

HOUSE BILL No. 2504

By Committee on Federal and State Affairs

1-21

1 AN ACT concerning school districts; relating to the realignment thereof;
2 amending K.S.A. 2015 Supp. 72-1923 and repealing the existing
3 section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. Sections 1 through 8, and amendments thereto, shall
7 be known and may be cited as the Kansas school district realignment act.

8 New Sec. 2. As used in the Kansas school district realignment act:

9 (a) "Department" means the state department of education.

10 (b) "Home county" means the actual territory of a county as modified
11 by the state board in order to: (1) Adjust for the territory of any voluntarily
12 consolidated school district which submitted a request to the state board
13 pursuant to section 4, and amendments thereto; and (2) adjust for adjacent
14 territory which was included by the state board pursuant to section 3(c),
15 and amendments thereto.

16 (c) "State board" means the state board of education.

17 (d) "Student" means any person who is regularly enrolled in a school
18 district and attending kindergarten or any of the grades one through 12
19 maintained by such school district.

20 (e) "School district" means a public school district operated and
21 organized under the laws of this state.

22 (f) "Realigned school district" means a school district that is realigned
23 by the state board pursuant to section 3, and amendments thereto.
24 "Realigned school district" does not include a school district that is
25 disorganized by the state board in order to meet the requirements of
26 section 3, and amendments thereto.

27 New Sec. 3. (a) On or before July 1, 2017, and each 10 years
28 thereafter, the state board shall realign the school district boundaries of
29 Kansas in accordance with the provisions of this section. On or before July
30 1, 2017, and each 10 years thereafter, the state board shall establish and
31 announce the realigned school district boundaries of Kansas. Such
32 realigned school district boundaries shall be effective for school
33 instruction and attendance purposes on the July 1 following the state
34 board's establishment and announcement of such boundaries.

35 (b) (1) In a home county that has 10,000 students or less, the state
36 board shall realign school district boundaries so that there is only one

1 realigned school district for each such home county.

2 (2) In a home county that has 10,001 or more students, the state board
3 shall realign school district boundaries so that any realigned school district
4 within such home county has 1,500 or more students.

5 (3) The number of students per home county shall be based on the
6 most current data available as certified by the state board.

7 (c) When determining the boundary of a home county, to the extent
8 that it is reasonable and practical, the state board may include adjacent
9 territory in an adjacent county as a part of a home county. The state board
10 shall make such determinations so as to promote efficiencies and prevent
11 divisions of cities and townships between two or more home counties.

12 (d) The state board shall not divide or disorganize a public innovative
13 district in the course of school district realignment. Any school district or
14 part of any school district that the state board realigns with a public
15 innovative district shall be considered part of such public innovative
16 district and the resulting realigned school district shall continue to exist as
17 a public innovative district under the coalition of innovative districts act,
18 K.S.A. 2015 Supp. 72-1921 et seq., and amendments thereto.

19 (e) After school district realignment is effective pursuant to this act,
20 the number of school administration and supervisory service employees
21 employed by a realigned school district shall not exceed 120% of the
22 number of school administration and supervisory service employees of the
23 school district with the largest enrollment in the prior year whose territory
24 became part of such realigned school district.

25 (f) The provisions of this section shall not apply to Fort Leavenworth
26 school district as designated in K.S.A. 72-5333a, and amendments thereto.

27 New Sec. 4. (a) To allow for school districts to make regional choices
28 that are in such school districts' best interests, the state board shall allow
29 school districts to voluntarily consolidate pursuant to K.S.A. 72-8701 et
30 seq., and amendments thereto, prior to the effective date of school district
31 realignment.

32 (b) (1) School districts which voluntarily consolidate on or after July
33 1, 2016, and prior to the effective date of realignment of school districts
34 pursuant to this act, may file a request that specifies the home county that
35 such voluntarily consolidated school district shall be considered a part of
36 for the purposes of section 3, and amendments thereto, provided such
37 voluntarily consolidated school district has territory located in such county.
38 Such home county request shall be in a form and manner as prescribed by
39 the state board.

40 (2) Any territory of a voluntarily consolidated school district that is
41 located outside of the actual territorial boundary of such district's
42 requested home county shall be attached and regarded as supplemental
43 territory of such requested home county for school district realignment

1 purposes under section 3, and amendments thereto. Any territory of a
2 voluntarily consolidated school district that is located in a county which
3 such district did not request as the home county shall be detached from any
4 such county's territory for school district realignment purposes under
5 section 3, and amendments thereto. No original territory of a voluntarily
6 consolidated school district shall be separated or divided by the state board
7 during school district realignment.

8 New Sec. 5. (a) On July 1, 2018, any school district that is
9 disorganized by the state board of education pursuant to this act or any
10 school district that is required to transfer territory to a realigned school
11 district to meet the requirements of this act, shall transfer all related assets,
12 property and records to each applicable realigned school district. A
13 realigned school district shall have the right to possession of and title to all
14 related assets, property and records of a school district whose territory was
15 transferred to such realigned school district pursuant to this act.

16 (b) On July 1, 2018, a school district that is disorganized by the state
17 board of education pursuant to this act shall transfer all fund balances and
18 any additional funds to be collected to the applicable realigned school
19 district. If such school district is divided between two or more realigned
20 school districts, the amount of funds to be transferred to each realigned
21 school district shall be determined by the state board. Such determination
22 shall be based upon the permitted uses of such funds, the requisite needs
23 for such funds, the percentage of territorial overlap between the realigned
24 school district and the school district that is disorganized by the state
25 board, and any other factors the state board deems appropriate.

26 (c) Any bonded indebtedness shall remain a charge upon the territory
27 of the school district being disorganized or realigned and the provisions of
28 K.S.A. 10-119, and amendments thereto, shall apply.

29 New Sec. 6. (a) Prior to July 1, 2017, the state department of
30 education shall identify and list all property, both real property and
31 vehicles possessed by a school district whether rented, leased or owned,
32 and used primarily for school district central administration purposes
33 during the 2016-2017 school year. Such list shall be in a form and manner
34 as prescribed by the state board and shall include, but not be limited to: (1)
35 The school district in possession of such property; (2) the address of the
36 location or primary location of such property; (3) a description of such
37 property; and (4) whether such property is owned, leased or rented. The
38 department shall make such list available on the department's website.

39 (b) When identifying property used primarily for school district
40 central administration purposes, the department shall list: (1) Physical
41 office locations in which the superintendent or central administration staff
42 is located and which are used for school district management, supervision
43 and school administration purposes; and (2) vehicles which are primarily

1 used by the superintendent or other central administration staff.

2 (c) Physical office locations that are operated or used for pupil
3 instruction purposes, in addition to being used for school district central
4 administration purposes, shall not be considered property used primarily
5 for school district central administration purposes, and shall not be listed
6 by the department. Vehicles that are used for student transportation
7 services and vehicles that are used for the general repairs of buildings and
8 preventative maintenance of systems and equipment shall not be
9 considered property used primarily for school district central
10 administration purposes and shall not be listed by the department.

11 (d) Prior to July 1, 2018, the department shall notify each realigned
12 school district of all listed property that such realigned school district will
13 have possession of after the effective date of school district realignment.

14 (1) If a realigned school district will obtain possession, due to school
15 district realignment, of two or more physical office locations as listed by
16 the department, then such realigned school district shall designate only one
17 such physical office location to be used by such realigned school district
18 for its management, supervision and school administration purposes.

19 (2) If a realigned school district will obtain possession, due to school
20 district realignment, of two or more vehicles as listed by the department,
21 then such realigned school district shall designate only one such vehicle to
22 be used by the superintendent or other central administration staff of such
23 realigned school district.

24 (3) Such designations shall be submitted to the department prior to
25 the effective date of school district realignment and shall be published on
26 the department's website for a period of no less than two years.

27 New Sec. 7. (a) When used in this section, "surplus district property"
28 means properties and vehicles that the department listed but were not
29 designated pursuant to section 6(d), and amendments thereto, by a
30 realigned school district pursuant to section 6, and amendments thereto.

31 (b) On or before August 1, 2018, each realigned school district which
32 designated property pursuant to section 6(d), and amendments thereto,
33 shall initiate action to transfer the title and all interest in any surplus
34 district property to the department of administration. Such transfers shall
35 be completed on or before October 1, 2018. Conveyances of surplus
36 district property shall be executed by the president of the board of
37 education of the realigned school district and attested by the clerk.

38 (c) Subject to the approval of the state finance council as required by
39 subsection (d), whenever the secretary of administration determines that
40 any surplus district property may be disposed of by sale, the secretary shall
41 sell surplus district property and any improvements thereon. The secretary
42 shall develop guidelines for the sale of surplus district property. In
43 accordance with such guidelines and upon the approval of the state finance

1 council pursuant to subsection (d), the secretary shall offer such surplus
2 district property for sale by one of the following means: (1) Public auction;
3 (2) by listing the surplus district property with a licensed real estate broker
4 or salesperson; or (3) by sealed bid.

5 (d) Prior to the sale of any surplus district property under subsection
6 (c), the state finance council shall approve the sale, which is hereby
7 characterized as a matter of legislative delegation and subject to the
8 guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. The
9 matter may be submitted to the state finance council for approval at any
10 time, including periods of time during which the legislature is in session.

11 (e) Prior to offering any surplus district property for sale, such
12 property shall be appraised pursuant to K.S.A. 2015 Supp. 75-3043a, and
13 amendments thereto, unless the appraisal is waived as provided in this
14 subsection. The secretary of administration may waive the requirement for
15 appraisal for any surplus district property that is to be sold at public
16 auction under this section if the secretary of administration determines that
17 it is in the best interests of the state to waive the requirement for appraisal
18 for such surplus district property. The costs of any such appraisal may be
19 paid from the proceeds of the sale.

20 (f) Conveyance of title in surplus district property offered for sale by
21 the secretary of administration shall be executed by the secretary. The deed
22 for the conveyance may be by warranty deed or by quitclaim deed as
23 determined to be in the best interests of the state by the secretary of
24 administration in consultation with the realigned school district.

25 (g) If the secretary of administration determines that surplus district
26 property cannot be sold, the secretary shall dispose of any right, title or
27 degree of interest in such surplus district property in the manner the
28 secretary deems to be in the best interest of the state.

29 (h) The proceeds derived from the sale or disposal of surplus district
30 property and any improvements thereon, after deduction of the expenses of
31 such sale or disposal and any cost of appraisal of the surplus district
32 property, shall be deposited in the state treasury to the credit of the state
33 general fund. In the event that the secretary of administration sells surplus
34 district property that was constructed from the proceeds of a bond issue
35 and such bonds have not been fully retired at the time of the sale of such
36 property, the board of education of a realigned school district is authorized
37 to establish a bond retirement fund and the secretary shall credit an
38 appropriate amount of the proceeds of such sale to such fund to pay the
39 remaining principle and interest on such bonds as they become due and
40 payable.

41 (i) The provisions of K.S.A. 72-8212 and 72-8213b, and amendments
42 thereto, shall not apply to transactions authorized by this section.

43 New Sec. 8. On or before July 1, 2017, the state board shall adopt

1 rules and regulations to administer and enforce the provisions of this act.
2 As part of its rules and regulations, the state board shall implement
3 procedures to elect and organize local school boards of realigned school
4 districts.

5 Sec. 9. K.S.A. 2015 Supp. 72-1923 is hereby amended to read as
6 follows: 72-1923. (a) Except as provided in K.S.A. 2015 Supp. 72-1925,
7 and amendments thereto, the board of education of any school district may
8 apply to the state board for a grant of authority to operate such school
9 district as a public innovative district. The application shall be submitted in
10 the form and manner prescribed by the state board, and shall be submitted
11 not later than December 1 of the school year preceding the school year in
12 which the school district intends to operate as a public innovative district.

13 (b) The application shall include the following:

14 (1) A description of the educational programs of the public innovative
15 district;

16 (2) a description of the interest and support for partnerships between
17 the public innovative district, parents and the community;

18 (3) the specific goals and the measurable pupil outcomes to be
19 obtained by operating as a public innovative district; and

20 (4) an explanation of how pupil performance in achieving the
21 specified outcomes will be measured, evaluated and reported.

22 (c) (1) Within 90 days from the date such application is submitted, the
23 state board shall review the application to determine compliance with this
24 section, and shall approve or deny such application on or before the
25 conclusion of such 90-day period. If the application is determined to be in
26 compliance with this section, the state board shall approve such
27 application and grant the school district authority to operate as a public
28 innovative district. Notification of such approval shall be sent to the board
29 of education of such school district within 10 days after such decision.

30 (2) If the state board determines such application is not in compliance
31 with either this section, or K.S.A. 2015 Supp. 72-1925, and amendments
32 thereto, the state board shall deny such application. Notification of such
33 denial shall be sent to the board of education of such school district within
34 10 days after such decision and shall specify the reasons therefor. Within
35 30 days from the date such notification is sent, the board of education of
36 such school district may submit a request to the state board for
37 reconsideration of the application and may submit an amended application
38 with such request. The state board shall act on the request for
39 reconsideration within 60 days of receipt of such request.

40 (d) A public innovative district shall:

41 (1) Not charge tuition for any of the pupils residing within the public
42 innovative district;

43 (2) participate in all Kansas math and reading assessments applicable

1 to such public innovative district, or an alternative assessment program for
2 measuring student progress as determined by the board of education;

3 (3) abide by all financial and auditing requirements that are
4 applicable to school districts, except that a public innovative district may
5 use generally accepted accounting principles;

6 (4) comply with all applicable health, safety and access laws; and

7 (5) comply with all statements set forth in the application submitted
8 pursuant to subsection (a).

9 (e) (1) Except as otherwise provided in K.S.A. 2015 Supp. 72-1921
10 through 72-1930, and amendments thereto, or as required by the board of
11 education of the public innovative district, a public innovative district shall
12 be exempt from all laws and rules and regulations that are applicable to
13 school districts.

14 (2) A public innovative district shall be subject to the special
15 education for exceptional children act, the virtual school act, the classroom
16 learning assuring student success act, K.S.A. 2015 Supp. 72-6463 et seq.,
17 and amendments thereto, the provisions of K.S.A. 72-8801 et seq., and
18 amendments thereto, all laws governing the issuance of general obligation
19 bonds by school districts, the provisions of K.S.A. 74-4901 et seq., and
20 amendments thereto, *the Kansas school district realignment act, section 1*
21 *et seq., and amendments thereto*, and all laws governing the election of
22 members of the board of education, the open meetings act as provided in
23 K.S.A. 75-4317 et seq., and amendments thereto, and the open records act
24 as provided in K.S.A. 45-215 et seq., and amendments thereto.

25 Sec. 10. K.S.A. 2015 Supp. 72-1923 is hereby repealed.

26 Sec. 11. This act shall take effect and be in force from and after its
27 publication in the statute book.