

## **Public Notice of Hearing regarding Policy for Enrollment of Nonresident Students**

Notice is hereby given pursuant to K.S.A. 72-3126, of a public hearing to be held on the 6th day of December, 2023, at 5:30 p.m. at Dexter Schools, 311 N Main Street, Dexter, KS, regarding the Unified School District No. 471, Cowley County, Kansas proposed 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, including clearly specifying the reasons that the board may use to deny continued enrollment of a nonresident student who is not in good standing. A representative of the board shall present the board's proposal for the policy, and the board shall hear testimony regarding the proposed policy.

### **What is the public hearing about?**

All school districts in Kansas must allow for the enrollment of nonresident students, if space is available, beginning with the 2024-25 school year. As part of this mandatory requirement, each Board of Education must adopt a policy that aligns with the new state law.

The public hearing is specifically about the proposed policy regarding nonresident enrollment. The Board of Education, by law, must comply with this requirement. **It is not optional.**

The Kansas Legislature passed a bill during the 2022 legislative session, which was signed into law by the governor. The legislation amends school enrollment statutes to require all school districts in the state to allow open enrollment for nonresident students beginning in the 2024-25 school year.

### **What does the new law require?**

- Each Board of Education of a school district must adopt a policy to determine the capacity of the district to accept nonresident students in each grade level on or before January 1, 2024.
- Prior to adopting such policy, the board must hold a hearing. The board must provide notice of the hearing, to include the time, date, and place of the public hearing to be held on the proposed policy. The bill requires the notice to be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district and posted on the school district's website. A representative of the board must present the board's proposal for the policy at the hearing, and the board must hear testimony regarding the proposed policy. After consideration of the testimony and evidence presented or submitted at such public hearing, the board will determine whether to adopt the policy or revise the proposed policy at a subsequent public meeting of the board.
- Policy adopted by the board pursuant to the statute to be published on the district's website.
- BOE must prepare or complete annual report on nonresident enrollment student data.

### **What is required to determine enrollment capacity for nonresident students?**

- Grades K-8: Classroom **student-teacher ratio** in each grade at each school
- Grades 9-12: **Student-teacher ratio** for each school building or program in each school building for grades 9 through 12.

On or before May 1 of each year, each local board must determine the following for each grade level in each school building within the district:

- Capacity of the district;
- Number of students expected to attend school in the district; and
- Number of open seats available for nonresident students.

The number of open seats available for nonresident students must be published on the district's website by June 1 of each year for each grade level at each school building.

### **Application Process**

Students may submit applications to nonresident school districts between June 1 and June 30 each year for the fall semester.

If the number of applications to a district is equal to or less than the available capacity for a grade level in a district, all applicants must be accepted for enrollment within the district.

If the number of applications exceeds the capacity for a grade level within the district, the district will randomly select nonresident students via a lottery process on or before July 15 of each year.

### **Continued Enrollment**

Any nonresident student who has been accepted for enrollment and attendance at a receiving district could continue at the district until the student graduates from high school or is no longer in good standing based upon the nonresident transfer policy of the district.

### **Student Denial**

The law requires any district denying the *continued enrollment* of a nonresident student or denying the acceptance of a new nonresident student to notify the student's parent or guardian of the reason for denial. Reasons for such denial can include, but are not limited to, elements such as a nonresident student's behavior/discipline history, parent & student compliance with school policies and/or requirements, school absenteeism, suspensions, or expulsions. Note: Students can be denied acceptance to a nonresident district if there is no capacity or they were not selected during the lottery process.

### **Nonresident Enrollment Priority (as defined by the new state law)**

- Any sibling of a nonresident student who was accepted to enroll in and attend school in the district, with priority given when the nonresident student is first accepted and, if necessary, at any other time the district considers transfer applications;
- any nonresident student who is a military student as defined in K.S.A. 72-5139, with priority given when the student is first accepted and, if necessary, at any other time the district considers transfer applications;
- 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 to the district;
- any nonresident student who has a parent or person acting as parent employed by the district shall be permitted to enroll in and attend school in the district as if the student is a resident of the district while the parent or person acting as a parent remains employed by the district;
- any nonresident students residing outside of the state of Kansas but attending school in the district during the 2023-2024 school year shall be treated as if resident students and not required to apply for nonresident status, although continued enrollment may be evaluated each year under the factors outlined in policy; or
- any child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence.

### **Fees / Tuition**

Districts are prohibited from charging tuition or fees to nonresident students except for fees otherwise charged to every student enrolled and attending in the district.

Districts are also prohibited from admitting or denying students based upon the following criteria:

- Ethnicity;
- National origin;
- Gender;
- Income level;
- Disabling condition;
- Proficiency in the English language;
- Measure of achievement;
- Aptitude; or
- Athletic ability.

### **Transportation**

A district is not required to provide transportation for nonresident students.

**Kansas State High School Activities Association**

Nonresident students who transfer would be subject to policies and requirements of the KSHSAA.