

## MINUTES OF THE SENATE EDUCATION COMMITTEE

The meeting was called to order by Chairman Jean Schodorf at 1:40 p.m. on March 16, 2005, in Room 123-S of the Capitol.

Committee members absent: Barbara Allen- excused

Committee staff present: Carolyn Rampey, Kansas Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: None

Discussion and action on previously heard bill:

**HB 2252—Concerning boundaries of member districts of school boards**

Theresa Kiernan, Revisor of Statutes Office, distributed a copy of a balloon of the bill with proposed amendments. (Attachment 1) She explained that the amendments simply make the language consistent. She noted that new paragraph 2 to be inserted on page one was suggested by Senator Vratil. The language directs that, if the population of any board member district is at least 5% above or 5% below the mean population of all board member districts within the school district, based upon the most recently published federal decennial census or upon population estimates as determined by the county election officer, the board would have the duty to change the boundaries so that those districts will not vary by 5% above or 5% below the mean population of all the board member districts. If the board does not change the boundaries, the county or district attorney of the home county of the school district would notify the board of its duties to make those changes. If the board fails to change the boundaries as required, the county or the district attorney would have to file an action in district court requesting an order to compel the board to change the boundaries as required. Ms. Kiernan noted that paragraph (3) is the exception, and provides that no boundary changes shall be made during the ninety-day period preceding any regular election of the school district.

Senator Steineger moved to amend **HB 2252** as shown on the balloon, seconded by Senator Vratil. The motion carried.

Senator Apple asked who would trigger an action against the board. Senator Vratil replied, "This will be triggered most likely by a peer guide review of the population of the board member districts by the superintendent of schools. A conscientious superintendent will look at that from time to time to make sure they don't get out of whack. If the superintendent determines that they need to be adjusted, then he or she will bring that to the attention of the board and ask them to make changes. If that doesn't happen, then it's most likely to be triggered by a concerned citizen who makes a complaint to the county or district attorney. Realistically, I don't expect the county or district attorney to monitor every school district, but I do think that there are some citizens who keep track of those things, especially if there's reason to believe that they're pretty far out of balance."

Senator McGinn commented, "I go back to the small school districts. I don't care if you're small or not, you may not hire an attorney that you use often, but once in a while, you have to hire an attorney. And I don't know why the school district's attorney cannot look at this." Senator Vratil responded, "They could do it, and the superintendent may say to the school district's attorney, I want you to keep track of this to make sure we don't get out of whack."

Senator Vratil moved to recommend **HB 2252** favorably for passage as amended, seconded by Senator Steineger. The motion carried.

Senator Schodorf called attention to the minutes of the February 22 and the March 1, 2, and 3 meetings.

Senator Steineger moved to approve the minutes of the February 22, 2005, meeting and the March 1, 2, and 3, 2005, meetings, seconded by Senator Teichman. The motion carried.

The meeting was adjourned at 1:50 p.m. The next meeting is scheduled for March 21, 2005.



HOUSE BILL No. 2252

By Representative Otto

2-2

10 AN ACT relating to school districts; concerning the changing of member  
11 district boundaries; amending K.S.A. 72-6769 and repealing the exist-  
12 ing section.  
13

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

15 Section 1. K.S.A. 72-6769 is hereby amended to read as follows: 72-  
16 6769. (a) ~~The board of education of any school district may change the~~  
17 ~~boundaries of board member districts, if any, within the school district,~~  
18 ~~including any territory added thereto. The board is directed to make any~~  
19 ~~appropriate changes in the member districts of the school district by res-~~  
20 ~~olution duly adopted at a meeting of the board in the month of October~~  
21 ~~next preceeding every regular election of board members of the school~~  
22 ~~district. The board shall prescribe member districts that are as compact~~  
23 ~~and equal in population as possible. Such member districts shall be com-~~  
24 ~~posed, to the extent practical, of whole voting precincts. Upon a finding~~  
25 ~~by the board that whole voting precincts cannot be used, whole census~~  
26 ~~blocks shall be used to create member districts.~~

(1) Except as provided by paragraph (3), the board  
of education of any school district shall

at any time the board determines such change is  
necessary

board

See Attached

27 (b) Such resolution shall be published one time in a newspaper having  
28 general circulation in the district, and such publication shall be made  
29 within two weeks after the adoption of such resolution. No action shall  
30 be brought in any court to contest the location of the boundaries of any  
31 member district except within 60 days immediately following the publi-  
32 cation of such resolution. Any such action shall be filed in the name of  
33 the state by a county or district attorney or the attorney general in a  
34 district court of competent jurisdiction. Such a court is authorized to  
35 advance any such action on its docket for early determination to facilitate  
36 the conduct of elections to be held in the unified district. ~~Commencing~~  
37 ~~after October, 2006, whenever member districts vary in population by~~  
38 ~~over 5%, as determined by the most recently published federal decennial~~  
39 ~~census, it shall be the duty of the county or district attorney of the county~~  
40 ~~in which the majority of the school district territory is located to com-~~  
41 ~~mence a civil action in the district court for an order requiring the school~~  
42 ~~board to change member district boundaries so that they are as equal in~~  
43 ~~population as possible.~~

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Attachment 1

1 (c) Amendments to member district boundaries may be made to cor-  
2 rect errors therein or to make the territory thereof more practicable. In  
3 the event of transfer of any territory into a school district, such territory  
4 shall be assigned to one or more member districts, if any, by the board  
5 of education by resolution duly adopted no later than 60 days prior to any  
6 regular election in the school district. In the event of transfer of any  
7 territory out of the school district, member districts shall be adjusted, if  
8 needed, by the board by resolution duly adopted no later than 60 days  
9 prior to any regular election in the school district. board  
10 (d) Whenever the boundaries of any member district are changed,  
11 the board of education shall immediately notify, in writing, the county  
12 election officer of the home county of the school district. Such notice  
13 shall describe the boundaries as changed.  
14 Sec. 2. K.S.A. 72-6769 is hereby repealed.  
15 Sec. 3. This act shall take effect and be in force from and after its  
16 publication in the statute book.

The board shall draw boundaries of board member districts that are as compact and equal in population as possible. The boundaries of board member districts shall be drawn, to the extent practical, to include whole voting precincts. Upon a finding by the board that whole voting precincts cannot be included, boundaries shall be drawn to include whole census blocks.

(2) If the population of any board member district is at least 5% above or 5% below the mean population of all board member districts within the school district, based upon the most recently published federal decennial census or upon population estimates as determined by the county election officer of the home county of the school district, the board of education of such school district shall change the boundaries of the board member districts so that the population of any board member district is not greater than 5% above nor greater than 5% below the mean population of all board member districts within the school district. If the board does not change the boundaries as required by this paragraph, the county or district attorney of the home county of the school district shall notify the board of its duty to make such changes. If within 60 days after receiving such notification, the school district fails to change the boundaries as required by this paragraph, the county or district attorney shall file an action in the district court of such county requesting an order to compel the school board to change the board member district boundaries as required by this paragraph.

(3) No boundary changes shall be made during the ninety-day period preceding any regular election of the school district