

As Amended by Senate Committee

Session of 2019

SENATE BILL No. 7

By Senator Hawk

1-11

1 AN ACT concerning school boards; relating to timing of elections of
2 officers and certain other matters; amending K.S.A. 72-1073, **72-1088**,
3 72-1133 and 72-1138 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 72-1073 is hereby amended to read as follows: 72-
7 1073. The provisions of law relating to the term of office of members of
8 boards of education, including method and time of qualification and of
9 taking office shall apply to every school district in this state. In the event
10 no candidate is elected to a position on the board of education of a school
11 district in a regular election, or if an elected member moves out of the
12 school district after such member is elected and before such member takes
13 office the *second Monday in January* following ~~July~~ *the election*, or if
14 such member becomes ineligible to serve for any other reason during that
15 period of time, the holdover member shall continue to sit as a voting
16 member of the board of education of such school district until an eligible
17 successor is appointed by the board of education to fill the position. ~~Such~~
18 ~~successor shall be appointed not later than November 15 next following~~
19 ~~the regular election of board members.~~

20 Sec. 2. K.S.A. 72-1133 is hereby amended to read as follows: 72-
21 1133. (a) At the first meeting of the board of education ~~in July~~ *on or after*
22 *the second Monday in January* of each year, *or at a later meeting during*
23 *that calendar year if so determined by the board at the first meeting*, the
24 board shall elect a president and vice-president, both of whom shall be
25 members of the board. The president and vice-president shall each serve
26 for a term of one ~~(1)~~ year and until ~~his~~ a successor is elected and qualified.

27 (b) The president shall preside at meetings of the board and perform
28 such other duties as are provided by law.

29 (c) In the absence or inability to act of the president, the vice-
30 president shall perform the duties of the president. In the absence or
31 inability to act of both the president and vice-president, the remaining
32 members shall select a member to act in the capacity of president.

33 Sec. 3. K.S.A. 72-1138 is hereby amended to read as follows: 72-
34 1138. (a) The board shall meet at least once each month. ~~During the month~~
35 ~~of July~~ *On or after the second Monday in January and before February 1*
36 *of each year, or at a later date during that calendar year if so determined*

1 *by the board at the first meeting of the board on or after the second*
2 *Monday in January of each year; the board shall adopt a resolution*
3 *specifying a regular meeting time of the board and the regular hour of*
4 *commencement of the meeting, as well as the day of the week and the*
5 *week of the month. Such resolution also shall specify the alternative date*
6 *and time of any meeting if the regular meeting date occurs on a Sunday or*
7 *on a legal holiday or on a holiday specified by the board. Such resolution*
8 *also shall specify the regular meeting place of the board and may specify*
9 *that any regular meeting may be adjourned to another time and place. If*
10 *the board cancels a regularly scheduled meeting because of an emergency,*
11 *within 24 hours of such cancellation, the board shall establish and give*
12 *notice of the new meeting date and time. Special meetings may be called*
13 *at any time by the president of the board or by joint action of any three*
14 *members of the board. Unless waived, written notice, stating the time and*
15 *place of any special meeting and the purpose for which called, shall be*
16 *given each member of the board at least two days in advance of the special*
17 *meeting and no business other than that stated in the notice shall be*
18 *transacted at such meeting. A majority of the full membership of the board*
19 *shall constitute a quorum for the purpose of conducting any business of the*
20 *school district, and the vote of a majority of the full membership of the*
21 *board shall be required for the passage of any motion or resolution. Any*
22 *member who abstains from voting shall be counted as having voted against*
23 *the motion or resolution. If a member announces a conflict of interest with*
24 *regard to the issue, the member may leave the meeting until the voting on*
25 *the issue is concluded, and the member who abstains from voting thereby*
26 *shall not be counted as having voted.*

27 (b) Except as otherwise provided by law, the board shall have and
28 may exercise the same powers and authorities as were immediately prior to
29 this act conferred uniformly upon boards of education in cities of the first
30 class, and, in addition thereto, the powers and authority expressly
31 conferred by law.

32 (c) The board shall have authority to prescribe courses of study for
33 each year of the school program and to adopt rules and regulations for
34 teaching in the school district and general government thereof, and to
35 approve and adopt suitable textbooks and study material for use therein
36 subject to the plans, methods, rules and regulations of the state board of
37 education.

38 (d) The board may provide legal counsel at district expense to any
39 members of the board of education, or school district officers or employees
40 who are sued in situations relating to and arising out of the performance of
41 their office or employment. No teacher or other employment contract shall
42 make reference to or incorporate the provisions of this subsection, nor
43 shall the provisions of this subsection be construed *as to be* any part of the

1 consideration of employment of any teacher, officer or other employee of
2 the board.

3 (e) (1) The board may transact all school district business and adopt
4 policies that the board deems appropriate to perform its constitutional duty
5 to maintain, develop and operate local public schools.

6 (2) The power granted by this subsection shall not be construed to
7 relieve a board from compliance with state law.

8 The power granted by this subsection shall not be construed to relieve
9 any other unit of government of its duties and responsibilities ~~which that~~
10 are prescribed by law, nor to create any responsibility on the part of a
11 school district to assume the duties or responsibilities ~~which that~~ are
12 required of another unit of government.

13 (3) The board shall exercise the power granted by this subsection by
14 resolution of the board of education.

15 ***Sec. 4. K.S.A. 72-1088 is hereby amended to read as follows: 72-***
16 ***1088. The issue of the change of method of election or voting plan, or***
17 ***both, in any school district may be made in the manner provided in this***
18 ***act at any time during the period beginning on the first Wednesday in***
19 ***November of each even-numbered year and ending on the first Tuesday in***
20 ***June of each odd-numbered year, if such change is also approved in a***
21 ***manner authorized in this act before the end of such period submitted to***
22 ***voters at any primary election or general election as defined in K.S.A. 25-***
23 ***2502, and amendments thereto, or at a special election called for such***
24 ***purpose. If approved by voters, the new method of election and voting***
25 ***plan in such the school district shall be followed in the election of***
26 ***members next following such the change and shall continue in force***
27 ***until again changed in the manner provided in this act. Change of***
28 ***method of election or voting plan shall not shorten the term of any***
29 ***member serving on the board at the time the change is made, and the***
30 ***county election officer shall not submit to election any plan of change***
31 ***which violates this prohibition.***

32 ~~Sec. 4:~~ 5. K.S.A. 72-1073, 72-1088, 72-1133 and 72-1138 are hereby
33 repealed.

34 ~~Sec. 5:~~ 6. This act shall take effect and be in force from and after its
35 publication in the statute book.