

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

Revising the timeline for acceptance of applications
and including Senate's open enrollment amendments
with revisions

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

12 New Section 1. (a) Except as otherwise provided in subsection (b), in
13 each school year, if a school district has open seats remaining after
14 completion of the nonresident student transfer application process
15 established pursuant to K.S.A. 72-3123, and amendments thereto, the
16 board of education of the school district may consider applications for
17 enrollment submitted by students who are residents of another state. The
18 board of education of the school district shall give priority to nonresident
19 students who reside in Kansas over those students who reside in another
20 state prior to considering applications submitted by students who are
21 residents of another state.

22 (b) If a student who is a resident of another state has a parent or
23 person acting as parent employed by a school district in this state, the
24 board of education of such school district may permit such student to
25 enroll in and attend the school district as if the student is a resident of the
26 school district.

27 Sec. 2. K.S.A. 2023 Supp. 72-3123 is hereby amended to read as
28 follows: 72-3123. (a) Beginning in school year 2024-2025, ~~any child of~~
29 ~~school age pursuant to K.S.A. 72-3118, and amendments thereto, may~~
30 ~~attend a school operated by a school district where such child does not~~
31 ~~reside if such school district has open seats as determined pursuant to this~~
32 ~~section.~~

33 (b) ~~the board of education of any school district shall permit~~
34

1 nonresident students to enroll in and attend the schools of the district if
2 such school district has open seats as determined pursuant to this section.

3 ~~(e)~~(b) Each school district shall determine capacity in each school of
4 the school district for the following school year as follows:

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

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

10 ~~(d)~~(c) (1) On or before May 1 of each year, each school board shall
11 determine for each grade level in each school building of the school
12 district for the next succeeding school year the:

13 (A) Capacity as determined pursuant to subsection ~~(e)~~(b);

14 (B) number of students expected to attend school in the school
15 district; and

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

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

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

24 (4) If the number of applications for a grade level in a school building
25 is less than the number of available seats for such grade level in such
26 school building, the nonresident students shall be accepted for enrollment
27 and attendance at such school district. If the number of applications for a
28 grade level in a school building is greater than the number of available
29 seats for such grade level in such school building, the school district shall
30 randomly select nonresident students using a confidential lottery process.
31 Such process shall be completed on or before July 15 of each year.

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

36 ~~(e)~~(d) (1) Subject to capacity, school districts shall give priority to
37 any sibling of a nonresident student who ~~was is enrolled in and attending~~
38 *such school district or who is* accepted to enroll in and attend such school
39 district. Priority shall be given when the nonresident student is first
40 accepted and, if necessary, at any other time the school district considers
41 transfer applications. Any such sibling shall not be subject to the open seat
42 lottery.

43 (2) Subject to capacity, school districts shall give priority to any

the beginning of the school year

15 of such school year

who are seeking to enroll in and attend the school district in the next succeeding school year

on or before July 30 of each year.

(6) If a school district denies an application of a nonresident student due to the school district deeming the nonresident student as not in good standing, the parent or person acting as parent of such student may appeal such denial to the school district board of education.

1 student's standing.

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 or a child who is experiencing homelessness, a nonresident
6 student shall not transfer more than once per school year to one or more
7 receiving school districts pursuant to the 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. A school district shall ensure that transportation for
14 nonresident homeless students is provided comparably to that of housed
15 students.

Neither a resident school district nor

unless otherwise required by applicable law

16 (k) Each school district board of education shall submit *annually* to
17 the state department of education the school district's policy adopted
18 pursuant to K.S.A. 2023 Supp. 72-3126, and amendments thereto, the
19 number of nonresident student transfers approved and denied by such
20 board in each grade level and whether the denials were based on capacity
21 or in accordance with the policy adopted pursuant to K.S.A. 2023 Supp.
22 72-3126, and amendments thereto. The state department of education shall
23 collect and report such data on such department's website and make such
24 data available to the legislative division of post audit.

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

28 (2) In calendar year 2027, the legislative post audit committee shall
29 direct the legislative division of post audit to conduct an audit of
30 nonresident student transfers pursuant to this section. Such audit shall be
31 reported to the legislative post audit committee on or before January 15,
32 2028, and subsequently presented to the house standing committee on K-
33 12 education budget and the senate standing committee on education, or
34 any successor committees.

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

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

42 Sec. 3. K.S.A. 2023 Supp. 72-3124 is hereby amended to read as
43 follows: 72-3124.(a) The board of education of any school district shall

