

SESSION OF 2024

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 427**

As Amended by Senate Committee of the Whole

**Brief\***

SB 427, as amended, would amend law governing the powers and duties of school district boards of education (local school boards) to require certain local school board member information be published and accessible on the websites of the school district and the Kansas State Department of Education (KSDE), allow any member of a local school board to add board discussion items to “new business” on a board meeting agenda and engage in discussion with members of the public at such meetings, require each local school board meeting to include time for a public comment period, authorize payment of annual dues to not-for-profit organizations providing guidance or other services to member local school boards, and provide that local school board members may access school district property during school hours or when there are school or community activities on such property.

***School District Boards of Education—Published Member Information; Meetings and Public Comment***

The bill would add a requirement for each local school board to list the members of the local school board and an email address for each member on the school district’s website. Each school district would be required to send the list of current board members and the members’ email addresses to the KSDE and to update such information each time a new board member takes office or when any change to member information occurs. The KSDE would be required to

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

maintain a public database of all current members of local school boards and such members' email addresses. The KSDE would also be required to post this database on its website.

The bill would authorize any local school board member to add discussion items under the category of "new business" at any school board meeting and to ask questions or otherwise engage in discussion with any member of the public addressing the board at a school board meeting. The bill would require all meetings held by a local board of education, including virtual meetings, to include time for a public comment portion. Members of the public would be permitted to address the board at regular school board meetings.

***School District Boards of Education—Annual Dues***

The bill would amend law to permit any local school board to appropriate moneys from its general fund to pay the annual dues to a not-for-profit organization that provides guidance, resources, and other services to member school districts. School boards are currently allowed to pay annual dues for membership only in the Kansas Association of School Boards.

***School District Boards of Education—Access to School District Property***

The bill would amend law governing control of school district property to allow local school board members to access school district property, including any school buildings and attendance centers, during school hours or when there are school or community activities on such property.

## **Background**

The bill was introduced by the Senate Committee on Education at the request of a representative of the Kansas Policy Institute (KPI). The bill was initially referred to the Senate Committee on Education; was withdrawn from the Committee on February 23, 2024, and referred to the Senate Committee on Ways and Means; and was re-referred to the Committee on February 28, 2024.

### ***Senate Committee on Education***

In the Senate Committee hearing on March 13, 2024, a representative of KPI and current and former school board members from USD 265 (Goddard), USD 453 (Leavenworth), and USD 469 (Lansing) provided **proponent** testimony. The proponents indicated school board members are elected officials with oversight responsibilities and stated such individual members should not be restricted or prevented from doing their jobs by school employees or by board policy. Some of the board member conferees provided specific examples of limitations or restrictions experienced in school board meetings.

Written-only proponent testimony was submitted by a representative of the Kansas School Board Resource Center, current school board members of USD 260 (Derby) and USD 453, and a private citizen.

**Opponent** testimony was provided by a representative of the Kansas Association of School Boards (KASB), who stated provisions of the bill would violate local school boards' constitutional rights to oversee their districts and cited concerns with the bill's requirements affecting the governance of local public schools (e.g., database of collective board member email addresses and cybersecurity risk, individual member authority to act and board meeting agenda setting, unlimited discussion with members of the public and board

meeting order, and unlimited access to school district property for a single board member).

Written-only opponent testimony was provided by a representative of USA-Kansas and the Kansas School Superintendents' Association.

### ***Senate Committee of the Whole***

The Senate Committee of the Whole amended the bill to clarify local school board member access to school district property.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KSDE indicates enactment of the bill would require additional staff time to collect, verify, and post contact information in a database on the agency's website. Additional administrative measures required by enactment of this bill would be performed by existing KSDE staff. However, the KSDE notes, if the combined effect of implementing this bill and other enacted legislation exceeds the agency's administrative resources, additional expenditures for administrative costs beyond its current budget may be required. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The KASB indicates the enactment of the bill would have no fiscal effect.

Education; school district boards of education; board member information; board meetings; public comment; annual dues; access to school district property