

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~~ **school districts; requiring**
3 **certain information to be posted on a school district's website;**
4 authorizing any student whose parent or guardian is employed by a
5 school district to enroll and attend such school district; exempting any
6 such students from a school district's open-seat lottery
7 process; **requiring consideration of homelessness when determining**
8 **enrollment status;** amending K.S.A. 72-3123, as amended by section
9 16 of chapter 94 of the 2022 Session Laws of Kansas, and **K.S.A. 2022**
10 **Supp. 72-3126 and** repealing the existing ~~section~~ **sections.**

11
12 *Be it enacted by the Legislature of the State of Kansas:*

13 **New Section 1. (a) On or before August 15 of each year, each**
14 **school district in this state shall establish a link on the school district's**
15 **website homepage titled "Parent Portal" and shall post and make the**
16 **following information available on the parent portal:**

17 **(1) The number of nonresident student transfers approved and**
18 **denied by the board of education of the school district in each grade**
19 **level pursuant to K.S.A. 72-3123, and amendments thereto, and**
20 **whether the denials were based on capacity or pursuant to the policy**
21 **adopted by the board under K.S.A. 2022 Supp. 72-3126, and**
22 **amendments thereto;**

23 **(2) a copy of each nonacademic test, questionnaire, survey or**
24 **examination that is required to be posted on the school district's**
25 **website pursuant to K.S.A. 72-6316, and amendments thereto; and**

26 **(3) a list organized by grade level that includes the district-wide**
27 **curriculum content adopted by the board of education of the school**
28 **district, including textbooks, required reading books and units of**
29 **study by theme, chapter or subject matter. Such list shall provide the**
30 **title, author, publishing company and year of publication for any such**
31 **textbook or book. A school district shall only be required to post such**
32 **information once per school year unless the board of education of the**
33 **school district makes substantial changes to the district's adopted**
34 **curriculum content during the school year. This paragraph shall not**
35 **be construed to require posting of teacher lesson plans.**

36 **(b) The publication of information and updates to such**

1 **information on the parent portal shall be an administrative function of**
2 **the school district and shall not be a duty or obligation imposed upon**
3 **teachers.**

4 ~~Section 1~~ **Sec. 2.** K.S.A. 72-3123, as amended by section 16 of
5 chapter 94 of the 2022 Session Laws of Kansas, is hereby amended to read
6 as follows: 72-3123. (a) Beginning in school year 2024-2025, any child of
7 school age pursuant to K.S.A. 72-3118, and amendments thereto, may
8 attend a school operated by a school district where such child does not
9 reside if such school district has open seats as determined pursuant to this
10 section.

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

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

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

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

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

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

25 (B) number of students expected to attend school in the school
26 district; and

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

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

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

35 (4) If the number of applications for a grade level in a school building
36 is less than the number of available seats for such grade level in such
37 school building, the nonresident students shall be accepted for enrollment
38 and attendance at such school district. If the number of applications for a
39 grade level in a school building is greater than the number of available
40 seats for such grade level in such school building, the school district shall
41 randomly select nonresident students using a confidential lottery process.
42 Such process shall be completed on or before July 15 of each year.

43 (5) The school district shall provide to the parent or person acting as

1 parent of a nonresident student who was not accepted for or denied
2 enrollment at such school district the reason for the nonacceptance or
3 denial and an explanation of the nonresident student selection process.

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

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

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

19 **(4) Any child who is experiencing homelessness shall be permitted**
20 **to enroll in and attend the school district of origin or the school**
21 **district of residence.**

22 (f) A school district shall not:

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

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

29 (g) A nonresident student who has been accepted for enrollment and
30 attendance at a receiving school district shall be permitted to continue such
31 enrollment and attendance in such school district until such student
32 graduates from high school, unless such student is no longer in good
33 standing. A receiving school district may deem a nonresident student as
34 not in good standing in accordance with such school district's nonresident
35 transfer policy. **Prior to making any determination to deem a**
36 **nonresident student as not in good standing, a district shall consider a**
37 **student's status as a homeless child and the resulting factors of**
38 **homelessness on such student's standing.**

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

41 (i) Except for a child in the custody of the department for children
42 and families **or a child who is experiencing homelessness**, a nonresident
43 student shall not transfer more than once per school year to one or more

1 receiving school districts pursuant to the provisions of this section.

2 (j) A receiving school district shall not be required to provide
3 transportation to nonresident students. If space is available on school
4 district transportation vehicles, a school district may provide nonresident
5 students an in-district bus stop where transportation may be provided by
6 such school district to and from such bus stop and the school for such
7 nonresident students. **A school district shall ensure that transportation
8 for nonresident homeless students is provided comparably to that of
9 housed students.**

10 (k) Each school district board of education shall submit to the state
11 department of education **the school district's policy adopted pursuant to**
12 **K.S.A. 2022 Supp. 72-3126, and amendments thereto**, the number of
13 nonresident student transfers approved and denied by such board **in each**
14 **grade level** and whether the denials were based on capacity or in
15 accordance with the policy adopted pursuant to ~~section 9~~ **K.S.A. 2022**
16 **Supp. 72-3126**, and amendments thereto. The state department of
17 education shall collect and report such data on such department's website
18 and make such data available to the legislative division of post audit.

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

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

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

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

36 **{Sec. 3. K.S.A. 2022 Supp. 72-3126 is hereby amended to read as**
37 **follows: 72-3126. (a) (1) On or before January 1, 2024, each board of**
38 **education of a school district shall adopt a policy to determine the**
39 **number of nonresident students that the school district has the**
40 **capacity to accept in each grade level for each school of the school**
41 **district pursuant to K.S.A. 72-3123, and amendments thereto. Such**
42 **policies shall clearly specify the reasons that the board may use to**
43 **deny continued enrollment of a nonresident student who is not in good**

1 **standing. Such reasons for a denial of continued enrollment may**
2 **include, but shall not be limited to, the nonresident student's record of**
3 **school absenteeism and repeated suspensions or expulsions.**

4 *(2) A school district's policy adopted pursuant to this section shall*
5 *consider the adverse impact of homelessness on a student's attendance*
6 *and any resulting suspensions or expulsions before making a*
7 *determination on the continued enrollment of a student who is homeless. A*
8 *district shall consider the obstacles a homeless student faces to arrive at*
9 *school on time or each day due to housing instability, lack of*
10 *transportation or lack of other basic resources that can hinder consistent*
11 *attendance.*

12 **(b) Prior to adopting such policy, the board of education shall call**
13 **and hold a hearing on the proposed policy. The board of education**
14 **shall provide notice of such hearing, which shall include the time, date**
15 **and place of the public hearing to be held on the proposed policy. Such**
16 **notice shall be published at least once each week for two consecutive**
17 **weeks in a newspaper of general circulation in the school district and**
18 **shall also be posted on the school district's website.**

19 **(c) At such hearing, a representative of the board shall present**
20 **the board's proposal for the policy and the board shall hear testimony**
21 **regarding the proposed policy. Following the public hearing, after**
22 **consideration of the testimony and evidence presented or submitted at**
23 **such public hearing, the board shall determine whether to adopt or**
24 **revise the proposed policy at a subsequent public meeting of the**
25 **board.**

26 **(d) The policy adopted pursuant to subsection (a) shall be**
27 **published on the school district's website.**

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

31 ~~(f) This section shall take effect and be in force from and after July 1,~~
32 ~~2023.~~

33 ~~Sec. 2: 4. K.S.A. 72-3123, as amended by section 16 of chapter 94 of~~
34 ~~the 2022 Session Laws of Kansas, is and K.S.A. 2022 Supp. 72-3126 are~~
35 ~~hereby repealed.~~

36 ~~Sec. 3: 5. This act shall take effect and be in force from and after its~~
37 ~~publication in the statute book.~~