for four-year terms.

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

20 New Sec. 4. Upon the consolidation of school districts the consoli-  
21 dated unified school district shall assume and agree to pay all of the  
22 bonded indebtedness of the former school districts of which it is com-  
23 prised, unless the agreement to consolidate provides otherwise as here-  
24 inafter provided. Any consolidation agreement entered into under au-  
25 thority of this act may provide that in lieu of the consolidated unified  
26 school district assuming the bonded indebtedness of the school districts  
27 being disorganized. If such agreement provides for bonded indebtedness  
28 to remain a charge upon the territory of the school districts being disor-  
29 ganized, the provisions of K.S.A. 10-119, and amendments thereto, shall  
30 apply with the date of the disorganization of such school districts being  
31 the date to be used in making such application.

32 New Sec. 5. The assets of the school districts being consolidated shall  
33 be transferred to the consolidated unified school district on a day agreed  
34 upon in the consolidation agreement. The property, records and all funds  
35 on hand and to be collected of each of the school districts being consol-  
36 idated shall be turned over and paid to the consolidated unified school  
37 district and shall become the property of the consolidated unified school  
38 district, and the consolidated unified school district shall thereupon be  
39 entitled to possession thereof. The consolidated unified school district  
40 shall thereupon become liable for and pay all lawful debts of the school  
41 districts which were consolidated except as may be otherwise provided  
42 by the consolidation agreement for bonded indebtedness. It shall be the  
43 duty of all county officers and officers of the school districts being con-

1 solidated to transfer the funds (including state foundation finance funds  
2 and funds collected from state aid, taxes, interests, and penalties subse-  
3 quent to such consolidation), records and property of the school districts  
4 being consolidated in accordance with the provisions of this section and  
5 the consolidation agreement. Any county treasurer or school district of-  
6 ficer or former officer having in such person's possession any property,  
7 records or funds of any of the school districts being consolidated who  
8 shall fail or refuse to turn over such property, records or funds to the  
9 consolidated unified school district shall be ordered to do so by the state  
10 board.

11 New Sec. 6. Upon mutual agreement of any employee of a disorgan-  
12 ized district and the board of education of any district to which territory  
13 of the disorganized district is attached, such employee shall become an  
14 employee of the board of education. The contract of any such employee  
15 shall be mutually agreed to by the board and the employee. All such  
16 employees shall retain all retirement benefits which had accrued to or  
17 vested in such employees prior to the date of consolidation.

18 Sec. 7. K.S.A. 72-8202b is hereby amended to read as follows: 72-  
19 8202b. (a) *Except as provided further*, the board of education of each  
20 school district shall appoint a superintendent of schools for a term of not  
21 more than three (~~3~~) years. The board may appoint one or more assistant  
22 superintendents of schools, supervisors and principals for terms of not  
23 more than three (~~3~~) years. The board may give any assistant superinten-  
24 dent of schools the title of "assistant superintendent of schools," "deputy  
25 superintendent of schools" or "associate superintendent of schools." No  
26 person employed under the authority of this section shall be a member  
27 of the board. The superintendent, any assistant superintendents, super-  
28 visors and principals shall receive compensation fixed by the board.

29 (b) In the event that a vacancy occurs in the office of superintendent  
30 of schools, the board shall promptly fill such vacancy. Such a vacancy may  
31 either be filled by appointment of an acting superintendent of schools,  
32 or may be filled by appointment of a superintendent of schools as spec-  
33 ified in subsection (a).

34 (c) The superintendent of schools shall have charge and control of  
35 the public schools of the school district, subject to the orders, rules and  
36 regulations of the board of education.

37 (d) (1) *The board of education of each school district which is a part*  
38 *of the consolidated administrative services pursuant to section 1, and*  
39 *amendments thereto, shall appoint two members to serve on a committee*  
40 *to oversee the consolidated administration of the districts. The committee*  
41 *shall appoint a superintendent of schools for a term of not more than three*  
42 *years. The committee may appoint one or more assistant superintendents*  
43 *of schools for terms of not more than three years. Any appointments by*

1 *the committee shall be approved by the board of each district in such*  
2 *consolidated county. The committee may give any assistant superinten-*  
3 *dent of schools the title of “assistant superintendent of schools,” “deputy*  
4 *superintendent of schools” or “associate superintendent of schools.” Each*  
5 *individual board shall continue to employ principals. No person employed*  
6 *under the authority of this section shall be a member of the board of any*  
7 *school district. The superintendent and any assistant superintendents*  
8 *shall receive compensation fixed by the committee and approved by the*  
9 *board of each district in such consolidated county.*

10 (2) *In the event that a vacancy occurs in the office of superintendent*  
11 *of schools, the committee shall promptly fill such vacancy. Such a vacancy*  
12 *may either be filled by appointment of an acting superintendent of schools,*  
13 *or may be filled by appointment of a superintendent of schools as specified*  
14 *in paragraph (1).*

15 (3) *The superintendent of schools in a county with consolidated ad-*  
16 *ministrative services shall have charge and control of the public schools*  
17 *in each of the school districts, subject to the orders, rules and regulations*  
18 *of each board of education.*

19 Sec. 8. K.S.A. 72-8202b is hereby repealed.

20 Sec. 9. This act shall take effect and be in force from and after its  
21 publication in the statute book.

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