

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

Proposed Amendments to House Bill No. 2514
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Office of Revisor of Statutes
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Authorize any nonresident student who attended a school district of residence in school year 2023-2024 to continue such enrollment

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 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 ~~(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 ~~(e)~~(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*

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