

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 proficiency in the English language, measure of achievement, aptitude or
2 athletic ability.

3 (5) A nonresident student may be granted a one-year transfer and
4 may continue to attend the receiving school district each year with the
5 approval of the receiving school district. At the end of each school year, a
6 school district may deny continued enrollment of the nonresident student
7 in accordance with the policy adopted pursuant to subsection (e).

8 (b) (1) Any student who is the dependent child of a current member of
9 the United States armed forces, as defined in K.S.A. 48-3601, and
10 amendments thereto, shall be eligible for admission to the school district
11 of such student's choice regardless of the capacity of the school district. To
12 be eligible, such student shall have at least one parent who:

13 (A) Has been issued a federal department of defense identification
14 card; and

15 (B) can provide evidence that such parent is or will be on active duty
16 status or active duty orders. "Active duty orders" means official military
17 orders to another location in support of combat, contingency operation or
18 a natural disaster for more than 30 consecutive calendar days.

19 (2) Any sibling of a nonresident student who transfers may attend
20 school in the receiving school district if such school district has the
21 capacity for such sibling and the school district has no reason for denial
22 in accordance with the policy adopted pursuant to subsection (e).

23 (3) Any child in the custody of the department for children and
24 families who is living in the home of a nonresident student who transfers
25 may attend school in the receiving school district.

26 (c) A student may always enroll at any time in the school district
27 where such student resides. Except for a child in the custody of the
28 department for children and families, a nonresident student shall not
29 transfer more than two times per school year to one or more receiving
30 school districts.

31 ~~(d) [The parent of a student seeking a transfer shall apply on an
32 application form prescribed by the state board. The application shall be
33 filed with the superintendent of the receiving school district. On or before
34 the first day of January, April, July and October, the superintendent shall
35 file with the state board of education a statement that includes the names
36 of the nonresident students granted a transfer to the school district, the
37 sending school district of such student and the grade level of such student.]~~

38 (e) On or before January 1, 2023, each board of education of a
39 school district shall adopt a policy to determine the number of nonresident
40 students that the school district has the capacity to accept in each grade
41 level for each school of the school district and the reasons for denial of
42 any application of a nonresident student seeking to transfer to such
43 district. The reasons for denial may include, but not be limited to, high

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

- (i) Capacity as determined in accordance with this section;
- (ii) number of students expected to attend school in the school district; and
- (iii) number of open seats available to nonresident students.

(B) On or before June 1 of each year, each school district shall publish on its website the number of open seats available to nonresident students in each grade for each school building of the school district.

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

(D) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be complete on or before July 15 of each year.

(2) (A) On or before October 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding semester the:

- (i) Capacity as determined in accordance with this section;
- (ii) number of students expected to attend school in the school district; and
- (iii) number of open seats available to nonresident students.

(B) On or before November 1 of each year, each school district shall publish on its website the number of open seats available to nonresident students in each grade for each school building of the school district.

(C) From November 1 through November 31 each school district shall accept applications from nonresident students. Applications shall be on a form and in a manner determined by the school district.

(D) If the number of applications for a grade level in a school building is less than the number of available seats for such grade level in such school building, the nonresident students shall be accepted for enrollment and attendance at such school district. If the number of applications for a grade level in a school building is greater than the number of available seats for such grade level in such school building, the school district shall randomly select nonresident students using a confidential lottery process. Such process shall be complete on or before December 15 of each year.

(3) The school district shall provide to the parent or person acting as parent of such student the reason for the denial and an explanation of the nonresident student selection process.

1 rates of absenteeism and repeated suspensions or expulsions from school.
2 Such policy shall be posted on the school district's website.

3 ~~[(f) By each first day of January, April, July and October, the board of
4 education of each school district shall determine the number of
5 nonresident students the school district has the capacity to accept in each
6 grade level for each school of the school district. After determining the
7 number of nonresident students the district has the capacity to accept, the
8 board of education shall publish such capacity number in a prominent
9 place on the school district's website and report such capacity number to
10 the state department of education.~~

11 ~~(g) If a transfer request is denied by a school district, the parent of
12 the nonresident student who was denied transfer may appeal the denial to
13 the receiving school district board of education within 10 calendar days of
14 notification of such denial. The receiving school district board of
15 education shall consider the appeal at such board's next regularly
16 scheduled meeting. If the receiving school district board of education
17 denies the appeal, such parent may appeal the denial to the state board of
18 education within 10 calendar days of such denial. The parent shall submit
19 to the state board and the superintendent of the receiving school district a
20 notice of appeal on a form prescribed by the state board. The appeal shall
21 be considered by the state board at such board's next regularly scheduled
22 meeting in which the parent and a representative from the receiving school
23 district may address the state board. The state board shall promulgate
24 rules and regulations to establish an appeals process authorized by this
25 section.]~~

26 (h) Each school district board of education shall submit to the state
27 department of education the number of nonresident student transfers
28 approved and denied by such board and whether the denials were based
29 on capacity or in accordance with the policy adopted pursuant to
30 subsection (e). The state department of education shall collect and report
31 such data on such department's website and make such data available to
32 the legislative division of post audit.

33 (i) Each year, the legislative division of post audit shall randomly
34 select 10% of the school districts in the state and conduct an audit of each
35 selected school district's approved and denied nonresident student
36 transfers. If the audit finds that a school district inaccurately reported
37 capacity levels, the department of education shall determine such capacity
38 levels for such school district.

39 Sec. 4. K.S.A. 72-3124 is hereby amended to read as follows: 72-
40 3124. (a) ~~As used in this section:~~

41 ~~(1) "School district" means a school district organized and operating
42 under the laws of this state and no part of which is located in Johnson
43 county, Sedgwick county, Shawnee county or Wyandotte county.~~