

HOUSE BILL No. 2271

By Representative Johnson

2-2

1 AN ACT concerning education; relating to the enrollment and attendance
2 of nonresident students in school districts; authorizing any student
3 whose parent or guardian is employed by a school district to enroll and
4 attend such school district; exempting any such students from a school
5 district's open-seat lottery process; amending K.S.A. 72-3123, as
6 amended by section 16 of chapter 94 of the 2022 Session Laws of
7 Kansas, and repealing the existing section.
8

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

10 Section 1. K.S.A. 72-3123, as amended by section 16 of chapter 94 of
11 the 2022 Session Laws of Kansas, is hereby amended to read as follows:
12 72-3123. (a) Beginning in school year 2024-2025, any child of school age
13 pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school
14 operated by a school district where such child does not reside if such
15 school district has open seats as determined pursuant to this section.

16 (b) The board of education of any school district shall permit
17 nonresident students to enroll in and attend the schools of the district if
18 such school district has open seats as determined pursuant to this section.

19 (c) Each school district shall determine capacity in each school of the
20 school district for the following school year as follows:

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

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

26 (d) (1) On or before May 1 of each year, each school board shall
27 determine for each grade level in each school building of the school
28 district for the next succeeding school year the:

29 (A) Capacity as determined pursuant to subsection (c);

30 (B) number of students expected to attend school in the school
31 district; and

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

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

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

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

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

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

22 (2) Any child who is in the custody of the department for children
23 and families and who is living in the home of a nonresident student who
24 transfers may attend school in the receiving school district.

25 (3) *Any nonresident student who has a parent or person acting as*
26 *parent employed by a school district shall be permitted to enroll in and*
27 *attend such school district as if the student is a resident of the school*
28 *district. Any such student shall not be subject to the open-seat lottery*
29 *established pursuant to subsection (d) when enrolling in and attending the*
30 *school district where the parent or person acting as parent is employed.*

31 (f) A school district shall not:

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

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

38 (g) A nonresident student who has been accepted for enrollment and
39 attendance at a receiving school district shall be permitted to continue such
40 enrollment and attendance in such school district until such student
41 graduates from high school, unless such student is no longer in good
42 standing. A receiving school district may deem a nonresident student as
43 not in good standing in accordance with such school district's nonresident

1 transfer policy.

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, a nonresident student shall not transfer more than once per
6 school year to one or more receiving school districts pursuant to the
7 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.

14 (k) Each school district board of education shall submit to the state
15 department of education the number of nonresident student transfers
16 approved and denied by such board and whether the denials were based on
17 capacity or in accordance with the policy adopted pursuant to section 9,
18 and amendments thereto. The state department of education shall collect
19 and report such data on such department's website and make such data
20 available to the legislative division of post audit.

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

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

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

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

38 Sec. 2. K.S.A. 72-3123, as amended by section 16 of chapter 94 of
39 the 2022 Session Laws of Kansas, is hereby repealed.

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