

2021 Kansas Statutes

72-638. Disorganization and attachment to more than one district; board of education initiates procedure; approval by election; approval by other boards; bonded indebtedness option; effective dates; procedure hereunder alternative to other procedures. (a) A school district may be disorganized and the territory thereof attached to two or more other school districts as provided in this section. An election shall be held in the school district proposed to be disorganized for the purpose of voting on a proposition for such disorganization and attachment. Any such proposition shall be specified by resolution of the board of education of the school district proposed to be disorganized, subject to the approval of the state board of education. Such proposition may provide that territory to be attached to any school district which has existing bonded indebtedness shall assume its proportionate share of such indebtedness. In all cases, the territory of any school district disorganized under authority of this section shall be liable for payment of bonded indebtedness, no-fund warrants and special assessments of the school district so disorganized as provided in K.S.A. 10-119. Upon adoption of any such resolution, a copy thereof shall be transmitted to the state board of education for its approval. If the state board approves such resolution, it shall transmit a copy thereof to the county election officer of the home county of the school district proposed to be disorganized, and such county election officer shall conduct an election upon the question so submitted on such date as is specified in the resolution. If the proposition for disorganization and attachment shall carry, the county election officer shall certify the results thereof to the clerks of the board of education of the school districts to which territory is to be attached, to the board of education of the school district to be disorganized, and to the state board of education.

Within thirty (30) days after receipt of any such certification, the boards of education of the school districts to which any such territory is proposed to be attached, shall by resolution approve or reject the proposition of attachment, and the clerk of each such board of education shall transmit a copy of such resolution to the clerk of the school district making the proposition of attachment and to the state board of education. Within thirty (30) days after receipt of resolutions from all of the boards of education to which territory is to be attached under this section, and if all of such resolutions approve such attachments, the state board of education shall issue an order in accordance with this section for such disorganization and attachment.

(b) If a proposition for disorganization and attachment under this section provided for the assumption by the territory attached of its proportionate share of the existing bonded indebtedness of the school districts to which territory is attached, from and after such attachment, all of the property, both real and personal, within the territory so attached shall be subject to taxation, the same as property within the school district to which such territory is attached, for the payment of such existing indebtedness and the interest thereon. If any portion of the territory so attached is subsequently transferred from the school district to which it is attached hereunder, the property within such transferred portion shall not be subject to further taxation for the payment of such assumed indebtedness.

(c) All disorganizations under this section shall be effective for school instruction and attendance purposes on the July 1 following the election approving the disorganization. Any school district to which territory is attached under this section shall, for the purpose of taxation, have included in its taxable territory, the territory so attached as of the December 31 preceding the July 1 upon which the disorganization is effective for school instruction and attendance purposes. For the purposes of budgeting and levying of taxes therefor and for the purposes specified in K.S.A. 10-119 the disorganization shall be effective for budgets

and tax levies to be certified in the August following the effective date for school instruction and attendance purposes. For the purpose of elections the disorganization shall be effective at the first election of school district officers occurring one hundred twenty (120) days or more after the election for approval of the disorganization, and for bond elections occurring ninety (90) days or more after the election for approval of the disorganization.

(d) On the July 1 that a disorganization under this section is effective for school instruction and attendance purposes, the school districts to which territory is attached shall be entitled to the property and all funds on hand and to be collected of the disorganized school district. Such property (other than real property) and funds shall be divided among the school districts to which territory is attached in proportion that the assessed tangible valuation of the territory of the disorganized school district is divided. The records of the disorganized school district shall follow each school building to the school district taking possession thereof. Each school building and other real property located in territory attached to a school district shall become the property of the school district to which such territory is attached. Lawful indebtedness of the school district being disorganized, exclusive of indebtedness for bonds, no-fund warrants or special assessments, shall be assumed and paid by the school districts to which territory is attached in the proportion that assessed tangible valuation of the disorganized school district is divided. On such July 1 it shall be the duty of all county officers and officers of any school district disorganized under this section to transfer the funds (including funds collected from taxes, interest, and penalties subsequent to such disorganization), records and property of such disorganized school district in accordance with this section.

(e) The provisions of this section shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as separate from procedures for approval of disorganization of school districts prescribed by other laws.

History: L. 1971, ch. 238, § 2; July 1.