

Senate Substitute for HOUSE BILL No. 2138

By Committee on Education

3-27

1 AN ACT concerning education; relating to school districts; requiring
2 separate overnight accommodations for students of each biological sex
3 during school district sponsored travel; providing for administrative
4 review of resolutions to permanently close a school building; amending
5 K.S.A. 72-1431 and repealing the existing section.
6

7 *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
15 by a school district or any employee thereof as a result of reporting a
16 violation of this section shall have a private cause of action for injunctive
17 relief, damages and any other relief available under law against such
18 school district. All civil actions shall be initiated within two years after the
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.

23 (c) As used in this section:

24 (1) "Biological sex" means the biological indication of male and
25 female in the context of reproductive potential or capacity, such as sex
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:

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

35 (B) through any communication facilitated by the school, such as
36 email; 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
15 board of education shall call and hold a hearing on the proposal. The
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.

24 (d) At any such hearing, the board shall hear testimony as to the
25 advisability of the proposed closing, and a representative of the board shall
26 present the board's proposal for such closing. Following the public
27 hearing, or any continuation of such hearing, and after considering all of
28 the testimony and evidence presented or submitted at the public hearing,
29 the board shall determine whether the school building should be closed to
30 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*

1 *state board receives more than one request for administrative review on*
2 *the same school district resolution, the state board may dismiss any*
3 *requests received after the initial request or combine such requests with*
4 *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.*

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

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16 repealed.

17 Sec. 4. This act shall take effect and be in force from and after its
18 publication in the statute book.