

SENATE BILL No. 427

By Committee on Education

1-30

1 AN ACT concerning education; relating to boards of education; requiring
2 school districts to publicly list the names and email addresses of current
3 board members; authorizing local school board members to add new
4 items to board meeting discussions, ask questions or engage in
5 discussion with members of the public and access school property;
6 authorizing members of the public to address school boards at board
7 meetings; authorizing payment of annual dues to any not-for-profit
8 organization that provides services to member school districts;
9 amending K.S.A. 72-1145 and 72-1416 and K.S.A. 2023 Supp. 72-
10 1138 and repealing the existing sections.

11

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

13 Section 1. K.S.A. 2023 Supp. 72-1138 is hereby amended to read as
14 follows: 72-1138. (a) (1) The board shall meet at least once each month.
15 On or after the second Monday in January and before February 1 of each
16 year, or at a later date during that calendar year if so determined by the
17 board at the first meeting of the board on or after the second Monday in
18 January of each year, the board shall adopt a resolution specifying a
19 regular meeting time of the board and the regular hour of commencement
20 of the meeting, as well as the day of the week and the week of the month.
21 Such resolution also shall specify the alternative date and time of any
22 meeting if the regular meeting date occurs on a Sunday or on a legal
23 holiday or on a holiday specified by the board. Such resolution also shall
24 specify the regular meeting place of the board and may specify that any
25 regular meeting may be adjourned to another time and place. If the board
26 cancels a regularly scheduled meeting because of an emergency, within 24
27 hours of such cancellation, the board shall establish and give notice of the
28 new meeting date and time.

29 (2) Special meetings may be called at any time by the president of the
30 board or by joint action of any three members of the board. Unless waived,
31 written notice, stating the time and place of any special meeting and the
32 purpose for which called, shall be given each member of the board at least
33 two days in advance of the special meeting and no business other than that
34 stated in the notice shall be transacted at such meeting.

35 (3) A majority of the full membership of the board shall constitute a
36 quorum for the purpose of conducting any business of the school district,

1 and the vote of a majority of the full membership of the board shall be
2 required for the passage of any motion or resolution. Any member who
3 abstains from voting shall be counted as having voted against the motion
4 or resolution. If a member announces a conflict of interest with regard to
5 the issue, the member may leave the meeting until the voting on the issue
6 is concluded, and the member who abstains from voting thereby shall not
7 be counted as having voted.

8 *(4) Each board shall list the current members of the board of*
9 *education of such school district and an email address for each such*
10 *board member on the website of the school district. Each school district*
11 *shall send the list of current members and the members' email addresses to*
12 *the state department of education and shall update such information each*
13 *time a new board member takes office or when any change to such*
14 *information occurs. The state department of education shall maintain a*
15 *public database of all current members of the boards of education of all*
16 *school districts and such board members' email addresses. The state*
17 *department of education shall post such database on the department's*
18 *website.*

19 *(5) Any member of a board may:*

20 *(A) Add discussion items under the category of new business at any*
21 *school board meeting; and*

22 *(B) ask questions or otherwise engage in discussion with any member*
23 *of the public addressing the board at a school board meeting.*

24 *(6) Each meeting held by a board of education of a school district,*
25 *including any meeting that is held virtually, shall include time for a public*
26 *comment portion of the meeting. Members of the public may address the*
27 *board at regular school board meetings.*

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

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

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

1 shall the provisions of this subsection be construed to be any part of the
 2 consideration of employment of any teacher, officer or other employee of
 3 the board.

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

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

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

14 ~~(3)~~(4) The board shall exercise the power granted by this subsection
 15 by resolution of the board of education.

16 Sec. 2. K.S.A. 72-1145 is hereby amended to read as follows: 72-
 17 1145. The board of education of any school district or the board of trustees
 18 of any community-junior college is hereby authorized to appropriate
 19 money out of its general fund to pay the annual dues ~~in the Kansas~~
 20 ~~association of school boards~~ *for membership in a not-for-profit*
 21 *organization that provides guidance, resources and other services to*
 22 *member school districts.*

23 Sec. 3. K.S.A. 72-1416 is hereby amended to read as follows: 72-
 24 1416. (a) The school board shall have control of the ~~school district school~~
 25 ~~district~~ property, including:

26 (1) The school building or buildings, ~~school grounds~~ *school grounds*
 27 and all buildings and structures erected thereon; *and*

28 (2) all furniture, fittings, and equipment, ~~such as~~ *including* books,
 29 maps, charts, and instructional apparatus.

30 (b) *Members of the school board may access school district property,*
 31 *including any school buildings and attendance centers, at any time when*
 32 *such property is open to school district employees.*

33 (c) The school board may open the schoolhouse for public purpose,
 34 ~~under such~~ *pursuant to* rules and regulations ~~as adopted by the board shall~~
 35 ~~adopt.~~

36 (d) The board may:

37 (1) Enter into contracts with public library boards to authorize such
 38 boards to use the library facilities of the school district to supplement the
 39 facilities of the public library;

40 (2) ~~make such~~ *adopt* rules and regulations relating to such school
 41 libraries ~~as they shall deem~~ necessary; and

42 (3) appoint librarians.

43 Sec. 4. K.S.A. 72-1145 and 72-1416 and K.S.A. 2023 Supp. 72-1138

1 are hereby repealed.

2 Sec. 5. This act shall take effect and be in force from and after its

3 publication in the statute book.