

SENATE BILL No. 276

By Committee on Federal and State Affairs

1-16

1 AN ACT concerning school districts; relating to residency requirements
2 for attendance; children awaiting foster care or permanent family
3 placement; amending K.S.A. 72-3122 and 72-6152 and repealing the
4 existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 72-3122 is hereby amended to read as follows: 72-
8 3122. (a) Any child who has attained the age of eligibility for school
9 attendance may attend school in the district in which the child lives if:

10 (1) The child lives with a resident of the district and the resident is the
11 parent, or a person acting as parent, of the child; ~~or~~

12 (2) subject to the provisions of subsection (c), the child lives in the
13 district as a result of placement therein by a district court or by the
14 secretary for children and families; or

15 (3) the child is a homeless child.

16 (b) Any child who has attained the age of eligibility for school
17 attendance may attend school in a school district in which the child is not a
18 resident if the school district in which the child resides has entered into an
19 agreement with such other school district in accordance with and under
20 authority of K.S.A. 72-13,101, and amendments thereto.

21 (c) Any child who has attained the age of eligibility for school
22 attendance and who lives at the Judge James V. Riddel Boys Ranch as a
23 result of placement at such ranch by a district court or by the secretary for
24 children and families shall be deemed a resident of unified school district
25 No. 259, Sedgwick county, Kansas, and any such child may attend school
26 ~~which~~ *that* shall be maintained for such child by the board of education of
27 such school district as in the case of a child who is a bona fide resident of
28 the district.

29 (d) *Any child who has attained the age of eligibility for school*
30 *attendance and who has been placed by the Kansas department for*
31 *children and families or a court of competent jurisdiction in the care and*
32 *physical custody of a foster care contractor, or who is being provided*
33 *respite care, may attend school in the school district where the foster care*
34 *contractor providing such services to the child is located.*

35 (e) As used in this section:

36 (1) *"Family foster home" means a child care facility, as defined by*

1 K.S.A. 65-503, and amendments thereto, that is a private residence,
2 including any adjacent grounds, where a licensee provides care for 24
3 hours per day for one or more children in foster care.

4 (2) "Foster care contractor" means an organization that contracts
5 with the Kansas department for children and families to provide foster
6 care, family preservation, reintegration and permanency placement
7 services.

8 (3) "Homeless child" means a child who lacks a fixed, regular and
9 adequate nighttime residence and whose primary nighttime residence is:
10 (A) A supervised publicly or privately operated shelter designed to provide
11 temporary living accommodations, including welfare hotels, congregate
12 shelters and transitional housing for the mentally ill; (B) an institution
13 that provides a temporary residence for individuals intended to be
14 institutionalized; or (C) a public or private place not designed for, or
15 ordinarily used as, a regular sleeping accommodation for human beings.

16 (4) "Parent" means and includes natural parents, adoptive parents,
17 stepparents; and foster parents;.

18 ~~(2)(5)~~ "Person acting as parent" means: (A) A guardian or
19 conservator; or (B) a person, other than a parent, who is liable by law to
20 maintain, care for, or support the child, or who has actual care and control
21 of the child and is contributing the major portion of the cost of support of
22 the child, or who has actual care and control of the child with the written
23 consent of a person who has legal custody of the child, or who has been
24 granted custody of the child by a court of competent jurisdiction; ~~and~~

25 ~~(3) "homeless child" means a child who lacks a fixed, regular, and~~
26 ~~adequate nighttime residence and whose primary nighttime residence is:~~
27 ~~(A) A supervised publicly or privately operated shelter designed to provide~~
28 ~~temporary living accommodations (including welfare hotels, congregate~~
29 ~~shelters, and transitional housing for the mentally ill); or (B) an institution~~
30 ~~that provides a temporary residence for individuals intended to be~~
31 ~~institutionalized; or (C) a public or private place not designed for, or~~
32 ~~ordinarily used as, a regular sleeping accommodation for human beings.~~

33 (6) "Respite care" means temporary care of a child in foster care in a
34 family foster home other than the family foster home where the child is
35 placed by the Kansas department for children and families, not including
36 any activity that is solely for the purposes of socializing a child in foster
37 care.

38 Sec. 2. K.S.A. 72-6152 is hereby amended to read as follows: 72-
39 6152. As used in K.S.A. 72-6151 through ~~72-6157~~ 72-6158, and
40 amendments thereto:

41 (a) "Appointing authority" means a group of persons empowered by
42 statute to make human resource decisions that affect the employment of
43 officers.

1 (b) "Campus police officer" means a school security officer
2 designated by the board of education of any school district pursuant to
3 K.S.A. 72-6146, and amendments thereto.

4 (c) "Chemical restraint" means the use of medication to control a
5 student's violent physical behavior or restrict a student's freedom of
6 movement.

7 (d) "Commissioner" means the commissioner of education.

8 (e) "Complaint" means a written document that a parent files with a
9 local board as provided for in this act.

10 (f) "Department" means the state department of education.

11 (g) "Emergency safety intervention" means the use of seclusion or
12 physical restraint, but does not include the use of time-out.

13 (h) "Hearing officer" means the state department employee
14 designated to conduct an administrative review.

15 (i) "Incident" means each occurrence of the use of an emergency
16 safety intervention.

17 (j) "Law enforcement officer" and "police officer" means a full-time
18 or part-time salaried officer or employee of the state, a county or a city,
19 whose duties include the prevention or detection of crime and the
20 enforcement of criminal or traffic law of this state or any Kansas
21 municipality. This term includes a campus police officer.

22 (k) "Legitimate law enforcement purpose" means a goal within the
23 lawful authority of an officer that is to be achieved through methods or
24 conduct condoned by the officer's appointing authority.

25 (l) "Local board" means the board of education of a district or the
26 governing body of any accredited nonpublic school.

27 (m) "Mechanical restraint" means any device or object used to limit a
28 student's movement.

29 (n) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a
30 person acting as a parent as defined in K.S.A. 72-3122~~(d)~~(2), and
31 amendments thereto; (4) a legal guardian; (5) an education advocate for a
32 student with an exceptionality; (6) a foster parent, unless the student is a
33 child with an exceptionality; or (7) a student who has reached the age of
34 majority or is an emancipated minor.

35 (o) "Physical escort" means the temporary touching or holding the
36 hand, wrist, arm, shoulder or back of a student who is acting out for the
37 purpose of inducing the student to walk to a safe location. Physical escort
38 shall not be considered an emergency safety intervention.

39 (p) "Physical restraint" means bodily force used to substantially limit
40 a student's movement, except that consensual, solicited or unintentional
41 contact and contact to provide comfort, assistance or instruction shall not
42 be deemed to be physical restraint.

43 (q) "School" means any learning environment, including any

1 nonprofit institutional day or residential school or accredited nonpublic
2 school, that receives public funding or ~~which~~ *that* is subject to the
3 regulatory authority of the state board of education.

4 (r) "School resource officer" means a law enforcement officer or
5 police officer employed by a local law enforcement agency who is
6 assigned to a district through an agreement between the local law
7 enforcement agency and the district.

8 (s) "School security officer" means a person who is employed by a
9 board of education of any school district for the purpose of aiding and
10 supplementing state and local law enforcement agencies in which the
11 school district is located, but is not a law enforcement officer or police
12 officer.

13 (t) "Seclusion" means placement of a student in a location where all
14 the following conditions are met:

15 (1) The student is placed in an enclosed area by school personnel;
16 (2) the student is purposefully isolated from adults and peers; and
17 (3) the student is prevented from leaving, or the student reasonably
18 believes that such student will be prevented from leaving, the enclosed
19 area.

20 (u) "State board" means the Kansas state board of education.

21 (v) "Time-out" means a behavioral intervention in which a student is
22 temporarily removed from a learning activity without being secluded.

23 Sec. 3. K.S.A. 72-3122 and 72-6152 are hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.