

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

A receiving school district shall not be required to provide transportation to nonresident students. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop to school for such nonresident students.  
(e)