

HB 1292 -- SCHOOL DISTRICT CONSOLIDATION

SPONSOR: Bahr

This bill modifies the law relating to school district consolidation and annexation. In its main provisions, the bill:

- (1) Requires, by January 1 of each year, the Department of Elementary and Secondary Education to publish a list of all school districts with less than 350 students in the preceding school year and a consolidation list that includes all school districts with less than 350 students in the preceding two years;
- (2) Permits the listed school districts to voluntarily agree to administratively consolidate with or be annexed to another school district or districts;
- (3) Requires any school district on the list that chooses to voluntarily administratively consolidate or annex to submit a petition of approval, including specified terms, to the State Board of Education (SBE) by March 1 immediately following publication of the list;
- (4) Requires the administrative consolidation or annexation be completed by May 1, to be effective July 1 immediately following publication, if the petition is approved;
- (5) Requires any school district that does not submit a petition or that does not receive SBE approval for a voluntary consolidation or annexation to be administratively consolidated by the SBE with or into one or more school districts by May 1, to be effective July 1, immediately following the publication of the list;
- (6) Requires the SBE to promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list so that affected schools will be consolidated by July 1 immediately following the publication of the list;
- (7) Prohibits the SBE from denying a petition for voluntary administrative consolidation or annexation of districts unless the provisions contained in the articles of administrative consolidation or annexation would violate state or federal law or the voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district;
- (8) Requires any districts consolidated under these provisions to result in a district with an average daily attendance of 350 or more students;

(9) Requires all administrative consolidations or annexations under this section to be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state;

(10) Specifies that nothing in these provisions should be construed to require the closing of any school or school facility;

(11) Prohibits a consolidated or annexed school district from having more than one superintendent;

(12) Permits noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district are within the same county, and the board approves the administrative consolidation and contiguous school districts to administratively consolidate even if they are not in the same county;

(13) Requires the state auditor to conduct a comprehensive financial review of all consolidated or annexed school districts' financial matters to begin 10 or more days after the publication of a school district's name on the consolidation and annexation list, the filing of a petition for voluntary administrative consolidation or annexation, or the adoption of a motion by the SBE to consolidate, annex, or reorganize a school district;

(14) Authorizes the Department of Elementary and Secondary Education to oversee all fiscal and accounting-related matters of all school districts on the consolidation list and to require those school districts to have accurate records necessary to close all books within 60 days after the end of the fiscal year;

(15) Prohibits a contract or other debt obligation incurred by a school district for which DESE has oversight authority under these provisions to be valid or enforceable against a resulting school district unless the contract or other debt obligation is preapproved in writing by the Commissioner of Education or his or her designee;

(16) Requires any school that is involved in an administrative consolidation or administrative annexation to have an audit started within 30 days of the completion of the closing of the books by the school district;

(17) Requires DESE and the State Auditor to jointly develop the scope and details of the comprehensive fiscal review consistent with the requirements of these provisions; and

(18) Prohibits a school district from incurring debt without the

prior written approval of DESE if the school district is identified by DESE as having fewer than 350 students according to the school district average daily attendance in the school year immediately preceding the current school year.