

## SENATE BILL No. 488

By Committee on Education

2-1

---

AN ACT concerning schools; relating to the closure of school buildings; amending K.S.A. 72-8213 and K.S.A. 2001 Supp. 72-8233 and repealing the existing sections.

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

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

(b) ~~(1) Subject to provision (2) of this subsection, the board of education of a unified school district shall not close any school building except as provided in this section.~~

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

~~(c) (1) The provisions of this subsection apply to unified school districts with under 1,600 enrollment.~~

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

~~(3) A plan for closing a school building may be adopted and implemented by a board upon a finding by the board that the school building should be closed in order to enhance the quality of education and improve the school system of the unified school district.~~

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

~~(A) The board of education shall adopt a resolution stating its inten-~~

1 tion to close the affected school building. Such resolution shall include  
2 the reasons for the proposal to close the school building, the name of the  
3 affected school building, the school building or buildings to which the  
4 involved pupils shall be reassigned, and the time, date and place of a  
5 public hearing to be held on the proposal to close such school building.

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

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

37 —(d) The board of education of any unified school district with 1,600  
38 or more enrollment, by adoption of a resolution, may close any of its  
39 school buildings at any time the board finds the buildings should be closed  
40 to improve the school system of the unified school district. *The resolution*  
41 *shall include the reasons for the proposal to close the school building, the*  
42 *name of the affected building and the school building or buildings to which*  
43 *the involved pupils shall be reassigned. The closing of any school building*

1 ~~under this subsection~~ pursuant to this section shall require a majority vote  
2 of the members of the board of education and shall require no other  
3 approval.

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

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

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

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

28 *(c) Prior to adopting a resolution closing a school building, the board*  
29 *of education shall call and hold a hearing on the proposal. Notice of such*  
30 *hearing shall include a copy of the resolution and the time, date and place*  
31 *of a public hearing to be held on the proposal to close such building. Such*  
32 *notice shall be published at least once each week for two consecutive weeks*  
33 *in a newspaper of general circulation in the school district. The last pub-*  
34 *lication shall be at least 10 days, but not more than 20 days, prior to the*  
35 *date of the public hearing.*

36 *At such hearing, the board shall hear testimony as to the advisability*  
37 *of the proposal to close the school building, and a representative of the*  
38 *board shall present the board's proposal for such closing. Following the*  
39 *public hearing, or any continuation thereof, and after considering all of*  
40 *the testimony and evidence presented or submitted at the public hearing,*  
41 *the board may proceed with the closing of the school building as proposed*  
42 *in the resolution by adoption of such resolution.*

43 Sec. 2. K.S.A. 2001 Supp. 72-8233 is hereby amended to read as

1 follows: 72-8233. (a) In accordance with the provisions of this section, the  
2 boards of education of any two or more unified school districts may make  
3 and enter into agreements providing for the attendance of pupils residing  
4 in one school district at school in kindergarten or any of the grades one  
5 through 12 maintained by any such other school district. The boards of  
6 education may also provide by agreement for the combination of enroll-  
7 ments for kindergarten or one or more grades, courses or units of  
8 instruction.

9 (b) Prior to entering into any agreement under authority of this sec-  
10 tion, the board of education shall adopt a resolution declaring that it has  
11 made a determination that such an agreement should be made and that  
12 the making and entering into of such an agreement would be in the best  
13 interests of the educational system of the school district. Any such agree-  
14 ment is subject to the following conditions:

15 (1) The agreement may be for any term not exceeding a term of five  
16 years.

17 (2) The agreement shall be subject to change or termination by the  
18 legislature.

19 (3) Within the limitations provided by law, the agreement may be  
20 changed or terminated by mutual agreement of the participating boards  
21 of education.

22 (4) The agreement shall make provision for transportation of pupils  
23 to and from the school attended on every school day, for payment or  
24 sharing of the costs and expenses of pupil attendance at school, and for  
25 the authority and responsibility of the participating boards of education.

26 (c) Provision by agreements entered into under authority of this sec-  
27 tion for the attendance of pupils at school in a school district of nonres-  
28 idence of such pupils shall be deemed to be compliance with the kinder-  
29 garten, grade, course and units of instruction requirements of law.

30 (d) The board of education of any school district which enters into  
31 an agreement under authority of this section for the attendance of pupils  
32 at school in another school district may discontinue kindergarten or any  
33 or all of the grades, courses and units of instruction specified in the agree-  
34 ment for attendance of pupils enrolled in kindergarten or any such grades,  
35 courses and units of instruction at school in such other school district.  
36 Upon discontinuing kindergarten or any grade, course or unit of instruc-  
37 tion under authority of this subsection, the board of education may close  
38 any school building or buildings operated or used for attendance by pupils  
39 enrolled in such discontinued kindergarten, grades, courses or units of  
40 instruction. The closing of any school building under authority of this  
41 subsection shall require a majority vote of the members of the board of  
42 education and shall require no other procedure or approval. ~~The provi-  
43 sions of this subsection shall be deemed alternative to the provisions of~~

1 ~~K.S.A. 72-8213, and amendments thereto, and the procedure and au-~~  
2 ~~thorization for the closing of school buildings under this subsection shall~~  
3 ~~not be limited by the provisions of such cited statutory section.~~

4 (e) Pupils attending school in a school district of nonresidence of such  
5 pupils in accordance with an agreement made and entered into under  
6 authority of this section shall be counted as regularly enrolled in and  
7 attending school in the school district of residence of such pupils for the  
8 purpose of computations under the school district finance and quality  
9 performance act.

10 (f) Pupils who satisfactorily complete grade 12 while in attendance at  
11 school in a school district of nonresidence of such pupils in accordance  
12 with the provisions of an agreement entered into under authority of this  
13 section shall be certified as having graduated from the school district of  
14 residence of such pupils unless otherwise provided for by the agreement.

15 Sec. 3. K.S.A. 72-8213 and K.S.A. 2001 Supp. 72-8233 are hereby  
16 repealed.

17 Sec. 4. This act shall take effect and be in force from and after its  
18 publication in the statute book.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43