

HOUSE BILL No. 2882

By Committee on Local Government

2-13

AN ACT concerning certain municipalities; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 72-8205 and repealing the existing section.

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

Section 1. K.S.A. 72-8205 is hereby amended to read as follows: 72-8205. (a) The board of education shall meet at least once each month. At some time during the month of July of each year, the board shall adopt a resolution specifying a regular meeting time of the board and such resolution shall specify the regular hour of commencement of the meeting, as well as the day of the week and the week of the month. Such resolution ~~shall~~ also *shall* provide that if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board, such regular meeting shall be held on the day following commencing at the same hour. Such resolution ~~shall~~ also *shall* specify the regular meeting place of the board and may specify that any regular meeting may be adjourned to another time and place. Special meetings may be called at any time by the president of the board or by joint action of any three members thereof. *Unless waived*, written notice, stating the time and place of any special meeting and the purpose for which called, shall, ~~unless waived~~, be given to each member of the board at least two days in advance of the special meeting and no business other than that stated in the notice shall be transacted at such meeting. A majority of the full membership of the board shall constitute a quorum for the purpose of conducting any business of the school district, and the vote of a majority of the full membership of the board shall be required for the passage of any motion or resolution. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded and the member who abstains from voting thereby shall not be counted as having voted.

(b) Except as otherwise provided in the unification acts, the board of education shall have and may exercise the same powers and authorities as were ~~immediately prior to this act~~ conferred uniformly upon boards of

1 education in cities of the first class, and, in addition thereto, the powers
2 and authority expressly conferred by law *including the power of local*
3 *control to determine local affairs and government as provided under sub-*
4 *section (e).*

5 (c) The board of education shall have authority to prescribe courses
6 of study for each year of the school program and provide rules and reg-
7 ulations for teaching in the school district and general government
8 thereof, and to approve and adopt suitable textbooks and study material
9 for use therein subject to the plans, methods, rules and regulations for-
10 mulated and recommended by the state board of education.

11 (d) The board of education may provide legal counsel at district ex-
12 pense to any members of the board of education, or school district officers
13 or employees who are sued in situations relating to and arising out of the
14 performance of their office or employment. No teacher or other employ-
15 ment contract shall make reference to or incorporate the provisions of
16 this subsection, nor shall the provisions of this subsection be construed
17 as any part of the consideration of employment of any teacher, officer or
18 other employee of the board.

19 (e) (1) *The board of education may transact all school district busi-*
20 *ness and adopt policies that the board deems appropriate to perform its*
21 *constitutional duty to maintain, develop and operate local public schools,*
22 *subject to the following limitations:*

23 (A) *School districts shall be subject to all acts of the legislature and*
24 *all rules and regulations of the state board of education which apply to*
25 *all school districts.*

26 *School districts specifically identified or described in an act of the leg-*
27 *islature or rule and regulation of the state board of education shall remain*
28 *subject to such acts or rules and regulations.*

29 (B) *School districts may not consolidate or alter school district bound-*
30 *aries except as provided by law.*

31 (C) *School districts may not affect the courts located therein.*

32 (D) *School districts shall be subject to acts of the legislature prescrib-*
33 *ing limits of indebtedness.*

34 (E) *School districts shall be subject to all acts of the legislature con-*
35 *cerning elections.*

36 (F) *School districts may levy and collect taxes only in conformity with*
37 *acts of the legislature which specifically confer such authority.*

38 (G) *In the exercise of the power and authority conferred by this sub-*
39 *section, the home rule power conferred on cities and counties shall not be*
40 *superseded or impaired without the consent of the governing body of each*
41 *city or county which may be affected.*

42 (H) *School districts shall not adopt policies which interfere with the*
43 *public policy of this state set forth in subsection (b) of K.S.A. 38-141, and*

1 *amendments thereto.*

2 (2) *The power and authority conferred on school districts by this sub-*
3 *section shall not be construed to relieve any other unit of government of*
4 *its duties and responsibilities which are prescribed by law, nor to create*
5 *any responsibility on the part of a school district to assume the duties or*
6 *responsibilities which are required of another unit of government.*

7 (3) (A) *The power and authority conferred on school districts by this*
8 *subsection shall not be construed as authorizing school districts to adopt*
9 *a resolution which imposes stricter provisions than a provision in an act*
10 *of the legislature or rule and regulation of the state board of education.*

11 (B) *The power and authority conferred on school districts by this*
12 *subsection shall not be construed as authorizing school districts subject to*
13 *acts of the legislature or rules and regulations of the state board of edu-*
14 *cation which do not apply to all school districts to adopt a resolution*
15 *which exempt such school districts from the provisions of such acts or*
16 *rules and regulations.*

17 (C) *Any resolution adopted by the board of education which conflicts*
18 *with the restrictions in this subsection is null and void.*

19 (4) *School districts shall exercise the powers of local control conferred*
20 *by this subsection by resolution of the board of education. Such local*
21 *legislation shall become effective upon adoption of the resolution of the*
22 *board and publication in the official newspaper of the school district.*

23 (5) *Except as specifically provided by this subsection, the powers and*
24 *authorities granted pursuant to this subsection shall be construed liberally*
25 *for the purpose of giving to school districts the largest measure of self-*
26 *government.*

27 Sec. 2. K.S.A. 72-8205 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its
29 publication in the statute book.

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