

5
6 **House Bill No. 2951**

7
8 By Committee on Education

9
10 2-14

11
12 AN ACT concerning schools; relating to the closing of school buildings;
13 grants to communities; amending K.S.A. 72-8213 and repealing the
14 existing section.

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

16 Section 1. K.S.A. 72-8213 is hereby amended to read as follows: 72-
17 8213. (a) As used in this act, the term “school building” means any build-
18 ing or structure operated or used for pupil attendance purposes by the
19 board of education of a unified school district and the word “enrollment”
20 has the meaning ascribed thereto in the school district equalization act.

21 (b) (1) Subject to provision (2) of this subsection, the board of edu-
22 cation of a unified school district shall not close any school building except
23 as provided in this section.

24 (2) The provisions of this section shall be deemed alternative to the
25 provisions of K.S.A. 72-8233, and amendments thereto, and no procedure
26 or authorization under such statute shall be limited by the provisions of
27 this section. Nothing in this section shall operate or be construed so as
28 to abrogate, limit, or affect in any way the provisions of any law admin-
29 istered by the state fire marshal or any rules and regulations adopted
30 pursuant to any such law.

31 (c) (1) The provisions of this subsection apply to unified school dis-
32 tricts with under 1,600 enrollment.

33 (2) The board shall not close any school building that is being oper-
34 ated on the effective date of this act unless and until the board has
35 adopted and implemented a plan for closing such school building. A plan
36 for closing a school building shall contain procedures in conformity with
37 the provisions of this subsection.

38 (3) A plan for closing a school building may be adopted and imple-
39 mented by a board upon a finding by the board that the school building
40 should be closed in order to enhance the quality of education and improve
41 the school system of the unified school district.

42 (4) A plan for closing a school building shall contain the following
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1 procedures:

2 (A) The board of education shall adopt a resolution stating its inten-
3 tion to close the affected school building. Such resolution shall include
4 the reasons for the proposal to close the school building, the name of the
5 affected school building, the school building or buildings to which the
6 involved pupils shall be reassigned, and the time, date and place of a
7 public hearing to be held on the proposal to close such school building.

8 (B) A public hearing on the board's proposal to close a school building
9 shall be held after adoption of the resolution thereon. Public notice of
10 the time, date, place and purpose of such public hearing shall be pub-
11 lished in a newspaper of general circulation in the school district at least
12 once a week for two consecutive weeks.

13 (C) Subsequent to the public hearing provided for in paragraph (B),
14 the board of education, after considering all the testimony and evidence
15 brought forth at the public hearing, shall make a final decision as to the
16 closing of the affected school building. The decision shall be in writing
17 and shall be published at least once in a newspaper of general circulation
18 in the unified school district. The final decision either to close the affected
19 school building or not to close the affected school building shall be im-
20 plemented by the board in accordance with its plan unless a petition in
21 opposition to implementation of the same, signed by not less than 5% of
22 the registered electors residing within the unified school district, is filed
23 with the county election officer of the home county of the school district
24 within 45 days after publication of the final decision. If such a petition is
25 filed, the county election officer shall hold an election upon the question
26 of whether such school building should be closed or, at the request of
27 the board of education, shall submit the question to the registered elec-
28 tors of the unified school district at the next primary or general election
29 of the unified school district. Such election shall be held jointly with other
30 elections held at the same time insofar as is practicable as provided for
31 by K.S.A. 25-2011, and amendments thereto. All registered electors re-
32 siding within the unified school district may vote at the election. The
33 board shall not close any affected school building pending any election
34 to be held under the provisions of this paragraph. If a majority of those
35 voting at such election are not in favor of closing the affected school
36 building, the school building shall not be closed. If a majority of the votes
37 at such election are in favor of closing the affected school building, the
38 board shall close the school building in accordance with the plan.

39 (d) The board of education of any unified school district with 1,600
40 or more enrollment may close any of its school buildings at any time the
41 board finds the buildings should be closed to improve the school system
42 of the unified school district. The closing of any school building under
43 this subsection shall require a majority vote of the members of the board

1 of education and shall require no other approval.

2 (e) Notwithstanding the other provisions of this section, the board of
3 education of any unified school district may close any school building
4 which has failed to receive accreditation by the state board of education.
5 The closing of any school building under this subsection shall require a
6 majority vote of the members of the board of education and shall require
7 no other procedure or approval.

8 (f) If any territory has been or is hereafter attached or transferred to
9 any unified school district, any school building in the territory so attached
10 or transferred may be closed by the board of education upon majority
11 vote of the members of the board of education and shall require no other
12 procedure or approval.

13 (g) Nothing in this section shall be deemed to restrict or limit the
14 authority of any board to change the use of any school building, so long
15 as such school building is operated or used for pupil attendance purposes.

16 (h) Whenever a unified school district, by election, has been author-
17 ized to issue general obligation bonds to construct and equip a school
18 building to meet the needs of the entire unified school district, the board
19 of education of such district may close and discontinue the use of any
20 other one or more school buildings within such district if the school build-
21 ing so constructed adequately serves, directly or indirectly, the educa-
22 tional needs theretofore served by the school building or buildings closed.
23 The closing of any school building under this subsection shall require a
24 majority vote of the members of the board of education and shall require
25 no other procedure or approval.

26 (i) *Subject to appropriations therefor, the state board of education*
27 *shall establish a program to provide communities where a school building*
28 *is being closed assistance in the transition of such closure. If the building*
29 *is going to be maintained by the community as a community center ~~or~~*
30 *business [or an entity for community development], the community*
31 *may apply to the state board for a grant of up to \$50,000. The community*
32 *shall be required to have matching funds. [Communities where school*
33 **buildings which closed on or after the last day of class of the 2000-**
34 **2001 school year shall be eligible for such grants. The provisions**
35 **of this subsection apply to unified school districts with under 200**
36 **enrollment.]**

37 Sec. 2. K.S.A. 72-8213 is hereby repealed.

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

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