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MEMORANDUM

To: 2023 Special Committee on Education
From: Office of Revisor of Statutes
Date: October 10, 2023
Subject: Overview of School District Disorganization, Territory Transfer and Consolidation Authority

Disorganization of a School District

Kansas law generally authorizes a school district to disorganize as follows:

- **Elector-led Petition**
 - K.S.A. 72-635 authorize the electors of a school district to petition to disorganize the school district. Upon receipt of a valid petition, the county election officer of the home county of the school district must hold an election on the disorganization proposal. The number of signatures required for a valid petition must be equal to or greater than 20% of the number of ballots cast and counted at the preceding general school election in the district. If a majority of electors vote in favor of disorganizing the school district, the state board of education must issue an order disorganizing the district. If the measure fails, no subsequent disorganization petition may be submitted for two years following the date of the election.¹

- **School District Board of Education Petition**
 - K.S.A. 72-634 authorizes the board of education of a school district to submit a petition to the state board of education to disorganize the school district and attach the territory of such district to one or more other school districts when there is only one high school in the school district, the high school cannot meet the 30-unit minimum accreditation requirements and such action would improve the educational system of the district.

¹ Recently, a sufficient number of electors in Ellsworth County signed a petition to disorganize USD 112 – Central Plains. On August 1, 2023, the following question was submitted on a ballot to the electors of the county: Shall USD 112 be disorganized pursuant to K.S.A. 72-635 to pursue attachment to another school district or organization of the schools therein in anyway provided by law? The initiative failed with 1,179 voting against and 587 voting in favor.

- School District Board of Education Resolution
 - K.S.A. 72-637 and 72-638 authorizes the board of education of a school district to adopt a resolution to disorganize the school district and attach the district's territory to one or more other school districts. Subject to the state board of education's approval, the county election officer of the home county of the school district must hold an election on the disorganization and attachment proposal. If a majority of electors of the home county vote in favor of the proposal the results shall be certified to the affected school districts and the state board of education. Within 30 days after receipt of such election certification, the boards of education of the affected school districts must adopt a resolution to either approve or reject the proposed attachment of territory. If all such affected school districts approve of the action, the state board of education must issue an order disorganizing the district and attaching such territory.

Territory Transfers Between School Districts

Kansas law generally authorizes the transfer of school district territory to another school district as follows:

- School District Board of Education Agreement
 - K.S.A. 72-532(a)(1) authorizes a school district board of education to enter into a written transfer agreement with another school district board of education. Such an agreement must be approved by the state board of education to effectuate the transfer.

- School District Board of Education Petition
 - K.S.A. 72-532(a)(2) authorizes a school district board of education to petition the state board of education for a territory transfer. The state board of education may issue an order to approve or disapprove of the transfer after the proposal is considered at a public hearing conducted by the state board. Notice of such hearing must be published for two consecutive weeks in a newspaper of general circulation in the school district from which territory will be transferred with the last publication occurring not more than 10 nor less than 3 days before such hearing. If the state board disapproves the petition, no subsequent petition for transfer of substantially the same territory shall be considered for a period of two years.

Consolidation

Kansas law generally authorizes school districts to consolidate as follows:

- K.S.A. 72-708 et seq., authorize school district boards of education to form one school district by entering into a consolidation agreement with another school district. A consolidation agreement must specify the home county of the consolidated district, the date of the election, the method of election and voting plan, a description of board member districts if necessary, and whether a temporary board of education will serve until a new board is elected. A consolidation agreement must be approved by the electors of the affected districts pursuant to an election. If the electors approve of the consolidation, the state board shall issue an order establishing the new school district.