

SENATE BILL No. 387

By Committee on Education

1-23

1 AN ACT concerning education; relating to school districts; open
2 enrollment; providing for continued enrollment of students who attend
3 a school district of nonresidence; amending K.S.A. 2023 Supp. 72-
4 3123 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2023 Supp. 72-3123 is hereby amended to read as
8 follows: 72-3123. (a) Beginning in school year 2024-2025, ~~any child of~~
9 ~~school age pursuant to K.S.A. 72-3118, and amendments thereto, may~~
10 ~~attend a school operated by a school district where such child does not~~
11 ~~reside if such school district has open seats as determined pursuant to this~~
12 ~~section.~~

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

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

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

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

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

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

27 (B) number of students expected to attend school in the school
28 district; and

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

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

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

1 the English language, measure of achievement, aptitude or athletic ability.

2 ~~(g)~~(f) (1) A nonresident student who has been accepted for enrollment
3 and attendance at a receiving school district on or after June 1, 2024, shall
4 be permitted to continue such enrollment and attendance in such school
5 district until such student graduates from high school, unless such student
6 is deemed as no longer in good standing.

7 (2) A nonresident student who was enrolled in and attended a school
8 district of nonresidence during school year 2023-2024 shall be permitted
9 to continue such enrollment and attendance in such school district until
10 such student graduates from high school, unless such student is deemed as
11 no longer in good standing.

12 (g) A receiving school district may deem a nonresident student as
13 not in good standing in accordance with such school district's nonresident
14 transfer policy. Prior to making any determination to deem a nonresident
15 student as not in good standing, a district shall consider a student's status
16 as a homeless child and the resulting factors of homelessness on such
17 student's standing.

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

20 (i) Except for a child in the custody of the department for children
21 and families or a child who is experiencing homelessness, a nonresident
22 student shall not transfer more than once per school year to one or more
23 receiving school districts pursuant to the provisions of this section.

24 (j) a receiving school district shall not be required to provide
25 transportation to nonresident students. If space is available on school
26 district transportation vehicles, a school district may provide nonresident
27 students an in-district bus stop where transportation may be provided by
28 such school district to and from such bus stop and the school for such
29 nonresident students. A school district shall ensure that transportation for
30 nonresident homeless students is provided comparably to that of housed
31 students.

Neither a resident school district nor

, unless otherwise required by applicable law

32 (k) Each school district board of education shall submit to the state
33 department of education the school district's policy adopted pursuant to
34 K.S.A. 2023 Supp. 72-3126, and amendments thereto, the number of
35 nonresident student transfers approved and denied by such board in each
36 grade level and whether the denials were based on capacity or in
37 accordance with the policy adopted pursuant to K.S.A. 2023 Supp. 72-
38 3126, and amendments thereto. The state department of education shall
39 collect and report such data on such department's website and make such
40 data available to the legislative division of post audit.

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