

**SENATE BILL No. 319**

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning school districts; relating to residency requirements  
2 for attendance; children awaiting foster care or permanent family  
3 placement; amending K.S.A. 2017 Supp. 72-3122 and 72-6152 and  
4 repealing the existing sections.

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

7 Section 1. K.S.A. 2017 Supp. 72-3122 is hereby amended to read as  
8 follows: 72-3122. (a) Any child who has attained the age of eligibility for  
9 school attendance may attend school in the district ~~in which~~ *where* the child  
10 lives if: (1) The child lives with a resident of the district and the  
11 resident is the parent, or a person acting as parent, of the child; ~~or~~ (2)  
12 subject to the provisions of subsection (c), the child lives in the district as  
13 a result of placement therein by a district court or by the secretary for  
14 children and families; or (3) the child is a homeless child.

15 (b) Any child who has attained the age of eligibility for school  
16 attendance may attend school in a school district ~~in which~~ *where* the child  
17 is not a resident if the school district ~~in which~~ *where* the child resides has  
18 entered into an agreement with such other school district in accordance  
19 with and under authority of K.S.A. 2017 Supp. 72-13,101, and  
20 amendments thereto.

21 (c) Any child who has attained the age of eligibility for school  
22 attendance and who lives at the Judge James V. Riddel Boys Ranch as a  
23 result of placement at such ranch by a district court or by the secretary for  
24 children and families shall be deemed a resident of unified school district  
25 No. 259, Sedgwick county, Kansas, and any such child may attend school  
26 ~~which~~ *that* shall be maintained for such child by the board of education of  
27 such school district as in the case of a child who is a bona fide resident of  
28 the district.

29 (d) *Any child who has attained the age of eligibility for school*  
30 *attendance and who has been placed by the Kansas department for*  
31 *children and families or a court of competent jurisdiction in the care and*  
32 *physical custody of a foster care contractor, or who is being provided*  
33 *respite care, may attend school in the school district where the foster care*  
34 *contractor providing such services to the child is located.*

35 (e) As used in this section:

36 (1) *"Family foster home" means a child care facility, as defined by*

1 K.S.A. 65-503, and amendments thereto, that is a private residence,  
2 including any adjacent grounds, where a licensee provides care for 24  
3 hours per day for one or more children in foster care.

4 (2) "Foster care contractor" means an organization that contracts  
5 with the Kansas department for children and families to provide foster  
6 care, family preservation, reintegration and permanency placement  
7 services.

8 (3) "Homeless child" means a child who lacks a fixed, regular and  
9 adequate nighttime residence and whose primary nighttime residence is:  
10 (A) A supervised publicly or privately operated shelter designed to provide  
11 temporary living accommodations, including welfare hotels, congregate  
12 shelters and transitional housing for the mentally ill; (B) an institution  
13 that provides a temporary residence for individuals intended to be  
14 institutionalized; or (C) a public or private place not designed for, or  
15 ordinarily used as, a regular sleeping accommodation for human beings.

16 (4) "Parent" means and includes natural parents, adoptive parents,  
17 stepparents, and foster parents;

18 ~~(2)(5)~~ "Person acting as parent" means: (A) A guardian or  
19 conservator; or (B) a person, other than a parent, who is liable by law to  
20 maintain, care for, or support the child, or who has actual care and control  
21 of the child and is contributing the major portion of the cost of support of  
22 the child, or who has actual care and control of the child with the written  
23 consent of a person who has legal custody of the child, or who has been  
24 granted custody of the child by a court of competent jurisdiction; ~~and~~

25 ~~(3) "homeless child" means a child who lacks a fixed, regular, and~~  
26 ~~adequate nighttime residence and whose primary nighttime residence is:~~  
27 ~~(A) A supervised publicly or privately operated shelter designed to provide~~  
28 ~~temporary living accommodations (including welfare hotels, congregate~~  
29 ~~shelters, and transitional housing for the mentally ill); or (B) an institution~~  
30 ~~that provides a temporary residence for individuals intended to be~~  
31 ~~institutionalized; or (C) a public or private place not designed for, or~~  
32 ~~ordinarily used as, a regular sleeping accommodation for human beings.~~

33 (6) "Respite care" means temporary care of a child in foster care in a  
34 family foster home other than the family foster home where the child is  
35 placed by the Kansas department for children and families, not including  
36 any activity that is solely for the purposes of socializing a child in foster  
37 care.

38 Sec. 2. K.S.A. 2017 Supp. 72-6152 is hereby amended to read as  
39 follows: 72-6152. As used in K.S.A. 2017 Supp. 72-6151 through 72-  
40 6157, and amendments thereto:

41 (a) "Appointing authority" means a group of persons empowered by  
42 statute to make human resource decisions that affect the employment of  
43 officers.

1 (b) "Campus police officer" means a school security officer  
2 designated by the board of education of any school district pursuant to  
3 K.S.A. 2017 Supp. 72-6146, and amendments thereto.

4 (c) "Chemical restraint" means the use of medication to control a  
5 student's violent physical behavior or restrict a student's freedom of  
6 movement.

7 (d) "Commissioner" means the commissioner of education.

8 (e) "Complaint" means a written document that a parent files with a  
9 local board as provided for in this act.

10 (f) "Department" means the state department of education.

11 (g) "Emergency safety intervention" means the use of seclusion or  
12 physical restraint, but does not include the use of time-out.

13 (h) "Hearing officer" means the state department employee  
14 designated to conduct an administrative review.

15 (i) "Incident" means each occurrence of the use of an emergency  
16 safety intervention.

17 (j) "Law enforcement officer" and "police officer" means a full-time  
18 or part-time salaried officer or employee of the state, a county or a city,  
19 whose duties include the prevention or detection of crime and the  
20 enforcement of criminal or traffic law of this state or any Kansas  
21 municipality. This term includes a campus police officer.

22 (k) "Legitimate law enforcement purpose" means a goal within the  
23 lawful authority of an officer that is to be achieved through methods or  
24 conduct condoned by the officer's appointing authority.

25 (l) "Local board" means the board of education of a district or the  
26 governing body of any accredited nonpublic school.

27 (m) "Mechanical restraint" means any device or object used to limit a  
28 student's movement.

29 (n) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a  
30 person acting as a parent as defined in K.S.A. 2017 Supp. 72-3122~~(d)~~(2),  
31 and amendments thereto; (4) a legal guardian; (5) an education advocate  
32 for a student with an exceptionality; (6) a foster parent, unless the student  
33 is a child with an exceptionality; or (7) a student who has reached the age  
34 of majority or is an emancipated minor.

35 (o) "Physical escort" means the temporary touching or holding the  
36 hand, wrist, arm, shoulder or back of a student who is acting out for the  
37 purpose of inducing the student to walk to a safe location. Physical escort  
38 shall not be considered an emergency safety intervention.

39 (p) "Physical restraint" means bodily force used to substantially limit  
40 a student's movement, except that consensual, solicited or unintentional  
41 contact and contact to provide comfort, assistance or instruction shall not  
42 be deemed to be physical restraint.

43 (q) "School" means any learning environment, including any

1 nonprofit institutional day or residential school or accredited nonpublic  
2 school, that receives public funding or which is subject to the regulatory  
3 authority of the state board of education.

4 (r) "School resource officer" means a law enforcement officer or  
5 police officer employed by a local law enforcement agency who is  
6 assigned to a district through an agreement between the local law  
7 enforcement agency and the district.

8 (s) "School security officer" means a person who is employed by a  
9 board of education of any school district for the purpose of aiding and  
10 supplementing state and local law enforcement agencies in which the  
11 school district is located, but is not a law enforcement officer or police  
12 officer.

13 (t) "Seclusion" means placement of a student in a location where all  
14 the following conditions are met:

15 (1) The student is placed in an enclosed area by school personnel;  
16 (2) the student is purposefully isolated from adults and peers; and  
17 (3) the student is prevented from leaving, or the student reasonably  
18 believes that such student will be prevented from leaving, the enclosed  
19 area.

20 (u) "State board" means the Kansas state board of education.

21 (v) "Time-out" means a behavioral intervention in which a student is  
22 temporarily removed from a learning activity without being secluded.

23 Sec. 3. K.S.A. 2017 Supp. 72-3122 and 72-6152 are hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its  
25 publication in the statute book.