

SENATE BILL No. 387

By Committee on Education

1-23

1 AN ACT concerning education; relating to school districts; open
2 enrollment; providing for continued enrollment of students who attend
3 a school district of nonresidence; amending K.S.A. 2023 Supp. 72-
4 3123 and repealing the existing section.

5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2023 Supp. 72-3123 is hereby amended to read as
8 follows: 72-3123. (a) Beginning in school year 2024-2025, ~~any child of~~
9 ~~school age pursuant to K.S.A. 72-3118, and amendments thereto, may~~
10 ~~attend a school operated by a school district where such child does not~~
11 ~~reside if such school district has open seats as determined pursuant to this~~
12 ~~section.~~

13 ~~(b)~~—the board of education of any school district shall permit
14 nonresident students to enroll in and attend the schools of the district if
15 such school district has open seats as determined pursuant to this section.

16 ~~(e)~~(b) Each school district shall determine capacity in each school of
17 the school district for the following school year as follows:

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

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

23 ~~(d)~~(c) (1) On or before May 1 of each year, each school board shall
24 determine for each grade level in each school building of the school
25 district for the next succeeding school year the:

26 (A) Capacity as determined pursuant to subsection ~~(e)~~ (b);

27 (B) number of students expected to attend school in the school
28 district; and

29 (C) number of open seats available to nonresident students.

30 (2) On or before June 1 of each year, each school district shall publish
31 on such school district's website the number of open seats available to
32 nonresident students in each grade level for each school building of the
33 school district for the next succeeding school year.

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

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

9 (5) The school district shall provide to the parent or person acting as
 10 parent of a nonresident student who was not accepted for or denied
 11 enrollment at such school district the reason for the nonacceptance or
 12 denial and an explanation of the nonresident student selection process.

13 ~~(e)~~(d) (1) Subject to capacity, school districts shall give priority to
 14 any sibling of a nonresident student who ~~was~~ *is enrolled in and attending*
 15 *such school district or who is* accepted to enroll in and attend such school
 16 district. Priority shall be given when the nonresident student is first
 17 accepted and, if necessary, at any other time the school district considers
 18 transfer applications. Any such sibling shall not be subject to the open seat
 19 lottery.

20 (2) Subject to capacity, school districts shall give priority to any
 21 nonresident student who is a military student as defined in K.S.A. 72-
 22 5139, and amendments thereto. Priority shall be given when the military
 23 student is first accepted and, if necessary, at any other time the school
 24 district considers transfer applications. Any such military student shall not
 25 be subject to the open seat lottery.

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

29 (4) Any nonresident student who has a parent or person acting as
 30 parent employed by a school district shall be permitted to enroll in and
 31 attend such school district as if the student is a resident of the school
 32 district. Any such student shall not be subject to the open-seat lottery
 33 established pursuant to subsection ~~(d)~~ (c) when enrolling in and attending
 34 the school district where the parent or person acting as parent is employed.

35 (5) Any child who is experiencing homelessness shall be permitted to
 36 enroll in and attend the school district of origin or the school district of
 37 residence.

38 ~~(f)~~(e) A school district shall not:

39 (1) Charge tuition or fees to any nonresident student who transfers to
 40 such school district pursuant to this section except fees that are otherwise
 41 charged to every student enrolled in and attending school in the district; or

42 (2) accept or deny a nonresident student transfer based on ethnicity,
 43 national origin, gender, income level, disabling condition, proficiency in

on or before July 30 of each year.
 (6) If an application by a nonresident student is denied by the school district, the parent or person acting as parent of such student may appeal such denial to the school district board of education. If the appeal is unsuccessful, the parent or person acting as parent may appeal to the commissioner of education who shall conduct a hearing on the appeal in accordance with the Kansas administrative procedure act