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MEMORANDUM

To: House Committee on K-12 Education Budget
From: Office of Revisor of Statutes
Date: February 1, 2022
Subject: House Bill 2553 – Bill Brief

House Bill 2553 would amend current law to require school districts to allow nonresident students to enroll in and attend school in the school district. School districts would be required to adopt policies to determine the capacity limits of each grade in each school of the district. Each such policy and the number of available openings must be posted on the school district's website.

Subject to the school district's capacity limits, the school district would be required to enroll transfer students in the order in which the school district received applications to transfer to such district. Generally, a school district would be prohibited from arbitrarily denying transfer requests but a school district may deny a transfer request based on a student's high rates of absenteeism or repeated suspension or expulsions from school. A transfer student would be granted a one-year transfer but could continue to attend the school district in the following year subject to the school board's approval. At the end of each school year, a school district would be authorized to deny continued enrollment of any nonresident student based on the district's capacity and other exclusion policies.

A parent of a student seeking a transfer would be required to apply to the school district. If a transfer request is denied by a school district, the parent may appeal the denial to the local board of such school district. Such local board would be required to consider the matter at the next meeting. If the local school board denies the appeal, the parent could appeal to the state board of education which must consider such appeal at the next regularly scheduled meeting.

Any student who is a dependent child of a current member of the U.S. armed forces would be eligible for admission regardless of the school's capacity. Likewise, any foster child who is living in the home of a nonresident student who transfers may attend school in the receiving school district.

School districts would be required to submit information on the program to the Department of Education which will collect and report such data.

Lastly, the bill amends K.S.A. 72-3125 to clarify that agreements between school districts relating to students who are not residents of schools are still available. Under such agreements, the resident school district would pay the receiving school district for such student as the student would continue to be counted as part of the resident school district for funding purposes.