

House Bill 2458 Written Testimony

To: Chairman Adam Thomas
From: Paul Herl, CPA, CGMA
Corporate Controller
Date: March 22, 2023
Subject: Neutral Testimony (Proponent Section 1; Opponent Section 2)

Chairman Thomas and Members of the House Committee on Education:

Thank you for the opportunity to provide testimony and my opinion on HB 2458. I wish I could be able to provide oral testimony to better articulate my opinion and position, but I just didn't have enough notification to arrange my schedule.

Section one of the bill gives the state board an option to create a new district in the event of a successful disorganization of a school district. Current law states that a disorganized school district must be attached to an existing school district. Not sure if the State would create a new school district, but the option exists. I believe this is good for all parties.

Section two deals with the building closure review process. This review process is the so called "check & balance" mechanism of holding a local school board accountable. In my opinion, the design of HB 2458 falls woefully short of any real or perceived accountability.

This section states if a patron (and in most cases there will likely be several), is dissatisfied with a local board closing a building, the patron may request an administrative review of the closure with the state board of education. The patron has 90 days. The state board has 60 days to issue their "advisory determination." The state board will be reviewing to see if the local board's closure was based on the standard of reasonableness – not a real high threshold to meet. Once the local board receives the report, a public hearing and revote will be necessary.

So, if the state board's opinion is that the local board's closure was reasonable, the board will revote. Going to guess the revote is the same as the original vote. The state board may suggest some modifications. These suggestions are non-binding opinions and the local board can implement or disregard. Still must revote. Once again, going to guess the revote will have the same results as the original vote. The state board may be of the opinion that the local board's closure was unreasonable and should be rescinded, but, once again, this is a non-binding opinion. Another revote will most likely be the same as the original vote. If the patron(s) are still dissatisfied, they now have 30 days to file in district court. There is nothing in the current draft of HB 2458 that has changed anything. Some accountability!

What would HB 2458 actually achieve other than to delay the process? Local board closes school. Patron has 90 days to complain, state has 60 days to give an opinion on reasonableness, and local board has to

give notice and have a rehearing and revote (around 17 days to meet notification process). This is 167 days and on or around the 168th day, there would be another public hearing and revote. If the patron is in disagreement, they now have 30 days to file in district court. What did this process accomplish? Nothing! Day #168 is the same as day #1. All it did was delay. The school administrators and staff, who had no vote in the closure process, have no idea how to plan. The parents and students, who also had no vote in the closure process, are left with complete uncertainty on which school they will be attending.

In my opinion, section 2 of HB 2458 does absolutely nothing and actually makes a tough, tense situation worse. Under current law and the draft of HB 2458, the only recourse to reverse a school building closure is to file a court order. I would suspect that based on the urgency of these situations, the district courts will most likely be willing to expedite the hearing. If there needs to be some type of “rubber stamp” for a local board’s closure decision, this entire process should be shortened to 60-90 days max.

In conclusion, I support HB 2458 Section 1, but do not support Section 2 because, while well intended, it does not provide any real or perceived accountability.

I thank you for your time.