Senate Substitute for HOUSE BILL No. 2138

By Committee on Education

3-27

AN ACT concerning education; relating to school districts; requiring
 separate overnight accommodations for students of each biological sex
 during school district sponsored travel; providing for administrative
 review of resolutions to permanently close a school building; amending
 K.S.A. 72-1431 and repealing the existing section.

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

8 New Section 1. (a) The board of education of each school district 9 shall adopt a policy requiring that separate overnight accommodations be 10 provided for students of each biological sex during school district 11 sponsored travel that requires overnight stays by students. Such policy 12 shall be provided to parents prior to a student's participation in an activity 13 or travel that requires overnight stays by students.

14 (b) Any student who is subject to retaliation or other adverse action by a school district or any employee thereof as a result of reporting a 15 violation of this section shall have a private cause of action for injunctive 16 relief, damages and any other relief available under law against such 17 school district. All civil actions shall be initiated within two years after the 18 19 harm occurred. Students who prevail on a claim brought pursuant to this 20 section shall be entitled to monetary damages, including for any 21 psychological, emotional and physical harm suffered, reasonable attorney 22 fees and costs and any other appropriate relief.

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(c) As used in this section:

"Biological sex" means the biological indication of male and 24 (1)female in the context of reproductive potential or capacity, such as sex 25 26 chromosomes. naturally occurring sex hormones. gonads and 27 nonambiguous internal and external genitalia present at birth, without 28 regard to an individual's psychological, chosen or subjective experience of 29 gender;

30 (2) "school district sponsored travel" means any travel that is
31 necessary for students to attend, participate or compete in any event or
32 activity that is sponsored or sanctioned by a school operated by the school
33 district, including, but not limited to, any travel that is organized:

(A) By any club or other organization recognized by the school;

(B) through any communication facilitated by the school, such asemail; or

1 (C) through fundraising activities conducted, in whole or in part, by 2 school district employees or on school district property.

3 Sec. 2. On and after January 1, 2024, K.S.A. 72-1431 is hereby 4 amended to read as follows: 72-1431. (a) As used in this section, "school 5 building" means any building or structure operated or maintained by the 6 board of education of a unified school district.

7 (b) The board of education of any unified school district, by adoption 8 of a resolution, may close any school building at any time the board 9 determines that the building should be closed to improve the school system 10 of the unified school district. The board of education may close more than 11 one school building in one resolution. A resolution adopted pursuant to this 12 section shall require a majority vote of the members of the board of 13 education and shall require no other approval.

14 (c) Prior to adopting a resolution closing any school building, the board of education shall call and hold a hearing on the proposal. The 15 16 notice of such hearing shall include the reasons for the proposed closing, 17 the name of any affected school building and the name of any school 18 building to which the involved pupils students shall be reassigned. Such 19 notice also shall include the time, date and place of the public hearing to 20 be held on the proposal. Such notice shall be published at least once each 21 week for two consecutive weeks in a newspaper of general circulation in 22 the school district. The last publication shall be at least 10 but not more 23 than 20 days prior to the date of the public hearing.

(d) At any such hearing, the board shall hear testimony as to the advisability of the proposed closing, and a representative of the board shall present the board's proposal for such closing. Following the public hearing, or any continuation of such hearing, and after considering all of the testimony and evidence presented or submitted at the public hearing, the board shall determine whether the school building should be closed to improve the school system of the unified school district.

31 (e) The state board of education shall conduct an administrative 32 review of a resolution adopted pursuant to this section if the state board 33 receives a request for administrative review signed by at least 5% of the 34 registered voters of such school district who are dissatisfied with such 35 resolution not later than 45 days after the adoption of such resolution. 36 Such request shall be made in such form and manner as prescribed by the 37 state board of education. Upon receipt of any such request, the state board 38 of education shall review the resolution to determine the reasonableness 39 thereof. Not later than 45 days after receipt of any such request, the state 40 board shall issue an advisory determination to the school district that 41 states whether the school district's resolution is reasonable under the 42 totality of the circumstances. Such advisory determination may include 43 recommendations regarding modifying or rescinding the resolution. If the

state board receives more than one request for administrative review on
 the same school district resolution, the state board may dismiss any
 requests received after the initial request or combine such requests with
 the initial request.

5 (f) Upon receipt of an advisory determination issued pursuant to 6 subsection (e), including any advisory determination that the resolution is 7 reasonable, the board of education of such school district shall reconsider 8 such resolution. In reconsidering such resolution, the board of education 9 shall hold a public hearing in accordance with the provisions of 10 subsections (c) and (d) and may approve, modify and approve or rescind 11 such resolution upon the conclusion of such hearing.

(g) No resolution adopted pursuant to this section shall be effective
until the 45-day time period provided under subsection (e) has elapsed
without a request for administrative review.

15 Sec. 3. On and after January 1, 2024, K.S.A. 72-1431 is hereby 16 repealed.

Sec. 4. This act shall take effect and be in force from and after itspublication in the statute book.