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**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on K-12 Education Budget  
From: Office of Revisor of Statutes  
Date: February 13, 2025  
Subject: House Bill 2320 – As Introduced

House Bill 2320 would amend current law to authorize children in the custody of the secretary for children and families to enroll in and attend any school district in the state if it is in the child's best interests, provide for the timely transfer of any such child's education records between school districts, authorize any such child to continue to attend the school of origin, and require a transportation plan when the child continues to attend the school of origin.

*Authorizing Enrollment and Attendance in Any School District in the State*

Sections 2 and 3 of HB 2320 would amend K.S.A. 72-3122 and 72-3123 to authorize any child who is in the custody to enroll in and attend any school district in the state or remain in the child's school of origin.

Currently, K.S.A. 72-3122 authorizes a child to attend school in the school district where a child lives if: (1) The child lives with a resident of the district; (2) the child was placed in the district by a court or the secretary for children and families; or (3) the child is a homeless child.

HB 2320 would amend K.S.A. 72-3122 to authorize a child to attend school in any school district if the secretary of children and families determines that such enrollment and attendance is in the best interests of the child. Additionally, HB 2320 would clarify that a child shall be authorized to attend the school district where the child: (1) Lives if the child lives with a resident of the district; (2) lives, resides or is staying as a result of placement therein by a district court or the secretary for children and families; or (3) lives, resides or is staying if the child is a homeless child. Lastly, HB 2320 would amend such law to provide that if the child is placed by the secretary or court across a school boundary within the same district, such child shall be permitted to enroll in and attend the corresponding school of the school district or may remain in the school of origin.

Currently, K.S.A. 72-3123 establishes the open enrollment rules for nonresident student attendance in school districts throughout the state. The statute authorizes a child in the custody of the secretary of children and families to attend a nonresident school district if the child lives in the home of another student who attends such nonresident school district. Otherwise, such child may attend a nonresident school district if the child submits an application and is approved through the open enrollment application process.

HB 2320 would amend K.S.A. 72-3123 of the open enrollment law to provide that a child who is in the custody of the secretary for children and families shall be permitted to enroll in any school district of the state or remain in the child's school of origin.

*Requiring a Transportation Plan for a Child that Remains in the School of Origin*

Current law generally provides that school districts shall provide transportation to students who are residents of the district in accordance with current law and may provide transportation to nonresident students if chosen.

HB 2320 would amend K.S.A. 72-3123 to provide that when the secretary for children and families changes the placement of a child, but makes a determination that it is in the child's best interests to remain in the school of origin, both the affected school district and the secretary shall coordinate to develop a transportation plan to get the child to and from the school of origin. Such transportation plan would be required to address the availability and cost of such transportation and how such cost will be reimbursed or paid by the secretary, the school district, or shared between both parties. Additionally, when developing such a transportation plan, the school district and the secretary would be required to consider the: (1) Age, maturity and behavioral capacity of the child; (2) type of transportation that is available; (3) flexibility of the school schedule; (4) effect of extracurricular activities on transportation options; (5) traffic routes and patterns; and (6) individualized needs of the child.

*Requirements for Transferring Educational Records*

If a child is transferred due to a change of placement by the secretary of children and families, the secretary of corrections, or the commissioner of juvenile justice, current law generally places the obligation and duty to transfer a child's educational records on such secretary or commissioner.

HB 2320 would amend K.S.A. 38-2218 to amend the obligations and duties to transfer a child's educational records when the secretary of children and families changes the placement of a

child. HB 2320 would establish that it is the duty of the secretary of children and families to notify the affected school districts of the child's change in placement. Then, HB 2320 would impose a duty upon the school districts that receive such notice to cooperate with the secretary and transfer the child's educational records as soon as possible but not later than two business days following receipt of such notice. The bill would also prohibit any school district from denying any such child's enrollment and attendance on the basis that the school district is not in possession of the child's educational records.

Similarly, HB 2320 would also amend K.S.A. 72-3439 to impose the same duties and obligations for transferring the educational records of a child with an IEP who transfers due to a change in placement by the secretary of children and families, the secretary of corrections, or the commissioner of juvenile justice. Once the school district receives notification of the child's transfer from the secretary or commissioner, the affected school district would be required to cooperate with the secretary or commissioner and transfer the child's educational records as soon as possible but not later than two business days following receipt of such notice.