

Substitute for SENATE BILL No. 488

By Committee on Education

2-19

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

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

New Section 1. (a) As used in this section, "school building" means any building or structure operated or maintained by the board of education of a unified school district.

(b) The board of education of any unified school district, by adoption of a resolution, may close any school building at any time the board determines that the building should be closed to improve the school system of the unified school district. The board of education may close more than one school building in one resolution. A resolution adopted pursuant to this section shall require a majority vote of the members of the board of education and shall require no other approval.

(c) Prior to adopting a resolution closing any school building, the board of education shall call and hold a hearing on the proposal. The notice of such hearing shall include the reasons for the proposed closing, the name of any affected building and the name of any school building to which the involved pupils shall be reassigned. Such notice also shall include the time, date and place of the public hearing to be held on the proposal. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district. The last publication shall be at least 10 but not more than 20 days prior to the date of the public hearing.

At such hearing, the board shall hear testimony as to the advisability of the proposed closing, and a representative of the board shall present the board's proposal for such closing. Following the public hearing, or any continuation of such hearing, and after considering all of the testimony and evidence presented or submitted at the public hearing, the board shall determine whether the school building should be closed to improve the school system of the unified school district.

Sec. 2. K.S.A. 2001 Supp. 72-8233 is hereby amended to read as follows: 72-8233. (a) In accordance with the provisions of this section, the boards of education of any two or more unified school districts may make

1 and enter into agreements providing for the attendance of pupils residing
2 in one school district at school in kindergarten or any of the grades one
3 through 12 maintained by any such other school district. The boards of
4 education may also provide by agreement for the combination of enroll-
5 ments for kindergarten or one or more grades, courses or units of
6 instruction.

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

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

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

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

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

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

28 (d) The board of education of any school district which enters into
29 an agreement under authority of this section for the attendance of pupils
30 at school in another school district may discontinue kindergarten or any
31 or all of the grades, courses and units of instruction specified in the agree-
32 ment for attendance of pupils enrolled in kindergarten or any such grades,
33 courses and units of instruction at school in such other school district.
34 Upon discontinuing kindergarten or any grade, course or unit of instruc-
35 tion under authority of this subsection, the board of education may close
36 any school building or buildings operated or used for attendance by pupils
37 enrolled in such discontinued kindergarten, grades, courses or units of
38 instruction. The closing of any school building under authority of this
39 subsection shall require a majority vote of the members of the board of
40 education and shall require no other procedure or approval. ~~The provi-
41 sions of this subsection shall be deemed alternative to the provisions of
42 K.S.A. 72-8213, and amendments thereto, and the procedure and au-
43 thorization for the closing of school buildings under this subsection shall~~

1 ~~not be limited by the provisions of such cited statutory section.~~

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

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

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

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the Kansas register.

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