



Unified School District 232

De Soto – Shawnee – Lenexa – Olathe
www.usd232.org

Cory Gibson, Ed.D.
Superintendent of Schools

Written & Oral Testimony Provided by: Cory L. Gibson, Proud Superintendent of USD 232 De Soto

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Bill Number: HOUSE BILL No. 2489 – Session of 2024

Position on Bill: Opponent

Date of Hearing: Wednesday, January 24, 2024

January 21, 2024

HOUSE BILL No. 2489: AN ACT concerning education; relating to school districts; limiting the legislative option to purchase school district buildings to buildings that were formerly used as attendance centers; amending K.S.A. 2023 Supp. 72-1439 and repealing the existing section.

Members of the House Committee on K-12 Budget Committee,

I urge the members of this committee and the Kansas Legislative body to **oppose** HB 2489 as introduced on January 8, 2024. Furthermore, I recommend the **repealing** of 2023 House Substitution for Senate Bill 113 sections 4 and 11 – *Provisions relating to the use of school district property – disposition of closed school building; notice to legislature; adoption of concurrent resolutions for state agency to acquire the school building; requirements.*

In discussions with lawmakers, some have shared they were unaware of the details related to the provision about school property included in the 2023 House Substitute for Senate Bill 113, as the bill contained multiple unrelated topics from funding to open enrollment. When attempting to explain legislative intent of this action, the Attorney General Opinion No 2023-12, Attorney General Kobach states, "...2023 House Substitute for Senate Bill 113 was passed by the legislature on April 28, 2023. Significantly, the relevant portions of the bills, specifically sections 4 and 11, were added in the conference committee without the benefit of committee hearings that might have shed light on the legislative intent."

As a result of the ambiguity surrounding this law and no clear understanding of legislative intent, it left school districts uncertain on how to navigate the process of disposing of school buildings. The only modification of current law in HB 2489 is that it defines "building" to be an *attendance center for students enrolled in kindergarten or any of the grades one through 12*. What the bill does not address is how the legislative body will handle and adequately compensate districts for property that in many cases was purchased using school district property tax dollars. Attorney General Kobach, in his written opinion, responds to the question on how the legislative body is to determine the adequate amount to pay for the property, stating, "Unfortunately, this issue is unaddressed in the legislation.... The lack of specificity in the statute leaves open the possibility that the legislature could merely set its own purchase price (or even take the building for free) at the time it passes its resolution." Furthermore, the opinion states that, "...school districts do not receive all their funding from state monies. Allowing the state to acquire a school building that was paid for with local funds strikes us as inequitable and likely unintended."

USD 232 De Soto, on many metrics, is one of the most effective and efficient school districts in our state with multiple properties serving approximately 7,500 students over an area of nearly 100 square miles. District boundaries include the City of De Soto and parts of Lenexa, Olathe, and Shawnee. One of the properties owned by USD 232 is within a half mile of the new Panasonic Plant. Countryside School has not operated as an attendance center for many years. The district retained ownership of the property for storage and as a potential site for a new school. A significant increase in traffic to and from the Astra Enterprise Park (Panasonic) makes the property less desirable to be used in the future as a school site. Developers contacted the district and offered to purchase the property, as the location is ideal for staging and supporting the plant construction process. The timeline to work through the new legal process to dispose of property made it impossible for us to navigate this summer/fall within the timeline suggested by developers.

It is my recommendation for the Committee to consider striking the language related to the disposal of school property from the 2023 bill and allow local officials to operate the schools as defined in the Kansas Constitution.

We appreciate your service to our great State and encourage you to keep our students in mind when making decisions.

Respectfully Submitted,
Cory L. Gibson, Superintendent

A handwritten signature in black ink that reads "Cory L. Gibson". The signature is written in a cursive style with a large initial "C" and a long horizontal flourish at the end.