

SENATE BILL No. 387

By Committee on Education

1-23

1 AN ACT concerning education; relating to school districts; open
2 enrollment; providing for continued enrollment of students who attend
3 a school district of nonresidence; amending K.S.A. 2023 Supp. 72-
4 3123 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2023 Supp. 72-3123 is hereby amended to read as
8 follows: 72-3123. (a) Beginning in school year 2024-2025, ~~any child of~~
9 ~~school age pursuant to K.S.A. 72-3118, and amendments thereto, may~~
10 ~~attend a school operated by a school district where such child does not~~
11 ~~reside if such school district has open seats as determined pursuant to this~~
12 ~~section.~~

13 ~~(b)~~—the board of education of any school district shall permit
14 nonresident students to enroll in and attend the schools of the district if
15 such school district has open seats as determined pursuant to this section.

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

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

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

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

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

27 (B) number of students expected to attend school in the school
28 district; and

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

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

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

1 (4) If the number of applications for a grade level in a school building
2 is less than the number of available seats for such grade level in such
3 school building, the nonresident students shall be accepted for enrollment
4 and attendance at such school district. If the number of applications for a
5 grade level in a school building is greater than the number of available
6 seats for such grade level in such school building, the school district shall
7 randomly select nonresident students using a confidential lottery process.
8 Such process shall be completed on or before July 15 of each year.

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

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

20 (2) Subject to capacity, school districts shall give priority to any
21 nonresident student who is a military student as defined in K.S.A. 72-
22 5139, and amendments thereto. Priority shall be given when the military
23 student is first accepted and, if necessary, at any other time the school
24 district considers transfer applications. Any such military student shall not
25 be subject to the open seat lottery.

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

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

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

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

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

42 (2) accept or deny a nonresident student transfer based on ethnicity,
43 national origin, gender, income level, disabling condition, proficiency in

1 the English language, measure of achievement, aptitude or athletic ability.

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

7 (2) *A nonresident student who was enrolled in and attended a school*
8 *district of nonresidence during school year 2023-2024 shall be permitted*
9 *to continue such enrollment and attendance in such school district until*
10 *such student graduates from high school, unless such student is deemed as*
11 *no longer in good standing.*

12 (g) A receiving school district may deem *a* any nonresident student as
13 not in good standing in accordance with such school district's nonresident
14 transfer policy. Prior to making any determination to deem a nonresident
15 student as not in good standing, a district shall consider a student's status
16 as a homeless child and the resulting factors of homelessness on such
17 student's standing.

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

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

24 (j) A receiving school district shall not be required to provide
25 transportation to nonresident students. If space is available on school
26 district transportation vehicles, a school district may provide nonresident
27 students an in-district bus stop where transportation may be provided by
28 such school district to and from such bus stop and the school for such
29 nonresident students. A school district shall ensure that transportation for
30 nonresident homeless students is provided comparably to that of housed
31 students.

32 (k) Each school district board of education shall submit to the state
33 department of education the school district's policy adopted pursuant to
34 K.S.A. 2023 Supp. 72-3126, and amendments thereto, the number of
35 nonresident student transfers approved and denied by such board in each
36 grade level and whether the denials were based on capacity or in
37 accordance with the policy adopted pursuant to K.S.A. 2023 Supp. 72-
38 3126, and amendments thereto. The state department of education shall
39 collect and report such data on such department's website and make such
40 data available to the legislative division of post audit.

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

1 (2) In calendar year 2027, the legislative post audit committee shall
2 direct the legislative division of post audit to conduct an audit of
3 nonresident student transfers pursuant to this section. Such audit shall be
4 reported to the legislative post audit committee on or before January 15,
5 2028, and subsequently presented to the house standing committee on K-
6 12 education budget and the senate standing committee on education, or
7 any successor committees.

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

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

15 Sec. 2. K.S.A. 2023 Supp. 72-3123 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.