

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 18, 2022, 9:30 a.m.

The Senate was called to order pro forma by President Ty Masterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 571, AN ACT concerning the legislature; relating to the organization thereof; providing for the appointment of members of standing, special and select committees; establishing a standing committee on organization of the senate and a standing committee on organization of the house of representatives therefor, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2528**.

Transparency and Ethics: **SB 570**.

Ways and Means: **HB 2712**.

MESSAGES FROM THE GOVERNOR

Enclosed is Executive Order 22-03 for your information. (March 17, 2022)

On motion of Senator Alley, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Dietrich in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 509** be passed.

Also, **SB 556** be amended on page 6, in line 34, by striking all after the second comma; in line 35, by striking all before the first "the"; and the bill be passed as amended.

The Committee on **Education** recommends **SB 455** be amended on page 1, in line 10, after "thereto" by inserting ", and section 2, and amendments thereto";

On page 2, following line 8, by inserting:

"New Sec. 2. (a) On or before January 1, 2023, each board of education of a school district shall adopt a policy to determine the number of nonresident students that the school district has the capacity to accept in each grade level for each school of the

school district pursuant to K.S.A. 72-3123, and amendments thereto. Such policies shall clearly specify the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. Such reasons for a denial of continued enrollment may include, but shall not be limited to, the nonresident student's record of school absenteeism and repeated suspensions or expulsions.

(b) The policy adopted pursuant to subsection (a) shall be published on the school district's website.";

On page 3, in line 9, by striking "(1) On and after July 1, 2022," and inserting "Beginning in school year 2023-2024, any child of school age pursuant to K.S.A. 72-3118, and amendments thereto, may attend a school operated by a school district where such child does not reside if such school district has open seats as determined pursuant to this section.

(b)";

Also on page 3, by striking all in lines 26 through 35; in line 36, by striking "(3)" and inserting "if such school district has open seats as determined pursuant to this section.

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

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

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

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

(i) Capacity as determined pursuant to subsection (c);

(ii) number of students expected to attend school in the school district; and

(iii) number of open seats available to nonresident students.

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

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

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

(2) (A) On or before October 1 of each year, each school board shall determine for each grade level in each school building of the school district for the next succeeding semester the:

(i) Capacity as determined in accordance with this section;

(ii) number of students expected to attend school in the school district; and

(iii) number of open seats available to nonresident students.

(B) On or before November 1 of each year, each school district shall publish on such school district's website the number of open seats available to nonresident students in each grade level for each school building of the school district for the next succeeding semester.

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

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

(3) The school district shall provide to the parent or person acting as parent of such student the reason for the denial and an explanation of the nonresident student selection process.

(e) (1) Subject to capacity, school districts shall give priority to any sibling of a nonresident student who was accepted to enroll in and attend such school district. Priority shall be given when the nonresident student is first accepted and, if necessary, at any other time the school district considers transfer applications. Any such sibling shall not be subject to the open seat lottery.

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

(f)";

Also on page 3, also in line 36, after "not" by inserting "":

(1)";

Also on page 3, in line 39, by striking the period; by striking all in lines 40 and 41; in line 42, by striking all before "accept" and inserting "; or

(2)";

On page 4, by striking all in lines 3 through 7; in line 8, by striking all before "Any" and inserting:

"(g) A nonresident student who has been accepted for enrollment and attendance at a receiving school district shall be permitted to continue such enrollment and attendance in such school district until such student graduates from high school, unless such student is no longer in good standing. A receiving school district may deem a nonresident student as not in good standing in accordance with such school district's nonresident transfer policy.

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

(i) Except for a child in the custody of the department for children and families, a nonresident student shall not transfer more than two times per school year to one or more receiving school districts.

(j)";

Also on page 4, in line 13, by striking "(A)" and inserting "(1)"; in line 15 by striking

"(B)" and inserting "(2)"; by striking all in lines 19 through 43;

On page 5, by striking all in lines 1 through 25; in line 26, by striking "(h)" and inserting:

"(k) A receiving school district shall not be required to provide transportation to nonresident students. If space is available on school district transportation vehicles, a school district may provide nonresident students an in-district bus stop where transportation may be provided by such school district to and from such bus stop and the school for such nonresident students.

(l)";

Also on page 5, in line 30, by striking all before the period and inserting "section 2, and amendments thereto"; in line 33, by striking "(i)" and inserting "(m) (1); also in line 33, by striking all after "the"; by striking all in lines 34 through 37; in line 38, by striking all before the period and inserting "state department of education, as part of the department's enrollment audit, shall audit the nonresident student capacity and enrollment.

(2) In calendar year 2026, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit of nonresident student transfers pursuant to this section. Such audit shall be reported to the legislative post audit committee on or before January 15, 2027, and subsequently presented to the house standing committee on K-12 education budget and the senate standing committee on education, or any successor committees.

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

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

And by renumbering sections accordingly;

On page 1, in the title, in line 4, by striking all after the semicolon; in line 5, by striking "denied;"; and the bill be passed as amended.

Committee on **Transparency and Ethics** recommends **HB 2579**, as amended by House Committee, be amended on page 1, in line 11, by striking "electronically"; also in line 11, after "the" by inserting "office of the"; in line 12, after the period by inserting "Reports for candidates for statewide office shall be filed electronically. Reports for candidates for state office other than candidates elected on a statewide basis that are due on or after December 31, 2023, shall be filed electronically."; in line 21, by striking "eighth" and inserting "8th"; in line 25, by striking "eighth" and inserting "8th"; in line 28, after "(3)" by inserting "the Tuesday following the second Monday in"; also in line 28, by striking "10"; in line 32, after "next" by inserting "Tuesday following the second Monday in"; also in line 32, by striking "10"; and the bill be passed as amended.

TRIBUTES

The Committee on **Organization, Calendar, and Rules** authorizes the following tributes:

Senator Dietrich: congratulating the Washburn Rural High School Boys Wrestling Team on winning the 2022 6A State Championship, congratulating Aiden Bolin on winning the 2022 6A State Wrestling Championship in the 160-Pound Weight Class,

congratulating Austin Fager on winning the 2022 6A State Wrestling Championship in the 182-Pound Weight Class;

Senator Francisco: celebrating Freda Roberson's 90th Birthday;

Senator Haley: celebrating Gerald Wendell Hall's 90th Birthday, celebrating Melba Jean (Jefferson) Hall's 90th Birthday; and

Senators Pittman and McGinn: celebrating Theatre in Our Schools Day at the Capitol.

On motion of Senator Francisco, the Senate adjourned until 1:30 p.m., Monday, March 21, 2022.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

