

**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

Prepared by: Nick Myers  
Office of Revisor of Statutes

-  
Excluding virtual schools

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~~ the board of education of any school district shall permit

1 (c) At such hearing, a representative of the board shall present the  
2 board's proposal for the policy and the board shall hear testimony  
3 regarding the proposed policy. Following the public hearing, after  
4 consideration of the testimony and evidence presented or submitted at such  
5 public hearing, the board shall determine whether to adopt or revise the  
6 proposed policy at a subsequent public meeting of the board.

7 (d) ~~The school district shall publish the policy pursuant to~~  
8 ~~subsection (a) shall be published and any subsequent revisions to such~~  
9 ~~policy on the school district's website through a link on the school~~  
10 ~~district's website homepage titled "open enrollment information."~~

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

14 Sec. 5. K.S.A. 2023 Supp. 72-3127 is hereby amended to read as  
15 follows: 72-3127. (a) As used in K.S.A. 72-3122 through 72-3125, and  
16 amendments thereto, and K.S.A. 2023 Supp. 72-3126 and section 1, and  
17 amendments thereto:

18 (1) "Homeless child" means a child who lacks a fixed, regular and  
19 adequate nighttime residence and whose primary nighttime residence is:

20 (A) A supervised publicly or privately operated shelter designed to  
21 provide temporary living accommodations, including welfare hotels,  
22 congregate shelters and transitional housing for the mentally ill;

23 (B) an institution that provides a temporary residence for individuals  
24 intended to be institutionalized; or

25 (C) a public or private place not designed for, or ordinarily used as, a  
26 regular sleeping accommodation for humans.

27 (2) "Nonresident student" ~~or "nonresident transfer student"~~ means a  
28 ~~student~~ child of school age pursuant to K.S.A. 72-3118, and amendments  
29 thereto, who resides in Kansas and is enrolled and in attendance at or  
30 seeking to enroll and attend a school located in a school district where  
31 such student is not a resident.

32 (3) "Parent" means and includes natural parents, adoptive parents,  
33 stepparents and foster parents.

34 (4) "Person acting as parent" means:

35 (A) A guardian or conservator; or

36 (B) a person, other than a parent, who:

37 (i) Is liable by law to maintain, care for or support the child;

38 (ii) has actual care and control of the child and is contributing the  
39 major portion of the cost of support of the child;

40 (iii) has actual care and control of the child with the written consent  
41 of a person who has legal custody of the child; or

42 (iv) has been granted custody of the child by a court of competent  
43 jurisdiction.

:  
(1)

; or  
(2) virtual school as defined in K.S.A. 72-3712,  
and amendments thereto.