

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 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.~~

(1)

state department of education, as part of its enrollment audit, shall audit the nonresident student capacity and enrollment.
(2) In calendar year 2026, legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. Such audit shall be reported to the legislative post audit committee on or before January 15, 2027, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education or any successor committees.