

HOUSE BILL No. 2521

By Committee on Federal and State Affairs

1-28

1 AN ACT concerning school districts; relating to reporting of students who
2 are not lawfully present in the United States.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Proof of lawful presence" means evidence that a student is a
7 citizen of the United States or is lawfully present in the United States.
8 Evidence of lawful presence includes the following:

9 (A) A certified copy of a birth certificate that verifies United States
10 citizenship issued either by a state in the United States or by the United
11 States department of state;

12 (B) a social security card;

13 (C) a driver's license or nondriver's identification card issued by the
14 division of vehicles or the equivalent governmental agency of another state
15 within the United States if such agency indicates on the driver's license or
16 nondriver's identification card that the person has provided satisfactory
17 proof of United States citizenship;

18 (D) pertinent pages of the United States valid or expired passport
19 identifying the student and the student's passport number;

20 (E) United States naturalization documents;

21 (F) a final adoption decree showing the student's name and United
22 States birthplace;

23 (G) a certificate of citizenship issued by the United States citizenship
24 and immigration services;

25 (H) a bureau of Indian affairs card number, tribal treaty card number
26 or tribal enrollment number;

27 (I) an American Indian card, with KIC classification, issued by the
28 United States department of homeland security;

29 (J) a consular report of birth abroad of a citizen of the United States
30 of America;

31 (K) other documents or methods of proof of United States citizenship
32 issued by the federal government pursuant to the immigration and
33 nationality act of 1952, and amendments thereto;

34 (L) a pending application for asylum in the United States;

35 (M) a pending or approved application for temporary protected status
36 in the United States;

1 (N) an approved deferred action status; or

2 (O) a pending application for adjustment of status to that of an alien
3 lawfully admitted for permanent residence in the United States or
4 conditional permanent resident status in the United States.

5 (2) "School board" means the board of education of a school district.

6 (3) "School district" means a unified school district organized and
7 operated under the laws of this state.

8 (4) "State board" means the state board of education.

9 (5) "Statewide average amount per pupil" means the average amount
10 per pupil for the preceding school year of the combined general fund
11 budgets and local option budgets of all districts as computed by the state
12 board under subsection (d).

13 (b) Whenever a child enrolls or is enrolled in a public school for the
14 first time, the school board of such public school shall request, in
15 accordance with a policy adopted by the school board, presentation of
16 proof of lawful presence for reporting purposes in accordance with
17 subsection (c).

18 (c) (1) Each school district shall annually submit a report to the state
19 board on the total number of children who are enrolled in the school
20 district but failed to provide proof of lawful presence to the school district.

21 (2) (A) The state department of education shall annually publish on
22 its internet website an amount equal to the product of the total number of
23 children enrolled in all school districts who failed to provide proof of
24 lawful presence and the statewide average amount per pupil.

25 (B) Such information shall be published in a manner which does not,
26 alone or in combination with other information, allow a reasonable person
27 to identify a specific child with reasonable certainty.

28 (C) Publications required by this subsection shall be published with
29 an easily identifiable link located on the state department of education's
30 website homepage.

31 (d) Each school year, the state board shall determine the statewide
32 average amount per pupil as follows:

33 (1) Determine the general fund budgets for all districts for the
34 preceding school year.

35 (2) Determine the local option budgets for all districts for the
36 preceding school year.

37 (3) Determine the enrollment of pupils in all districts for the
38 preceding school year.

39 (4) Divide the sum of paragraphs (1) and (2) by paragraph (3). The
40 result is the statewide average amount per pupil.

41 (e) Nothing in this section shall be construed to prohibit or deny a
42 child who fails to provide proof of lawful presence from enrolling in a
43 public school of any school district.

1 (f) Nothing in this section shall be construed to limit or supersede or
2 in any manner affect or diminish the enrollment requirements of K.S.A.
3 2013 Supp. 72-53,106, and amendments thereto.

4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.