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MEMORANDUM

To: Chairperson Thomas
Members of the House Committee on Education

From: The Office of Revisor of Statutes

Date: March 22, 2023

Subject: HB 2458 – Disorganization of school districts by petition and review of resolutions to close school buildings.

House Bill No. 2458 (HB 2458) would amend existing law governing the disorganization of school districts by petition and the closure of school buildings by a district board of education.

First, in addition to statutes that provide the disorganization of school districts upon initiation by the district’s board of education, K.S.A. 72-635 provides for the disorganization of a school district by election of the voters of the school district. If 20% of the voters who cast a ballot at the last board member election sign a petition for disorganization of the district, then the question is presented to the electorate of the district at an election. If a majority votes for disorganization, then the county election officer notifies the State Board of Education. The State Board is then directed to issue an order disorganizing the school district.

HB 2458 amends K.S.A. 72-635 to clarify that as part of its order, the State Board is to attach the territory of the disorganized school district to one or more adjacent districts and to provide for the disposition of property of the disorganized school district. The also grants the State Board the express authority to establish one or more new school districts and attach all or a portion of the disorganized school district to the newly created districts. The creation of the new districts can be a part of the order of disorganization.

Second, K.S.A. 72-1431 grants local school boards the authority to close school buildings if it is determined that such closure will improve the school system in the district. The local school board must hold a public hearing on any proposed school closure before adopting any resolution closing a school building.

HB 2458 provides a review process for any school closure resolutions that are adopted. Within 90 days after adoption of such resolution, a resident of the school district may request administrative review by the State Board. On receiving such request, the State Board must review the resolution to determine the reasonableness of the decision. The State Board must issue an advisory determination as to whether the resolution is reasonable and may include recommendations for modifying or rescinding the resolution.

Upon receipt of a State Board advisory determination, the local school board must hold another public hearing to reconsider the resolution. If the resolution is subsequently approved again by the local school board, a resident of the district may bring an action in the district court for the county where the district is located and request court review of the resolution to determine its reasonableness.

A resolution becomes effective upon exhaustion of the review time periods or final adjudication by a court.

If enacted, HB 2458 would become effective on publication in the Kansas Register.