

SENATE BILL No. 361

By Committee on Education

1-22

1 AN ACT concerning education; relating to school districts; authorizing
2 foreign exchange students who reside with a host family to enroll in
3 and attend the host family's resident school district; excluding any such
4 students from the school district's open-seat lottery process; amending
5 K.S.A. 2025 Supp. 72-3123 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2025 Supp. 72-3123 is hereby amended to read as
9 follows: 72-3123. (a) ~~Beginning in school year 2024-2025,~~ The board of
10 education of any school district shall permit nonresident students to enroll
11 in and attend the schools of the district if such school district has open
12 seats as determined pursuant to this section.

13 (b) Each school district shall determine capacity in each school of the
14 school district for the following school year as follows:

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

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

20 (c) (1) On or before May 1 of each year, each school board shall
21 determine for each grade level in each school building of the school
22 district for the next succeeding school year the:

23 (A) Capacity as determined pursuant to subsection (b);

24 (B) number of students expected to attend school in the school
25 district; and

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

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

31 (3) From January 1 through June 15, each school district shall accept
32 applications from nonresident students who are seeking to enroll in and
33 attend the school district in the next succeeding school year. Applications
34 shall be on a form and in a manner determined by the school district.

35 (4) If the number of applications for a grade level in a school building
36 is ~~less~~ fewer than the number of available seats for such grade level in such

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

7 (5) The school district shall provide to the parent or person acting as
8 parent of a nonresident student who was not accepted for or denied
9 enrollment at such school district the reason for the nonacceptance or
10 denial and an explanation of the nonresident student selection process on
11 or before July 30 of each year.

12 (6) If a school district denies an application of a nonresident student
13 due to the school district deeming the nonresident student as not in good
14 standing, the parent or person acting as parent of such student may appeal
15 such denial to the school district board of education.

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

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

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

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

38 (5) *Any foreign exchange student who resides, or will reside, with a*
39 *host family may be permitted to enroll in and attend the host family's*
40 *resident school district as if the student were a resident of the school*
41 *district. Any such student shall not be subject to the open-seat lottery*
42 *established pursuant to subsection (c) when enrolling in and attending the*
43 *host family's resident school district.*

1 (6) Any child who is experiencing homelessness shall be permitted to
2 enroll in and attend the school district of origin or the school district of
3 residence.

4 (e) A school district shall not:

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

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

11 (f) (1) A nonresident student accepted for enrollment and attendance
12 at a receiving school district on or after June 1, 2024, shall be permitted to
13 continue such enrollment and attendance in such school district until such
14 student graduates from high school, unless such student is deemed as no
15 longer in good standing pursuant to subsection (g).

16 (2) A nonresident student who was enrolled in and attended a school
17 district of nonresidence during school year 2023-2024 shall be permitted
18 to continue such enrollment and attendance in such school district until
19 such student graduates from high school, unless such student is deemed as
20 no longer in good standing pursuant to subsection (g).

21 (3) A nonresident student who was enrolled in and attended a school
22 district of residence during school year 2023-2024 shall be permitted to
23 continue such enrollment and attendance in such school district until such
24 student graduates from high school, unless such student is deemed as no
25 longer in good standing pursuant to subsection (g).

26 (g) A receiving school district may deem any nonresident student as
27 not in good standing in accordance with such school district's nonresident
28 transfer policy, including any nonresident student who has not previously
29 attended or been enrolled in the receiving school district. If a school
30 district deems a nonresident student as not in good standing, such school
31 district may deny such student's enrollment or continued enrollment in the
32 school district. Prior to making any determination to deem a nonresident
33 student as not in good standing, a district shall consider a student's status
34 as a homeless child and the resulting factors of homelessness on such
35 student's standing.

36 (h) A student may always enroll at any time in the school district
37 where such student resides.

38 (i) Except for a child in the custody of the department for children
39 and families or a child who is experiencing homelessness, a nonresident
40 student shall not transfer more than once per school year to one or more
41 receiving school districts pursuant to the provisions of this section.

42 (j) Neither a resident school district nor a receiving school district
43 shall be required to provide transportation to nonresident students unless

1 otherwise required by applicable law. If space is available on school
2 district transportation vehicles, a school district may provide nonresident
3 students an in-district bus stop where transportation may be provided by
4 such school district to and from such bus stop and the school for such
5 nonresident students. A school district shall ensure that transportation for
6 nonresident homeless students is provided comparably to that of housed
7 students.

8 (k) Each school district board of education shall submit annually to
9 the state department of education the school district's policy adopted
10 pursuant to K.S.A. 2025 Supp. 72-3126, and amendments thereto, the
11 number of nonresident student transfers approved and denied by such
12 board in each grade level and whether the denials were based on capacity
13 or in accordance with the policy adopted pursuant to K.S.A. 2025 Supp.
14 72-3126, and amendments thereto. The state department of education shall
15 collect and report such data on such department's website and make such
16 data available to the legislative division of post audit.

17 (l) (1) Each year, the state department of education, as part of the
18 department's enrollment audit, shall audit the nonresident student capacity
19 and enrollment.

20 (2) In calendar year 2027, subject to a request made by the house
21 standing committee on K-12 education budget or the senate standing
22 committee on education, or any successor committees, the legislative post
23 audit committee shall direct the legislative division of post audit to
24 conduct an audit of nonresident student transfers pursuant to this section.
25 If requested, such audit shall be reported to the legislative post audit
26 committee on or before January 15, 2028, and subsequently presented to
27 the house standing committee on K-12 education budget and the senate
28 standing committee on education, or any successor committees.

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

33 (n) The provisions of this section shall not apply to any:

34 (1) School located on a military installation as defined in K.S.A. 72-
35 8268, and amendments thereto; or

36 (2) virtual school as defined in K.S.A. 72-3712, and amendments
37 thereto.

38 Sec. 2. K.S.A. 2025 Supp. 72-3123 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.