

**As Amended by House Committee**

*Session of 2025*

**HOUSE BILL No. 2320**

By Committee on K-12 Education Budget

Requested by Representative Goetz

2-6

AN ACT concerning education; relating to school districts; relating to children in the custody of the secretary for children and families; requiring transfer of a child's records when such child's placement is changed by the secretary and establishing a deadline for the transfer of such records; authorizing children in the custody of the secretary to attend any school district; authorizing such children to remain enrolled in and continue attending the school of origin; amending K.S.A. 38-2218 and 72-3439 and K.S.A. ~~2024~~ **2025** Supp. 72-3122, 72-3123 and 72-3124 and repealing the existing sections.

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

Section 1. K.S.A. 38-2218 is hereby amended to read as follows: 38-2218. (a) When the court has granted legal custody of a child in a hearing under the code to an agency, association or individual, the custodian or an agent designated by the custodian shall have authority to make educational decisions for the child if the parents of the child are unknown or unavailable. When the custodian of the child is the secretary, ~~and~~ the parents of the child are unknown or unavailable; and the child appears to be an exceptional child who requires special education, the secretary shall immediately notify the state board of education, or a designee of the state board, and the school district in which the child is residing that the child is in need of an education advocate. As used in this section, a parent is unavailable if:

(1) Repeated attempts have been made to contact the parent to provide notice of an IEP meeting and secure the parent's participation and such attempts have been unsuccessful;

(2) having been provided actual notice of an IEP meeting, the parent has failed or refused to attend and participate in the meeting; or

(3) the parent's whereabouts are unknown so that notice of an IEP meeting cannot be given to the parent. As soon as possible after notification, the state board of education, or its designee, shall appoint an education advocate for the child.

(b) **(1)** If the secretary changes the placement of a ~~pupil~~ *child* from one school district to another *school district* or ~~to another~~ *across a school boundary* within the same district, it shall be the duty of the secretary to

1 *notify the affected school district or districts within two business days*  
2 *that the child's placement has changed and request such child's records be*  
3 *transferred following the best interest determination conducted*  
4 *pursuant to federal and state law and the policies and procedure*  
5 *manual of the department for children and families. The secretary*  
6 *shall complete the best interest determination prior to any planned*  
7 *placement change or within two business days following an unplanned*  
8 *placement disruption.*

9 (2) *It shall be the duty of the school district and school in possession*  
10 *of any records pertaining to such child to cooperate with the secretary and*  
11 *transfer, or make provision for the transfer, of all school such records of*  
12 *such pupil to the school district or school to which the pupil where such*  
13 *child is transferred. Such school records shall be transferred at the same*  
14 *time that the pupil is transferred or as soon as possible thereafter following*  
15 *receipt of such notice but not later than two business days following such*  
16 *receipt the business day that such notice was received by the school*  
17 *district. A school district shall not deny or delay enrollment and*  
18 *attendance of any such child whose placement has changed on the basis*  
19 *that the school district or school is not in possession of such child's*  
20 *educational records.*

21 (c) As used in this section;

22 (1) "Business day" means any weekday from Monday through  
23 Friday in which the school district or school's administrative office is  
24 open. "Business day" does not include any federal or state holiday,  
25 any weekday that the school district or school's administrative office is  
26 closed or any weekday in which the school day has been canceled due  
27 to inclement weather or any other unforeseen circumstance.

28 (2) The terms "exceptional child," "special education," and  
29 "education advocate" ~~have the meanings respectively ascribed thereto~~  
30 *mean the same as defined in the special education for exceptional children*  
31 *act, K.S.A. 72-3403 et seq., and amendments thereto. The term "pupil"*  
32 *means a child living in a school district as a result of a placement therein*  
33 *by the secretary pursuant to this code.*

34 Sec. 2. K.S.A. ~~2024~~ 2025 Supp. 72-3122 is hereby amended to read  
35 as follows: 72-3122. (a) Any child who has attained the age of eligibility  
36 for school attendance may attend school in the district where the child  
37 lives, if:

38 (1) The child lives *if the child lives* with a resident of the district and  
39 the resident is the parent, or a person acting as parent, of the child;

40 (2) ~~subject to the provisions of subsection (c), the child lives in the~~  
41 *district, resides or is staying* as a result of placement therein by a district  
42 court or by the secretary for children and families. *If the court or secretary*  
43 *changes the placement of a child across a school boundary within the*

1 *same school district, such child shall be permitted to:*

2 *(A) Enroll in and attend the school of the school district where such*  
3 *child is placed; or*

4 *(B) remain enrolled in and continue attending the child's school of*  
5 *origin; or*

6 *(3) the secretary for children and families determines that the child's*  
7 *enrollment and attendance is in the best interests of the child; or*

8 *(4) the child resides or is staying if the child is a homeless child.*

9 (b) Any child who has attained the age of eligibility for school  
10 attendance may attend school in a school district where the child is not a  
11 resident in accordance with K.S.A. 72-13,101, 72-3123 or 72-3125, and  
12 amendments thereto.

13 Sec. 3. K.S.A. ~~2024~~ 2025 Supp. 72-3123 is hereby amended to read  
14 as follows: 72-3123. (a) ~~Beginning in school year 2024-2025,~~ The board of  
15 education of any school district shall permit nonresident students to enroll  
16 in and attend the schools of the district if such school district has open  
17 seats as determined pursuant to this section.

18 (b) Each school district shall determine capacity in each school of the  
19 school district for the following school year as follows:

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

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

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

28 (A) Capacity as determined pursuant to subsection (b);

29 (B) number of students expected to attend school in the school  
30 district; and

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

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

36 (3) From January 1 through June 15, each school district shall accept  
37 applications from nonresident students who are seeking to enroll in and  
38 attend the school district in the next succeeding school year. Applications  
39 shall be on a form and in a manner determined by the school district.

40 (4) If the number of applications for a grade level in a school building  
41 is less than the number of available seats for such grade level in such  
42 school building, the nonresident students shall be accepted for enrollment  
43 and attendance at such school district. If the number of applications for a

1 grade level in a school building is greater than the number of available  
2 seats for such grade level in such school building, the school district shall  
3 randomly select nonresident students using a confidential lottery process.  
4 Such process shall be completed on or before July 15 of each year.

5 (5) The school district shall provide to the parent or person acting as  
6 parent of a nonresident student who was not accepted for or denied  
7 enrollment at such school district the reason for the nonacceptance or  
8 denial and an explanation of the nonresident student selection process on  
9 or before July 30 of each year.

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

14 (d) (1) Subject to capacity, school districts shall give priority to any  
15 sibling of a nonresident student who is enrolled in and attending such  
16 school district or who is accepted to enroll in and attend such school  
17 district. Priority shall be given when the nonresident student is first  
18 accepted and, if necessary, at any other time the school district considers  
19 transfer applications. Any such sibling shall not be subject to the open seat  
20 lottery.

21 (2) Subject to capacity, school districts shall give priority to any  
22 nonresident student who is a military student as defined in K.S.A. 72-  
23 5139, and amendments thereto. Priority shall be given when the military  
24 student is first accepted and, if necessary, at any other time the school  
25 district considers transfer applications. Any such military student shall not  
26 be subject to the open seat lottery.

27 (3) Any child ~~who is in the custody of the department secretary for~~  
28 ~~children and families and who is living in the home of a nonresident~~  
29 ~~student who transfers may attend school in the receiving school district~~  
30 *has attained the age of eligibility for school attendance shall be permitted*  
31 *to:*

32 (A) *Enroll in and attend school in any school district of the state; or*

33 (B) *remain enrolled in and continue attending the child's school of*  
34 *origin.*

35 (4) Any nonresident student who has a parent or person acting as  
36 parent employed by a school district shall be permitted to enroll in and  
37 attend such school district as if the student is a resident of the school  
38 district. Any such student shall not be subject to the open-seat lottery  
39 established pursuant to subsection (c) when enrolling in and attending the  
40 school district where the parent or person acting as parent is employed.

41 (5) Any child who is experiencing homelessness shall be permitted to  
42 enroll in and attend the school district of origin or the school district of  
43 residence.

1 (e) A school district shall not:

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

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

8 (f) (1) A nonresident student accepted for enrollment and attendance  
9 at a receiving school district on or after June 1, 2024, shall be permitted to  
10 continue such enrollment and attendance in such school district until such  
11 student graduates from high school, unless such student is deemed as no  
12 longer in good standing pursuant to subsection (g).

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

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

23 (g) A receiving school district may deem any nonresident student as  
24 not in good standing in accordance with such school district's nonresident  
25 transfer policy, including any nonresident student who has not previously  
26 attended or been enrolled in the receiving school district. If a school  
27 district deems a nonresident student as not in good standing, such school  
28 district may deny such student's enrollment or continued enrollment in the  
29 school district. Prior to making any determination to deem a nonresident  
30 student as not in good standing, a district shall consider a student's status  
31 as a homeless child and the resulting factors of homelessness on such  
32 student's standing.

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

35 (i) Except for a child in the custody of the ~~department~~ *secretary* for  
36 children and families or a child who is experiencing homelessness, a  
37 nonresident student shall not transfer more than once per school year to  
38 one or more receiving school districts pursuant to the provisions of this  
39 section.

40 (j) (1) Neither a resident school district nor a receiving school district  
41 shall be required to provide transportation to nonresident students unless  
42 otherwise required by applicable law. If space is available on school  
43 district transportation vehicles, a school district may provide nonresident

1 students an in-district bus stop where transportation may be provided by  
2 such school district to and from such bus stop and the school for such  
3 nonresident students.

4 (2) A school district shall ensure that transportation for nonresident  
5 homeless students is provided comparably to that of housed students.

6 (3) *If the secretary for children and families changes the placement of*  
7 *a child from one school district to another school district or across a*  
8 *school boundary within the same district, and determines that it is in the*  
9 *best interests of the child to remain enrolled in and attending the school of*  
10 *origin, the affected school district and the secretary shall coordinate to*  
11 *develop a transportation plan to get the child to and from such school of*  
12 *origin. Such plan shall address the availability and cost of such*  
13 *transportation, including how such costs shall be reimbursed by the*  
14 *secretary, paid by the school district or shared between both parties. When*  
15 *developing such transportation plan, consideration shall be given to the:*

16 (A) *Age, maturity and behavioral capacity of the child;*

17 (B) *type of transportation available;*

18 (C) *flexibility in the school schedule;*

19 (D) *the effect of extracurricular activities on transportation options;*

20 (E) *traffic routes and patterns; and*

21 (F) *individualized needs of the child.*

22 (k) Each school district board of education shall submit annually to  
23 the state department of education the school district's policy adopted  
24 pursuant to K.S.A.—2024 2025 Supp. 72-3126, and amendments thereto,  
25 the number of nonresident student transfers approved and denied by such  
26 board in each grade level and whether the denials were based on capacity  
27 or in accordance with the policy adopted pursuant to K.S.A.—2024 2025  
28 Supp. 72-3126, and amendments thereto. The state department of  
29 education shall collect and report such data on such department's website  
30 and make such data available to the legislative division of post audit.

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

34 (2) In calendar year 2027, subject to a request made by the house  
35 standing committee on K-12 education budget or the senate standing  
36 committee on education, or any successor committees, the legislative post  
37 audit committee shall direct the legislative division of post audit to  
38 conduct an audit of nonresident student transfers pursuant to this section.  
39 If requested, such audit shall be reported to the legislative post audit  
40 committee on or before January 15, 2028, and subsequently presented to  
41 the house standing committee on K-12 education budget and the senate  
42 standing committee on education, or any successor committees.

43 (m) Nothing in this section shall be construed to exempt any

1 nonresident student who transfers to a receiving school district pursuant to  
2 this section from the policies and requirements of the activities association  
3 referred to in K.S.A. 72-7114, and amendments thereto.

4 (n) The provisions of this section shall not apply to any:

5 (1) School located on a military installation as defined in K.S.A. 72-  
6 8268, and amendments thereto; or

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

9 Sec. 4. K.S.A. ~~2024~~ **2025** Supp. 72-3124 is hereby amended to read  
10 as follows: 72-3124. (a) The board of education of any school district shall  
11 allow any nonresident student to enroll in and attend school in such district  
12 pursuant to K.S.A. 72-3123, and amendments thereto. *Except as provided*  
13 *in K.S.A. 72-3123, and amendments thereto*, the board of education of such  
14 district may furnish or provide transportation to any nonresident student  
15 who is enrolled in and attending school in the district. If the district agrees  
16 to furnish or provide transportation to a nonresident student, such  
17 transportation shall be furnished or provided until the end of the school  
18 year. Prior to providing or furnishing transportation to a nonresident  
19 student, the receiving school district shall notify the board of education of  
20 the sending school district that transportation will be furnished or provided  
21 for such student.

22 (b) Nonresident students shall be counted as regularly enrolled in and  
23 attending school in the receiving school district for the purpose of  
24 computations under the Kansas school equity and enhancement act, K.S.A.  
25 72-5131 et seq., and amendments thereto, except computation of  
26 transportation weighting under such act, and for the purposes of the  
27 statutory provisions contained in article 64 of chapter 72 of the Kansas  
28 Statutes Annotated, and amendments thereto. Such nonresident student  
29 shall not be charged for the costs of attendance at school.

30 Sec. 5. K.S.A. 72-3439 is hereby amended to read as follows: 72-  
31 3439. (a) All records of an exceptional child ~~who transfers, or who is~~  
32 ~~transferred;~~ from one school district to another *school district or across a*  
33 *school boundary within the same school district*, shall be transferred at the  
34 same time that such child ~~transfers, or is transferred;~~ or as soon thereafter  
35 as possible.

36 (b) If the transfer is a result of the change in placement by the  
37 secretary for children and families, *secretary of corrections or*  
38 *commissioner of juvenile justice*, it shall be the duty of the secretary or  
39 *commissioner to notify the affected school district or districts that the*  
40 *child's placement has changed and request that child's records be*  
41 *transferred. It shall be the duty of the school district and school in*  
42 *possession of any records pertaining to such child to cooperate with the*  
43 *secretary or commissioner and transfer,* ~~or make provision for the transfer,~~

1 of *all* such records to the *school* district or school to which the ~~where such~~  
2 child is transferred. ~~If the transfer is a result of the change in placement by~~  
3 ~~the commissioner of juvenile justice, it shall be the duty of the~~  
4 ~~commissioner to transfer, or make provision for the transfer, of such~~  
5 ~~records to the district or school to which the child is transferred. If the~~  
6 ~~transfer is a result of the change in placement by the secretary of the~~  
7 ~~department of corrections, it shall be the duty of the secretary to transfer,~~  
8 ~~or make provision for the transfer, of such records to the district or school~~  
9 ~~to which the child is transferred. Such records shall be transferred as soon~~  
10 ~~as possible following receipt of such notice but not later than two business~~  
11 ~~days following such receipt~~ **the business day that such notice was**  
12 **received by the school district. A school district shall not deny or delay**  
13 **enrollment and attendance of any such child whose placement has**  
14 **changed on the basis that the school district or school is not in possession**  
15 **of such child's educational records.**

16 (c) As used in this section, "business day" means any weekday  
17 from Monday through Friday in which the school district or school's  
18 administrative office is open. "Business day" does not include any  
19 federal or state holiday, any weekday that the school district or  
20 school's administrative office is closed or any weekday in which the  
21 school day has been canceled due to inclement weather or any other  
22 unforeseen circumstance.

23 Sec. 6. K.S.A. 38-2218 and 72-3439 and K.S.A.-2024 2025 Supp. 72-  
24 3122, 72-3123 and 72-3124 are hereby repealed.

25 Sec. 7. This act shall take effect and be in force from and after its  
26 publication in the statute book.