

Nonresident Student / Open Enrollment Policy Talking Points USD 432

Recently passed statutes (Senate Sub. for HB 2567) and (House Sub. for SB 113) by the Kansas Legislature have changed the way local school boards may evaluate and accept students who do not reside within district boundaries.

The past practice of USD 432 according to board policy for nonresident students: Parents were to notify the school if their student(s) was returning by the second Monday in June each year. Administration had to let a nonresident student know if enrollment was denied for the following school year by July 1st. Out-of-district, or nonresident students have been notified each summer with a letter since 2021. This letter also explained the upcoming policy changes from legislation. [Out of District Letter 23-24](#).

The current policy was approved in July 2023, knowing that the board of education would be required to give public notice and have a hearing to hear input from patrons before adopting any changes to the policy prior to January 1, 2024. It will be reviewed with input from staff, administration and the BOE to approve In November, specifying criteria and dates that are highlighted in the copy linked here. [JBCC Enrollment of Nonresident Students](#)

[School boards must:](#)

- adopt policy before January 1, 2024;
- determine and publish student capacity by May 1, 2024 (annually);
- provide notice and make nonresident applications available by June 1, 2024 (annually);
- conduct a random nonresident student lottery to fill enrollment capacity slots between July 1 - July 15, 2024 (annually).

By May 1st of each year, the capacity of a school district will be:

- adopted and published for grades K-8, based on student-teacher ratio
- adopted and published for grades 9-12, based on building and/or program capacity
- evaluated and adopted by the BOE based on recommendations made by the superintendent or designee
- based on factors determined by the board of education and include but not be limited to physical spaces where students learn and/or congregate, enrollment trends, community trends, and staffing needs.

Nonresident students may not enroll in a school where no declared capacity exists.

Nonresident students who complete the application process and are selected for enrollment where capacity has been determined may only be denied enrollment if they are currently expelled from another public school.

Nonresident students who have been accepted and have started school may be declared ineligible for continued enrollment in the subsequent school year if they are deemed to be a student not in good standing.

Students may be deemed not in good standing based on, but not limited to, poor attendance or multiple behavior suspensions.

Nonresident students may qualify for exceptions to the nonresident enrollment process if/when they are:

- a child of a district employee;
- a military student as defined in K.S.A. 72-5139;
- a 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;

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- a current nonresident students residing outside of the state of Kansas;
- a child who is experiencing homelessness shall be permitted to enroll in and attend the school district of origin or the school district of residence
- the siblings of a non-resident student who was selected for enrollment via the lottery process, may be automatically accepted for enrollment where capacity has been determined (pending legal opinion).

Non-resident students may not be charged tuition or additional fees greater than those assessed resident students.