

## SENATE BILL No. 70

By Senator Journey

1-11

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9 AN ACT concerning school districts; relating to attendance of pupils re-  
10 siding outside the district; amending K.S.A. 72-1046 and 72-1046a and  
11 repealing the existing sections; also repealing K.S.A. 72-1046b.  
12

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

14 Section 1. K.S.A. 72-1046 is hereby amended to read as follows: 72-  
15 1046. (a) Any child who has attained the age of eligibility for school at-  
16 tendance may attend school in the district in which the child lives if (1)  
17 the child lives with a resident of the district and the resident is the parent,  
18 or a person acting as parent, of the child; or (2) subject to the provisions  
19 of subsection (c), the child lives in the district as a result of placement  
20 therein by a district court or by the secretary of social and rehabilitation  
21 services; or (3) the child is a homeless child.

22 (b) Any child who has attained the age of eligibility for school at-  
23 tendance may attend school in a school district in which the child is not  
24 a resident if the *receiving* school district ~~in which the child resides has~~  
25 ~~entered into an agreement with such other school district in accordance~~  
26 ~~with and under authority of K.S.A. 72-8233, and amendments thereto so~~  
27 *approves.*

28 (c) Any child who has attained the age of eligibility for school attend-  
29 ance and who lives at the Judge James V. Riddel Boys Ranch as a result  
30 of placement at such ranch by a district court or by the secretary of social  
31 and rehabilitation services shall be deemed a resident of unified school  
32 district No. 259, Sedgwick county, Kansas, and any such child may attend  
33 school which shall be maintained for such child by the board of education  
34 of such school district as in the case of a child who is a bona fide resident  
35 of the district.

36 (d) As used in this section:

37 (1) "Parent" means and includes natural parents, adoptive parents,  
38 stepparents, and foster parents;

39 (2) "Person acting as parent" means (A) a guardian or conservator,  
40 or (B) a person, other than a parent, who is liable by law to maintain,  
41 care for, or support the child, or who has actual care and control of the  
42 child and is contributing the major portion of the cost of support of the  
43 child, or who has actual care and control of the child with the written

1 consent of a person who has legal custody of the child, or who has been  
2 granted custody of the child by a court of competent jurisdiction, ~~and~~.

3 (3) "Homeless child" means a child who lacks a fixed, regular, and  
4 adequate nighttime residence and whose primary nighttime residence is  
5 (A) a supervised publicly or privately operated shelter designed to provide  
6 temporary living accommodations (including welfare hotels, congregate  
7 shelters, and transitional housing for the mentally ill); or (B) an institution  
8 that provides a temporary residence for individuals intended to be insti-  
9 tutionalized; or (C) a public or private place not designed for, or ordinarily  
10 used as, a regular sleeping accommodation for human beings.

11 (4) *"Receiving school district" means a school district of nonresidence*  
12 *of a child.*

13 Sec. 2. K.S.A. 72-1046a is hereby amended to read as follows: 72-  
14 1046a. (a) The board of education of any school district ~~is hereby au-~~  
15 ~~thorized to~~ *may* permit pupils who are not residents of the school district  
16 to enroll in and attend the schools of the district. The board of education  
17 may permit such pupils to attend school without charge or, subject to the  
18 provisions of subsection (b), may charge such pupils for attendance at  
19 school to offset, totally or in part, the costs of providing for such attend-  
20 ance. Amounts received under this subsection by the board of education  
21 of a school district for enrollment and attendance of pupils at school in  
22 regular educational programs shall be deposited in the general fund of  
23 the school district.

24 (b) Pupils who are not residents of a school district and are attending  
25 the schools of the school district in accordance with the provisions of an  
26 agreement entered into ~~under authority of~~ *pursuant to* K.S.A. 72-8233,  
27 and amendments thereto, shall not be charged for attendance at school.  
28 The costs of providing for the attendance of such pupils at school shall  
29 be paid by the school district of residence of the pupils in accordance  
30 with the provisions of the agreement.

31 (c) *Nothing in this section shall be construed as prohibiting pupils*  
32 *residing in a district which has not entered into an agreement with an-*  
33 *other district pursuant to K.S.A. 82-8233, and amendments thereto, from*  
34 *attending schools of such other district.*

35 New Sec. 3. (a) As used in this section:

36 (1) "Receiving school district" means a school district of nonresi-  
37 dence of a pupil.

38 (2) "Sending school district" means a school district of residence of  
39 a pupil.

40 (3) "Pupil" means a person who is enrolled and in attendance at  
41 school in a receiving school district.

42 (b) The parent or legal guardian of any pupil may apply to the board  
43 of education of a sending school district on or before July 15 of the current

1 school year for authority for such pupil to be furnished or provided trans-  
2 portation to school from the pupil's residence and from school to the  
3 pupil's residence by the receiving school district. The application shall be  
4 made upon forms prescribed by the state board of education.

5 (c) Upon receiving any application under this section, the board of  
6 education of a sending school district shall inquire of the receiving school  
7 district whether it is willing to furnish or provide transportation for the  
8 pupil named in the application. If the board of education of the sending  
9 school district determines that the receiving school district is willing to  
10 furnish or provide transportation for the pupil, the board of the sending  
11 school district shall issue an order authorizing the furnishing or provision  
12 of transportation by the receiving school district for the affected pupil to  
13 school from the pupil's residence and to the pupil's residence from school.

14 (d) Pupils attending school in a receiving school district under the  
15 provisions of this section shall be counted as regularly enrolled in and  
16 attending school in the receiving school district for the purpose of com-  
17 putations. No such pupil shall be charged for the costs of attendance at  
18 school in a receiving school district.

19 Sec. 4. K.S.A. 72-1046, 72-1046a and 72-1046b are hereby repealed.

20 Sec. 5. This act shall take effect and be in force from and after its  
21 publication in the statute book.