

2023 Kansas Statutes

- 72-1431. School buildings, closing; procedure; administrative review, when; state board of education advisory determinations; reconsideration of action.** (a) As used in this section, "school building" means any building or structure operated or maintained by the board of education of a unified school district.
- (b) The board of education of any unified school district, by adoption of a resolution, may close any school building at any time the board determines that the building should be closed to improve the school system of the unified school district. The board of education may close more than one school building in one resolution. A resolution adopted pursuant to this section shall require a majority vote of the members of the board of education and shall require no other approval.
- (c) Prior to adopting a resolution closing any school building, the board of education shall call and hold a hearing on the proposal. The notice of such hearing shall include the reasons for the proposed closing, the name of any affected school building and the name of any school building to which the involved students shall be reassigned. Such notice also shall include the time, date and place of the public hearing to be held on the proposal. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district. The last publication shall be at least 10 but not more 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.
- (e) The state board of education shall conduct an administrative review of a resolution adopted pursuant to this section if the state board receives a request for administrative review signed by at least 5% of the registered voters of such school district who are dissatisfied with such resolution not later than 45 days after the adoption of such resolution. Such request shall be made in such form and manner as prescribed by the state board of education. Upon receipt of any such request, the state board of education shall review the resolution to determine the reasonableness thereof. Not later than 45 days after receipt of any such request, the state board shall issue an advisory determination to the school district that states whether the school district's resolution is reasonable under the totality of the circumstances. Such advisory determination may include 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.
- (f) Upon receipt of an advisory determination issued pursuant to subsection (e), including any advisory determination that the resolution is reasonable, the board of education of such school district shall reconsider such resolution. In reconsidering such resolution, the board of education shall hold a public hearing in accordance with the provisions of subsections (c) and (d) and may approve, modify and approve or rescind 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.

History: L. 2002, ch. 167, § 6; L. 2023, ch. 87, § 3; January 1, 2024.