

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)]~~

(c)(1) 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,

in accordance with this section if such school district has the capacity as determined in subsection (b).
 (b) Each school district shall determine capacity in each school of the school district for the following school year as follows:
 (1) For kindergarten and grades one through eight, the student teacher ratio in each grade level; and
 (2) for grades nine through 12, the student teacher ratio for each school building or program capacity, including, but not limited to, capacity for advanced placement or international baccalaureate programs, in each school building