

*As Amended by Senate Committee*

*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, **and section 2, and 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 (f) "School district" means a school district organized and operating  
2 under the laws of this state.

3 (g) "Sending school district" means a school district of residence of a  
4 student who attends school in a school district not of the student's  
5 residence.

6 (h) "Sibling" means a brother or sister of the whole or half blood,  
7 adoptive brother or sister, a stepbrother or stepsister or a foster brother or  
8 foster sister.

9 ***New Sec. 2. (a) On or before January 1, 2023, each board of***  
10 ***education of a school district shall adopt a policy to determine the***  
11 ***number of nonresident students that the school district has the capacity***  
12 ***to accept in each grade level for each school of the school district***  
13 ***pursuant to K.S.A. 72-3123, and amendments thereto. Such policies***  
14 ***shall clearly specify the reasons that the board may use to deny***  
15 ***continued enrollment of a nonresident student who is not in good***  
16 ***standing. Such reasons for a denial of continued enrollment may***  
17 ***include, but shall not be limited to, the nonresident student's record of***  
18 ***school absenteeism and repeated suspensions or expulsions.***

19 ***(b) The policy adopted pursuant to subsection (a) shall be published***  
20 ***on the school district's website.***

21 ~~Sec. 2.~~ 3. K.S.A. 72-3122 is hereby amended to read as follows: 72-  
22 3122. (a) Any child who has attained the age of eligibility for school  
23 attendance may attend school in the district ~~in which~~ where the child lives,  
24 if:

25 (1) The child lives with a resident of the district and the resident is the  
26 parent, or a person acting as parent, of the child; ~~or~~

27 (2) subject to the provisions of subsection (c), the child lives in the  
28 district as a result of placement therein by a district court or by the  
29 secretary for children and families; or

30 (3) the child is a homeless child.

31 (b) Any child who has attained the age of eligibility for school  
32 attendance may attend school in a school district ~~in which~~ where the child  
33 is not a resident ~~if the school district in which the child resides has entered~~  
34 ~~into an agreement with such other school district in accordance with and~~  
35 ~~under authority of~~ K.S.A. 72-13,101, 72-3123 or 72-3125, and  
36 amendments thereto.

37 (c) Any child who has attained the age of eligibility for school  
38 attendance and who lives at the Judge James V. Riddel boys ranch as a  
39 result of placement at such ranch by a district court or by the secretary for  
40 children and families shall be deemed a resident of unified school district  
41 No. 259, Sedgwick county, Kansas, ~~and~~. Any such child may attend  
42 school, which shall be maintained for such child by the board of education  
43 of such school district as in the case of a child who is a bona fide resident

1 of the district.

2 (d) ~~As used in this section:~~

3 (1) ~~"Parent" means and includes natural parents, adoptive parents,~~  
4 ~~stepparents, and foster parents;~~

5 (2) ~~"person acting as parent" means (A) a guardian or conservator, or~~  
6 ~~(B) a person, other than a parent, who is liable by law to maintain, care for,~~  
7 ~~or support the child, or who has actual care and control of the child and is~~  
8 ~~contributing the major portion of the cost of support of the child, or who~~  
9 ~~has actual care and control of the child with the written consent of a person~~  
10 ~~who has legal custody of the child, or who has been granted custody of the~~  
11 ~~child by a court of competent jurisdiction; and~~

12 (3) ~~"homeless child" means a child who lacks a fixed, regular, and~~  
13 ~~adequate nighttime residence and whose primary nighttime residence is:~~  
14 ~~(A) A supervised publicly or privately operated shelter designed to provide~~  
15 ~~temporary living accommodations (including welfare hotels, congregate~~  
16 ~~shelters, and transitional housing for the mentally ill); or (B) an institution~~  
17 ~~that provides a temporary residence for individuals intended to be~~  
18 ~~institutionalized; or (C) a public or private place not designed for, or~~  
19 ~~ordinarily used as, a regular sleeping accommodation for human beings.~~

20 Sec. ~~3~~. 4. K.S.A. 72-3123 is hereby amended to read as follows: 72-  
21 3123. (a) ~~(1) On and after July 1, 2022, Beginning in school year 2023-~~  
22 ~~2024, any child of school age pursuant to K.S.A. 72-3118, and~~  
23 ~~amendments thereto, may attend a school operated by a school district~~  
24 ~~where such child does not reside if such school district has open seats as~~  
25 ~~determined pursuant to this section.~~

26 (b) ~~The board of education of any school district is hereby authorized~~  
27 ~~to permit pupils who are not residents of the school district shall permit~~  
28 ~~nonresident students to enroll in and attend the schools of the district. The~~  
29 ~~board of education may permit such pupils to attend school without charge~~  
30 ~~or, subject to the provisions of subsection (b), may charge such pupils for~~  
31 ~~attendance at school to offset, totally or in part, the costs of providing for~~  
32 ~~such attendance. Amounts received under this subsection by the board of~~  
33 ~~education of a school district for enrollment and attendance of pupils at~~  
34 ~~school in regular educational programs shall be deposited in the general~~  
35 ~~fund of the school district.~~

36 (b) ~~Pupils who are not residents of a school district and are attending~~  
37 ~~the schools of the school district in accordance with the provisions of an~~  
38 ~~agreement entered into under authority of K.S.A. 72-13,101, and~~  
39 ~~amendments thereto, shall not be charged for attendance at school. The~~  
40 ~~costs of providing for the attendance of such pupils at school shall be paid~~  
41 ~~by the school district of residence of the pupils in accordance with the~~  
42 ~~provisions of the agreement. at any time during the school year unless the~~  
43 ~~number of transfers exceeds the capacity of a grade level for each school.~~

1 *of a school district as determined pursuant to subsection (e).*

2 ~~(2) The school district shall enroll transfer students in the order in~~  
3 ~~which the school district received the nonresident student transfer~~  
4 ~~applications. If the capacity of a grade level for each school of a school~~  
5 ~~district is insufficient to enroll all nonresident students, the school district~~  
6 ~~shall select nonresident students when capacity becomes available in the~~  
7 ~~order in which the school district receives the nonresident student transfer~~  
8 ~~applications.~~

9 ~~(3) if such school district has open seats as determined pursuant to~~  
10 ~~this section.~~

11 *(c) Each school district shall determine capacity in each school of*  
12 *the school district for the following school year as follows:*

13 *(1) For kindergarten and grades one through eight, the classroom*  
14 *student-teacher ratio in each grade level; and*

15 *(2) for grades nine through 12, the student-teacher ratio for each*  
16 *school building or program in each school building, including, but not*  
17 *limited to, advanced placement or international baccalaureate programs.*

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

21 *(i) Capacity as determined pursuant to subsection (c);*

22 *(ii) number of students expected to attend school in the school*  
23 *district; and*

24 *(iii) number of open seats available to nonresident students.*

25 *(B) On or before June 1 of each year, each school district shall*  
26 *publish on such school district's website the number of open seats*  
27 *available to nonresident students in each grade level for each school*  
28 *building of the school district for the next succeeding school year.*

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

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

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

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

5       (B) *On or before November 1 of each year, each school district*  
6 *shall publish on such school district's website the number of open seats*  
7 *available to nonresident students in each grade level for each school*  
8 *building of the school district for the next succeeding semester.*

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

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

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

24       (e) (1) *Subject to capacity, school districts shall give priority to any*  
25 *sibling of a nonresident student who was accepted to enroll in and attend*  
26 *such school district. Priority shall be given when the nonresident student*  
27 *is first accepted and, if necessary, at any other time the school district*  
28 *considers transfer applications. Any such sibling shall not be subject to*  
29 *the open seat lottery.*

30       (2) *Any child who is in the custody of the department for children*  
31 *and families and who is living in the home of a nonresident student who*  
32 *transfers may attend school in the receiving school district.*

33       (f) *A school district shall not:*

34       (1) *Charge tuition or fees to any nonresident student who transfers to*  
35 *such school district pursuant to this section except fees that are otherwise*  
36 *charged to every student enrolled in and attending school in the district.*

37       ~~(4) *A school district may deny enrollment to a nonresident student in*~~  
38 ~~*accordance with the policy adopted pursuant to subsection (e). A school*~~  
39 ~~*district shall not; or*~~

40       (2) *accept or deny a nonresident student transfer based on ethnicity,*  
41 *national origin, gender, income level, disabling condition, proficiency in*  
42 *the English language, measure of achievement, aptitude or athletic ability.*

43       ~~(5) *A nonresident student may be granted a one-year transfer and-*~~

1 ~~may continue to attend the receiving school district each year with the~~  
2 ~~approval of the receiving school district. At the end of each school year, a~~  
3 ~~school district may deny continued enrollment of the nonresident student~~  
4 ~~in accordance with the policy adopted pursuant to subsection (e).~~

5 ~~(b)–(f)(g)~~ **A nonresident student who has been accepted for**  
6 **enrollment and attendance at a receiving school district shall be**  
7 **permitted to continue such enrollment and attendance in such school**  
8 **district until such student graduates from high school, unless such**  
9 **student is no longer in good standing. A receiving school district may**  
10 **deem a nonresident student as not in good standing in accordance with**  
11 **such school district's nonresident transfer policy.**

12 **(h)** **A student may always enroll at any time in the school district**  
13 **where such student resides.**

14 **(i)** **Except for a child in the custody of the department for children**  
15 **and families, a nonresident student shall not transfer more than two**  
16 **times per school year to one or more receiving school districts.**

17 **(j)** **Any student who is the dependent child of a current member of the**  
18 **United States armed forces, as defined in K.S.A. 48-3601, and**  
19 **amendments thereto, shall be eligible for admission to the school district**  
20 **of such student's choice regardless of the capacity of the school district. To**  
21 **be eligible, such student shall have at least one parent who:**

22 **(A)(1)** **Has been issued a federal department of defense identification**  
23 **card; and**

24 **(B)(2)** **can provide evidence that such parent is or will be on active**  
25 **duty status or active duty orders. "Active duty orders" means official**  
26 **military orders to another location in support of combat, contingency**  
27 **operation or a natural disaster for more than 30 consecutive calendar**  
28 **days.**

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

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

36 ~~(e) A student may always enroll at any time in the school district~~  
37 ~~where such student resides. Except for a child in the custody of the~~  
38 ~~department for children and families, a nonresident student shall not~~  
39 ~~transfer more than two times per school year to one or more receiving~~  
40 ~~school districts.~~

41 ~~(d) The parent of a student seeking a transfer shall apply on an~~  
42 ~~application form prescribed by the state board. The application shall be~~  
43 ~~filed with the superintendent of the receiving school district. On or before~~

1 ~~the first day of January, April, July and October, the superintendent shall~~  
2 ~~file with the state board of education a statement that includes the names~~  
3 ~~of the nonresident students granted a transfer to the school district, the~~  
4 ~~sending school district of such student and the grade level of such student.~~

5 ~~(e) On or before January 1, 2023, each board of education of a~~  
6 ~~school district shall adopt a policy to determine the number of nonresident~~  
7 ~~students that the school district has the capacity to accept in each grade~~  
8 ~~level for each school of the school district and the reasons for denial of~~  
9 ~~any application of a nonresident student seeking to transfer to such~~  
10 ~~district. The reasons for denial may include, but not be limited to, high~~  
11 ~~rates of absenteeism and repeated suspensions or expulsions from school.~~  
12 ~~Such policy shall be posted on the school district's website.~~

13 ~~(f) By each first day of January, April, July and October, the board of~~  
14 ~~education of each school district shall determine the number of~~  
15 ~~nonresident students the school district has the capacity to accept in each~~  
16 ~~grade level for each school of the school district. After determining the~~  
17 ~~number of nonresident students the district has the capacity to accept, the~~  
18 ~~board of education shall publish such capacity number in a prominent~~  
19 ~~place on the school district's website and report such capacity number to~~  
20 ~~the state department of education.~~

21 ~~(g) If a transfer request is denied by a school district, the parent of~~  
22 ~~the nonresident student who was denied transfer may appeal the denial to~~  
23 ~~the receiving school district board of education within 10 calendar days of~~  
24 ~~notification of such denial. The receiving school district board of~~  
25 ~~education shall consider the appeal at such board's next regularly~~  
26 ~~scheduled meeting. If the receiving school district board of education~~  
27 ~~denies the appeal, such parent may appeal the denial to the state board of~~  
28 ~~education within 10 calendar days of such denial. The parent shall submit~~  
29 ~~to the state board and the superintendent of the receiving school district a~~  
30 ~~notice of appeal on a form prescribed by the state board. The appeal shall~~  
31 ~~be considered by the state board at such board's next regularly scheduled~~  
32 ~~meeting in which the parent and a representative from the receiving school~~  
33 ~~district may address the state board. The state board shall promulgate~~  
34 ~~rules and regulations to establish an appeals process authorized by this~~  
35 ~~section.~~

36 ~~(h)(k) A receiving school district shall not be required to provide~~  
37 ~~transportation to nonresident students. If space is available on school~~  
38 ~~district transportation vehicles, a school district may provide nonresident~~  
39 ~~students an in-district bus stop where transportation may be provided by~~  
40 ~~such school district to and from such bus stop and the school for such~~  
41 ~~nonresident students.~~

42 ~~(l) Each school district board of education shall submit to the state~~  
43 ~~department of education the number of nonresident student transfers~~

1 approved and denied by such board and whether the denials were based  
 2 on capacity or in accordance with the policy adopted pursuant to  
 3 ~~subsection (e) section 2, and amendments thereto.~~ The state department  
 4 of education shall collect and report such data on such department's  
 5 website and make such data available to the legislative division of post  
 6 audit.

7 ~~(i)(m) (1) Each year, the legislative division of post audit shall~~  
 8 ~~randomly select 10% of the school districts in the state and conduct an~~  
 9 ~~audit of each selected school district's approved and denied nonresident~~  
 10 ~~student transfers. If the audit finds that a school district inaccurately~~  
 11 ~~reported capacity levels, the department of education shall determine such~~  
 12 ~~capacity levels for such school district state department of education, as~~  
 13 ~~part of the department's enrollment audit, shall audit the nonresident~~  
 14 ~~student capacity and enrollment.~~

15 (2) In calendar year 2026, the legislative post audit committee shall  
 16 direct the legislative division of post audit to conduct an audit of  
 17 nonresident student transfers pursuant to this section. Such audit shall  
 18 be reported to the legislative post audit committee on or before January  
 19 15, 2027, and subsequently presented to the house standing committee  
 20 on K-12 education budget and the senate standing committee on  
 21 education, or any successor committees.

22 (n) Nothing in this section shall be construed to exempt any  
 23 nonresident student who transfers to a receiving school district pursuant  
 24 to this section from the policies and requirements of the activities  
 25 association referred to in K.S.A. 72-7114, and amendments thereto.

26 Sec. 4. 5. K.S.A. 72-3124 is hereby amended to read as follows: 72-  
 27 3124. (a) As used in this section:

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

31 (2) "Non-resident pupil" or "pupil" means a pupil who is enrolled and  
 32 in attendance at a school located in a district in which such pupil is not a  
 33 resident and who: (A) Lives  $2\frac{1}{2}$  or more miles from the attendance center  
 34 the pupil would attend in the district in which the pupil resides and is not a  
 35 resident of Johnson county, Sedgwick county, Shawnee county or  
 36 Wyandotte county; or (B) is a member of the family of a pupil meeting the  
 37 condition prescribed in subparagraph (A).

38 (3) "Member of the family" means a brother or sister of the whole or  
 39 half blood or by adoption, a stepbrother or stepsister, and a foster brother  
 40 or foster sister.

41 (b) ~~The board of education of any school district may~~ shall allow any  
 42 ~~pupil~~ student who is not a resident of the district to enroll in and attend  
 43 school in such district pursuant to K.S.A. 72-3123, and amendments



1 *thereto*. The board of education of such district may furnish or provide  
 2 transportation to any ~~non-resident pupil~~ *nonresident student* who is  
 3 enrolled in and attending school in the district ~~pursuant to this section~~. If  
 4 the district agrees to furnish or provide transportation to a ~~non-resident~~  
 5 ~~pupil~~ *nonresident student*, such transportation shall be furnished or  
 6 provided until the end of the school year. Prior to providing or furnishing  
 7 transportation to a ~~non-resident pupil~~ *nonresident student*, the *receiving*  
 8 *school* district shall notify the board of education of the *sending school*  
 9 district ~~in which the pupil resides~~ that transportation will be furnished or  
 10 provided *for such student*.

11 ~~(e) Pupils attending school in a school district in which the pupil does~~  
 12 ~~not reside pursuant to this section~~

13 *(b) Nonresident students* shall be counted as regularly enrolled in and  
 14 attending school in the *receiving school* district ~~where the pupil is enrolled~~  
 15 for the purpose of computations under the Kansas school equity and  
 16 enhancement act, K.S.A. 72-5131 et seq., and amendments thereto, except  
 17 computation of transportation weighting under such act, and for the  
 18 purposes of the statutory provisions contained in article 64 of chapter 72 of  
 19 the Kansas Statutes Annotated, and amendments thereto. Such ~~non-~~  
 20 ~~resident pupil~~ *nonresident student* shall not be charged for the costs of  
 21 attendance at school.

22 ~~Sec. 5:~~ 6. K.S.A. 72-3125 is hereby amended to read as follows: 72-  
 23 3125. (a) ~~As used in this section:~~

24 ~~(1) "Receiving school district" means a school district of~~  
 25 ~~nonresidence of a pupil who attends school in such school district.~~

26 ~~(2) "Sending school district" means a school district of residence of a~~  
 27 ~~pupil who attends school in a school district not of the pupil's residence.~~

28 ~~(b)~~ The board of education of any school district may make and enter  
 29 into contracts with the board of education of any receiving school district  
 30 located in this state for the purpose of providing for the attendance of  
 31 ~~pupils~~ *students* at school in the receiving school district.

32 ~~(e)~~*(b)* The board of education of any school district may make and  
 33 enter into contracts with the governing authority of any accredited school  
 34 district located in another state for the purpose of providing for the  
 35 attendance of ~~pupils~~ *students* from this state at school in such other state or  
 36 for the attendance of ~~pupils~~ *students* from such other state at school in this  
 37 state.

38 ~~(d)~~*(c)* ~~Pupils~~*Students* attending school in a receiving school district in  
 39 accordance with a contract authorized by this section and made and  
 40 entered into by such receiving school district with a sending school district  
 41 located in this state shall be counted as regularly enrolled in and attending  
 42 school in the sending school district for the purpose of computations under  
 43 the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq.,

1 and amendments thereto.

2 ~~(e)~~(d) Any contract made and entered into under authority of this  
3 section is subject to the following conditions:

4 (1) The contract shall be for the benefit of ~~pupils~~ *students* who reside  
5 at inconvenient or unreasonable distances from the schools maintained by  
6 the sending school district or for ~~pupils~~ *students* who, for any other reason  
7 deemed sufficient by the board of education of the sending school district,  
8 should attend school in a receiving school district;

9 (2) the contract shall make provision for the payment of tuition by the  
10 sending school district to the receiving school district;

11 (3) if a sending school district is located in this state and the receiving  
12 school district is located in another state, the amount of tuition provided to  
13 be paid for the attendance of a ~~pupil~~ *student* or ~~pupils~~ *students* at school in  
14 the receiving school district shall not exceed  $\frac{1}{2}$  of the amount of the  
15 budget per ~~pupil~~ *student* of the sending school district under the Kansas  
16 school equity and enhancement act, K.S.A. 72-5131 et seq., and  
17 amendments thereto, for the current school year; and

18 (4) the contract shall make provision for transportation of ~~pupils~~  
19 *students* to and from the school attended on every school day.

20 ~~(f)~~(e) Amounts received pursuant to contracts made and entered into  
21 under authority of this section by a school district located in this state for  
22 enrollment and attendance of ~~pupils~~ *students* at school in regular  
23 educational programs shall be deposited in the general fund of the school  
24 district.

25 ~~(g)~~(f) The provisions of subsection ~~(e)(3)~~ (d)(3) do not apply to  
26 unified school district No. 107, Rock Hills.

27 ~~(h)~~(g) The provisions of this section do not apply to contracts made  
28 and entered into under authority of the special education for exceptional  
29 children act.

30 ~~(i)~~(h) The provisions of this section are deemed to be alternative to  
31 the provisions of K.S.A. 72-13,101, and amendments thereto, and no  
32 procedure or authorization under K.S.A. 72-13,101, and amendments  
33 thereto, shall be limited by the provisions of this section.

34 Sec. ~~6~~ 7. K.S.A. 72-13,101 is hereby amended to read as follows: 72-  
35 13,101. (a) In accordance with the provisions of this section, the boards of  
36 education of any two or more unified school districts may make and enter  
37 into agreements providing for the attendance of ~~pupils~~ *students* residing in  
38 one school district at school in kindergarten or any of the grades one  
39 through 12 maintained by any such other school district. The boards of  
40 education may also provide by agreement for the combination of  
41 enrollments for kindergarten or one or more grades, courses or units of  
42 instruction.

43 (b) Prior to entering into any agreement under authority of this

1 section, the board of education shall adopt a resolution declaring that it has  
2 made a determination that such an agreement should be made and that the  
3 making and entering into of such an agreement would be in the best  
4 interests of the educational system of the school district. Any such  
5 agreement is subject to the following conditions:

6 (1) The agreement may be for any term not exceeding a term of five  
7 years.

8 (2) The agreement shall be subject to change or termination by the  
9 legislature.

10 (3) Within the limitations provided by law, the agreement may be  
11 changed or terminated by mutual agreement of the participating boards of  
12 education.

13 (4) The agreement shall make provision for transportation of ~~pupils~~  
14 *students* to and from the school attended on every school day, for payment  
15 or sharing of the costs and expenses of ~~pupil~~ *student* attendance at school,  
16 and for the authority and responsibility of the participating boards of  
17 education.

18 (c) Provision by agreements entered into under authority of this  
19 section for the attendance of ~~pupils~~ *students* at school in a school district of  
20 nonresidence of such ~~pupils~~ *students* shall be deemed to be in compliance  
21 with the kindergarten, grade, course and units of instruction requirements  
22 of law.

23 (d) The board of education of any school district ~~which~~ *that* enters  
24 into an agreement under authority of this section for the attendance of  
25 ~~pupils~~ *students* at school in another school district may discontinue  
26 kindergarten or any or all of the grades, courses and units of instruction  
27 specified in the agreement for attendance of ~~pupils~~ *students* enrolled in  
28 kindergarten or any such grades, courses and units of instruction at school  
29 in such other school district. Upon discontinuing kindergarten or any  
30 grade, course or unit of instruction under authority of this subsection, the  
31 board of education may close any school building or buildings operated or  
32 used for attendance by ~~pupils~~ *students* enrolled in such discontinued  
33 kindergarten, grades, courses or units of instruction. The closing of any  
34 school building under authority of this subsection shall require a majority  
35 vote of the members of the board of education and shall require no other  
36 procedure or approval.

37 (e) ~~Pupils~~ *Students* attending school in a school district of  
38 nonresidence of such ~~pupils~~ *students* in accordance with an agreement  
39 made and entered into under authority of this section shall be counted as  
40 regularly enrolled in and attending school in the school district of  
41 residence of such pupils for the purpose of computations under the Kansas  
42 school equity and enhancement act, K.S.A. 72-5131 et seq., and  
43 amendments thereto.

1 (f) ~~Pupils~~*Students* who satisfactorily complete grade 12 while in  
2 attendance at school in a school district of nonresidence of such ~~pupils~~  
3 *students* in accordance with the provisions of an agreement entered into  
4 under authority of this section shall be certified as having graduated from  
5 the school district of residence of such ~~pupils~~ *students* unless otherwise  
6 provided for by the agreement.

7 (g) *Students who are not residents of a school district and are*  
8 *attending the schools of the school district in accordance with the*  
9 *provisions of an agreement entered into under the authority of this section*  
10 *shall not be charged for attendance at school. The costs of providing for*  
11 *the attendance of such students at school shall be paid by the school*  
12 *district of residence of the students in accordance with the provisions of*  
13 *the agreement.*

14 Sec. ~~7.~~ **8.** K.S.A. 72-13,101, 72-3122, 72-3123, 72-3124 and 72-3125  
15 are hereby repealed.

16 Sec. ~~8.~~ **9.** This act shall take effect and be in force from and after its  
17 publication in the statute book.