

Session of 2022

SENATE BILL No. 455

By Committee on Education

2-8

1 AN ACT concerning education; relating to school attendance; allowing
2 students to transfer to and attend school in any school district in the
3 state; requiring school districts to set transfer capacity and adopt certain
4 transfer policies; establishing an appeals process if a transfer request is
5 denied; amending K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and
6 72-3125 and repealing the existing sections.
7

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

9 New Section 1. As used in K.S.A. 72-3122 through 72-3125, and
10 amendments thereto:

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

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

16 (2) an institution that provides a temporary residence for individuals
17 intended to be institutionalized; or

18 (3) a public or private place not designed for, or ordinarily used as, a
19 regular sleeping accommodation for humans.

20 (b) "Nonresident student" or "nonresident transfer student" means a
21 student who is enrolled and in attendance at or seeking to enroll and attend
22 a school located in a district where such student is not a resident.

23 (c) "Parent" means and includes natural parents, adoptive parents,
24 stepparents and foster parents.

25 (d) "Person acting as parent" means:

26 (1) A guardian or conservator; or

27 (2) a person, other than a parent, who:

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

29 (B) has actual care and control of the child and is contributing the
30 major portion of the cost of support of the child;

31 (C) has actual care and control of the child with the written consent of
32 a person who has legal custody of the child; or

33 (D) has been granted custody of the child by a court of competent
34 jurisdiction.

35 (e) "Receiving school district" means a school district of
36 nonresidence of a student who attends school in such school district.

1 adequate nighttime residence and whose primary nighttime residence is:
 2 (A) A supervised publicly or privately operated shelter designed to provide
 3 temporary living accommodations (including welfare hotels, congregate
 4 shelters, and transitional housing for the mentally ill); or (B) an institution
 5 that provides a temporary residence for individuals intended to be
 6 institutionalized; or (C) a public or private place not designed for, or
 7 ordinarily used as, a regular sleeping accommodation for human beings.

8 Sec. 3. K.S.A. 72-3123 is hereby amended to read as follows: 72-
 9 3123. (a) ~~(1) On and after July 1, 2022, the board of education of any~~
 10 ~~school district is hereby authorized to permit pupils who are not residents~~
 11 ~~of the school district shall permit nonresident students to enroll in and~~
 12 ~~attend the schools of the district. The board of education may permit such~~
 13 ~~pupils to attend school without charge or, subject to the provisions of~~
 14 ~~subsection (b), may charge such pupils for attendance at school to offset,~~
 15 ~~totally or in part, the costs of providing for such attendance. Amounts~~
 16 ~~received under this subsection by the board of education of a school~~
 17 ~~district for enrollment and attendance of pupils at school in regular~~
 18 ~~educational programs shall be deposited in the general fund of the school~~
 19 ~~district.~~

20 (b) ~~Pupils who are not residents of a school district and are attending~~
 21 ~~the schools of the school district in accordance with the provisions of an~~
 22 ~~agreement entered into under authority of K.S.A. 72-13,101, and~~
 23 ~~amendments thereto, shall not be charged for attendance at school. The~~
 24 ~~costs of providing for the attendance of such pupils at school shall be paid~~
 25 ~~by the school district of residence of the pupils in accordance with the~~
 26 ~~provisions of the agreement. at any time during the school year unless the~~
 27 ~~number of transfers exceeds the capacity of a grade level for each school~~
 28 ~~of a school district as determined pursuant to subsection (e).~~

29 (2) *The school district shall enroll transfer students in the order in*
 30 *which the school district received the nonresident student transfer*
 31 *applications. If the capacity of a grade level for each school of a school*
 32 *district is insufficient to enroll all nonresident students, the school district*
 33 *shall select nonresident students when capacity becomes available in the*
 34 *order in which the school district receives the nonresident student transfer*
 35 *applications.*

36 (3) *A school district shall not charge tuition or fees to any*
 37 *nonresident student who transfers to such school district pursuant to this*
 38 *section except fees that are otherwise charged to every student enrolled in*
 39 *and attending school in the district.*

40 (4) *A school district may deny enrollment to a nonresident student in*
 41 *accordance with the policy adopted pursuant to subsection (e). A school*
 42 *district shall not accept or deny a nonresident student transfer based on*
 43 *ethnicity, national origin, gender, income level, disabling condition,*

(a) Any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has capacity pursuant to this section. (b)
