

HOUSE BILL No. 2514

By Representatives K. Williams, Bergquist, Blew, Blex, Bloom, Bryce, Clifford, Delperdang, Droge, Goetz, Hill, Hoffman, Howe, Howerton, Humphries, Johnson, Kessler, Mason, Murphy, Penn, Pickert, Rhiley, Schmoe, Seiwert, Sutton, Tarwater and Wasinger

1-17

1 AN ACT concerning education; relating to school districts; open
2 enrollment; requiring school districts to give priority to students who
3 reside in Kansas over students who do not reside in the state except
4 under certain circumstances; providing for continued enrollment of
5 students who attended a school district of nonresidence in school year
6 2023-2024; authorizing school districts to deem students as not in good
7 standing prior to enrollment; requiring student transfer policy revisions
8 to be published on the school district's website; amending K.S.A. 2023
9 Supp. 72-3123, 72-3124, 72-3126 and 72-3127 and repealing the
10 existing sections.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) Except as otherwise provided in subsection (b), in
14 each school year, if a school district has open seats remaining after
15 completion of the nonresident student transfer application process
16 established pursuant to K.S.A. 72-3123, and amendments thereto, the
17 board of education of the school district may consider applications for
18 enrollment submitted by students who are residents of another state. The
19 board of education of the school district shall give priority to nonresident
20 students who reside in Kansas over those students who reside in another
21 state prior to considering applications submitted by students who are
22 residents of another state.

23 (b) If a student who is a resident of another state has a parent or
24 person acting as parent employed by a school district in this state, the
25 board of education of such school district may permit such student to
26 enroll in and attend the school district as if the student is a resident of the
27 school district.

28 Sec. 2. K.S.A. 2023 Supp. 72-3123 is hereby amended to read as
29 follows: 72-3123. (a) Beginning in school year 2024-2025, ~~any child of~~
30 ~~school age pursuant to K.S.A. 72-3118, and amendments thereto, may~~
31 ~~attend a school operated by a school district where such child does not~~
32 ~~reside if such school district has open seats as determined pursuant to this~~
33 ~~section.~~

34 (b) ~~the board of education of any school district shall permit~~

1 nonresident students to enroll in and attend the schools of the district if
2 such school district has open seats as determined pursuant to this section.

3 ~~(e)~~(b) Each school district shall determine capacity in each school of
4 the school district for the following school year as follows:

5 (1) For kindergarten and grades one through eight, the classroom
6 student-teacher ratio in each grade level; and

7 (2) for grades nine through 12, the student-teacher ratio for each
8 school building or program in each school building, including, but not
9 limited to, advanced placement or international baccalaureate programs.

10 ~~(d)~~(c) (1) On or before May 1 of each year, each school board shall
11 determine for each grade level in each school building of the school
12 district for the next succeeding school year the:

13 (A) Capacity as determined pursuant to subsection ~~(e)~~(b);

14 (B) number of students expected to attend school in the school
15 district; and

16 (C) number of open seats available to nonresident students.

17 (2) On or before June 1 of each year, each school district shall publish
18 on such school district's website the number of open seats available to
19 nonresident students in each grade level for each school building of the
20 school district for the next succeeding school year.

21 (3) From June 1 through June 30, each school district shall accept
22 applications from nonresident students. Applications shall be on a form
23 and in a manner determined by the school district.

24 (4) If the number of applications for a grade level in a school building
25 is less than the number of available seats for such grade level in such
26 school building, the nonresident students shall be accepted for enrollment
27 and attendance at such school district. If the number of applications for a
28 grade level in a school building is greater than the number of available
29 seats for such grade level in such school building, the school district shall
30 randomly select nonresident students using a confidential lottery process.
31 Such process shall be completed on or before July 15 of each year.

32 (5) The school district shall provide to the parent or person acting as
33 parent of a nonresident student who was not accepted for or denied
34 enrollment at such school district the reason for the nonacceptance or
35 denial and an explanation of the nonresident student selection process.

36 ~~(e)~~(d) (1) Subject to capacity, school districts shall give priority to
37 any sibling of a nonresident student who ~~was is enrolled in and attending~~
38 *such school district or who is* accepted to enroll in and attend such school
39 district. Priority shall be given when the nonresident student is first
40 accepted and, if necessary, at any other time the school district considers
41 transfer applications. Any such sibling shall not be subject to the open seat
42 lottery.

43 (2) Subject to capacity, school districts shall give priority to any

1 nonresident student who is a military student as defined in K.S.A. 72-
2 5139, and amendments thereto. Priority shall be given when the military
3 student is first accepted and, if necessary, at any other time the school
4 district considers transfer applications. Any such military student shall not
5 be subject to the open seat lottery.

6 (3) Any child who is in the custody of the department for children
7 and families and who is living in the home of a nonresident student who
8 transfers may attend school in the receiving school district.

9 (4) Any nonresident student who has a parent or person acting as
10 parent employed by a school district shall be permitted to enroll in and
11 attend such school district as if the student is a resident of the school
12 district. Any such student shall not be subject to the open-seat lottery
13 established pursuant to subsection ~~(d)~~(c) when enrolling in and attending
14 the school district where the parent or person acting as parent is employed.

15 (5) Any child who is experiencing homelessness shall be permitted to
16 enroll in and attend the school district of origin or the school district of
17 residence.

18 ~~(f)~~(e) A school district shall not:

19 (1) Charge tuition or fees to any nonresident student who transfers to
20 such school district pursuant to this section except fees that are otherwise
21 charged to every student enrolled in and attending school in the district; or

22 (2) accept or deny a nonresident student transfer based on ethnicity,
23 national origin, gender, income level, disabling condition, proficiency in
24 the English language, measure of achievement, aptitude or athletic ability.

25 ~~(g)~~(f) (1) A nonresident student ~~who has been~~ accepted for enrollment
26 and attendance at a receiving school district *on or after June 1, 2024*, shall
27 be permitted to continue such enrollment and attendance in such school
28 district until such student graduates from high school, unless such student
29 is *deemed as* no longer in good standing *pursuant to subsection (g)*.

30 (2) *A nonresident student who was enrolled in and attended a school*
31 *district of nonresidence during school year 2023-2024 shall be permitted*
32 *to continue such enrollment and attendance in such school district until*
33 *such student graduates from high school, unless such student is deemed as*
34 *no longer in good standing pursuant to subsection (g)*.

35 (g) A receiving school district may deem ~~a~~ any nonresident student as
36 not in good standing in accordance with such school district's nonresident
37 transfer policy, *including any nonresident student who has not previously*
38 *attended or been enrolled in the receiving school district. If a school*
39 *district deems a nonresident student as not in good standing, such school*
40 *district may deny such student's enrollment or continued enrollment in the*
41 *school district. Prior to making any determination to deem a nonresident*
42 *student as not in good standing, a district shall consider a student's status*
43 *as a homeless child and the resulting factors of homelessness on such*

1 student's standing.

2 (h) A student may always enroll at any time in the school district
3 where such student resides.

4 (i) Except for a child in the custody of the department for children
5 and families or a child who is experiencing homelessness, a nonresident
6 student shall not transfer more than once per school year to one or more
7 receiving school districts pursuant to the provisions of this section.

8 (j) A receiving school district shall not be required to provide
9 transportation to nonresident students. If space is available on school
10 district transportation vehicles, a school district may provide nonresident
11 students an in-district bus stop where transportation may be provided by
12 such school district to and from such bus stop and the school for such
13 nonresident students. A school district shall ensure that transportation for
14 nonresident homeless students is provided comparably to that of housed
15 students.

16 (k) Each school district board of education shall submit *annually* to
17 the state department of education the school district's policy adopted
18 pursuant to K.S.A. 2023 Supp. 72-3126, and amendments thereto, the
19 number of nonresident student transfers approved and denied by such
20 board in each grade level and whether the denials were based on capacity
21 or in accordance with the policy adopted pursuant to K.S.A. 2023 Supp.
22 72-3126, and amendments thereto. The state department of education shall
23 collect and report such data on such department's website and make such
24 data available to the legislative division of post audit.

25 (l) (1) Each year, the state department of education, as part of the
26 department's enrollment audit, shall audit the nonresident student capacity
27 and enrollment.

28 (2) In calendar year 2027, the legislative post audit committee shall
29 direct the legislative division of post audit to conduct an audit of
30 nonresident student transfers pursuant to this section. Such audit shall be
31 reported to the legislative post audit committee on or before January 15,
32 2028, and subsequently presented to the house standing committee on K-
33 12 education budget and the senate standing committee on education, or
34 any successor committees.

35 (m) Nothing in this section shall be construed to exempt any
36 nonresident student who transfers to a receiving school district pursuant to
37 this section from the policies and requirements of the activities association
38 referred to in K.S.A. 72-7114, and amendments thereto.

39 (n) The provisions of this section shall not apply to any school
40 located on a military installation as defined in K.S.A. 72-8268, and
41 amendments thereto.

42 Sec. 3. K.S.A. 2023 Supp. 72-3124 is hereby amended to read as
43 follows: 72-3124.(a) The board of education of any school district shall

1 allow any *nonresident* student ~~who is not a resident of the district~~ to enroll
2 in and attend school in such district pursuant to K.S.A. 72-3123, and
3 amendments thereto. The board of education of such district may furnish
4 or provide transportation to any nonresident student who is enrolled in and
5 attending school in the district. If the district agrees to furnish or provide
6 transportation to a nonresident student, such transportation shall be
7 furnished or provided until the end of the school year. Prior to providing or
8 furnishing transportation to a nonresident student, the receiving school
9 district shall notify the board of education of the sending school district
10 that transportation will be furnished or provided for such student.

11 (b) Nonresident students shall be counted as regularly enrolled in and
12 attending school in the receiving school district for the purpose of
13 computations under the Kansas school equity and enhancement act, K.S.A.
14 72-5131 et seq., and amendments thereto, except computation of
15 transportation weighting under such act, and for the purposes of the
16 statutory provisions contained in article 64 of chapter 72 of the Kansas
17 Statutes Annotated, and amendments thereto. Such nonresident student
18 shall not be charged for the costs of attendance at school.

19 Sec. 4. K.S.A. 2023 Supp. 72-3126 is hereby amended to read as
20 follows: 72-3126. (a) (1) On or before January 1, 2024, each board of
21 education of a school district shall adopt a policy to determine the number
22 of nonresident students that the school district has the capacity to accept in
23 each grade level for each school of the school district pursuant to K.S.A.
24 72-3123, and amendments thereto. Such policies shall clearly specify the
25 reasons that the board may use to deny continued enrollment of a
26 nonresident student who is not in good standing. Such reasons for a denial
27 of continued enrollment may include, but shall not be limited to, the
28 nonresident student's record of school absenteeism and repeated
29 suspensions or expulsions.

30 (2) A school district's policy adopted pursuant to this section shall
31 consider the adverse impact of homelessness on a student's attendance and
32 any resulting suspensions or expulsions before making a determination on
33 the continued enrollment of a student who is homeless. A district shall
34 consider the obstacles a homeless student faces to arrive at school on time
35 or each day due to housing instability, lack of transportation or lack of
36 other basic resources that can hinder consistent attendance.

37 (b) Prior to adopting such policy, the board of education shall call and
38 hold a hearing on the proposed policy. The board of education shall
39 provide notice of such hearing, which shall include the time, date and
40 place of the public hearing to be held on the proposed policy. Such notice
41 shall be published at least once each week for two consecutive weeks in a
42 newspaper of general circulation in the school district and shall also be
43 posted on the school district's website.

1 (c) At such hearing, a representative of the board shall present the
 2 board's proposal for the policy and the board shall hear testimony
 3 regarding the proposed policy. Following the public hearing, after
 4 consideration of the testimony and evidence presented or submitted at such
 5 public hearing, the board shall determine whether to adopt or revise the
 6 proposed policy at a subsequent public meeting of the board.

7 (d) *The school district shall publish the policy adopted pursuant to*
 8 *subsection (a) ~~shall be published~~ and any subsequent revisions to such*
 9 *policy on the school district's website through a link on the school*
 10 *district's website homepage titled "open enrollment information."*

11 (e) The provisions of this section shall not apply to any school
 12 located on a military installation as defined in K.S.A. 72-8268, and
 13 amendments thereto.

14 Sec. 5. K.S.A. 2023 Supp. 72-3127 is hereby amended to read as
 15 follows: 72-3127. (a) As used in K.S.A. 72-3122 through 72-3125, and
 16 amendments thereto, and K.S.A. 2023 Supp. 72-3126 *and section 1*, and
 17 amendments thereto:

18 (1) "Homeless child" means a child who lacks a fixed, regular and
 19 adequate nighttime residence and whose primary nighttime residence is:

20 (A) A supervised publicly or privately operated shelter designed to
 21 provide temporary living accommodations, including welfare hotels,
 22 congregate shelters and transitional housing for the mentally ill;

23 (B) an institution that provides a temporary residence for individuals
 24 intended to be institutionalized; or

25 (C) a public or private place not designed for, or ordinarily used as, a
 26 regular sleeping accommodation for humans.

27 (2) "Nonresident student" ~~or "nonresident transfer student"~~ means a
 28 ~~student~~ *child of school age pursuant to K.S.A. 72-3118, and amendments*
 29 *thereto, who resides in Kansas and is enrolled and in attendance at or*
 30 *seeking to enroll and attend a school located in a school district where*
 31 *such student is not a resident.*

32 (3) "Parent" means and includes natural parents, adoptive parents,
 33 stepparents and foster parents.

34 (4) "Person acting as parent" means:

35 (A) A guardian or conservator; or

36 (B) a person, other than a parent, who:

37 (i) Is liable by law to maintain, care for or support the child;

38 (ii) has actual care and control of the child and is contributing the
 39 major portion of the cost of support of the child;

40 (iii) has actual care and control of the child with the written consent
 41 of a person who has legal custody of the child; or

42 (iv) has been granted custody of the child by a court of competent
 43 jurisdiction.

1 (5) "Receiving school district" means a school district of
2 nonresidence of a student who attends school in such school district.

3 (6) "School district" means a school district organized and operating
4 under the laws of this state.

5 (7) "Sending school district" means a school district of residence of a
6 student who attends school in a school district not of the student's
7 residence.

8 (8) "Sibling" means a brother or sister of the whole or half blood,
9 adoptive brother or sister, a stepbrother or stepsister or a foster brother or
10 foster sister.

11 (b) This section shall take effect and be in force from and after July 1,
12 2023.

13 Sec. 6. K.S.A. 2023 Supp. 72-3123, 72-3124, 72-3126 and 72-3127
14 are hereby repealed.

15 Sec. 7. This act shall take effect and be in force from and after its
16 publication in the Kansas register.