



Oral neutral testimony on

SB 387 as amended

Providing for continued enrollment of students who attend a school district of nonresidence

By

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Madam Chair and Members of the Committee,

Thank you for the opportunity to testify as neutral today on SB 387 as amended and passed by the Senate. Our testimony is based on our member-affirmed policy that states:

We support the amendment or elimination of the open enrollment provisions prescribed in Sen. Sub. to HB 2567 of the 2022 session because the required timelines and procedures are not practical to determine short and long-term district and building capacity. Mandatory open enrollment will increase the property tax burden in the receiving district with no impact on the transferring family. Mandatory open enrollment has also led to concerns about student safety in the receiving district.

We appreciate that the bill clarifies that students currently attending a school on an out-of-district transfer may continue their enrollment through high school graduation. Providing certainty for these current students and their families is a positive addition to the process created by the open enrollment law.

It would be far better, however, for the legislature to repeal the open enrollment law entirely. The law interferes with school boards' home rule authority and overrules decisions made by locally elected boards who serve at the pleasure of local taxpayers.

As we've noted in previous testimony, more than 90 percent of Kansas public school districts had some form of open enrollment in place even before the law was enacted in 2022. Those

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local decisions were made in cooperation with the parents and taxpayers of the large and small districts that are the lifeblood of our state. Those local decisions reflected community standards for class size, current and future enrollment trends, and local taxpayer willingness to fund bond issues for school construction and other local needs.

If the legislature declines to repeal the law, we suggest further amendments:

Clarify that school districts may deny continuing enrollment to an out-of-district student who is no longer in good standing in that district and may decline to enroll an out-of-district student who is not in good standing in the student's home district. The safety and well-being of our students and staff are of paramount importance to school board members and this is a serious concern our members have raised since the law was enacted in 2022.

Adjust the time frame for accepting nonresident students. Current law opens the enrollment "lottery" for an upcoming school year in June and July; but enrollment for resident students typically takes place in August. While districts do their best to estimate future enrollment, it is quite common for districts to have many new, in-district families enroll each August. As a result, the 2022 law's mandate of a June-July lottery for nonresident students is extremely problematic.

We cannot support the Senate committee amendment that establishes the appeal process for nonresident students who are not accepted in the open enrollment lottery. The amendment overturns local boards' constitutional authority, inappropriately inserts the Commissioner of Education into a local decision, and further extends an already complicated process. If the legislature wishes to provide certainty for families and students, we respectfully suggest it strike this amendment to SB 387.

Thank you.

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