

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

August 18, 1977

ATTORNEY GENERAL OPINION NO. 77- 273

The Honorable Bill Wisdom
State Representative
1915 South 29th Street Court
Kansas City, Kansas 66106

Re: Schools--Students--Enrollment

Synopsis: The board of education of a unified school district has no obligation to accept enrollment of students whose school residence as defined by K.S.A. 1976 Supp. 72-1046, as amended by ch. 242, L. 1977, resides outside the district. The board may accept or refuse enrollment of such students as it chooses.

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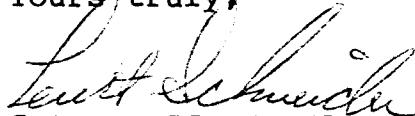
Dear Representative Wisdom:

You inquire whether the board of education of a unified school district may refuse to enroll a student whose school residence is located outside the territory of the school district, notwithstanding the district receives state aid for such students if admitted. Every child between the ages of seven and sixteen years is required to attend continuously a public school or a private, denominational or parochial school "for such period as the public school of the school district in which the child resides is in session." K.S.A. 72-1107 provides that a child attaining the prescribed age shall be eligible to attend the schools in the school district of his or her residence. I find no similar requirement, however, that a school district admit students whose school residence, as defined by K.S.A. 1976 Supp. 72-1046, as amended by ch. 242, L. 1977, lies outside the district. Thus, a district may accept or refuse enrollment of students whose school residence lies outside the district.

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Secondly, you inquire whether, if a board may refuse to accept students whose school residence lies outside the district, it may accept some and refuse others, or whether, having chosen to admit one such student, it is required to admit all other such students. Because the district has no statutory obligation to accept out-district students, it is free to accept so many of such students as it deems appropriate, and to refuse enrollment to those it chooses not to admit. Obviously, any such policy may not base admission on any constitutionally prohibited classification, such as race, creed, national origin or similar grounds. However, aside from this obvious restriction, the district may enroll such out-district students as it chooses, and refuse others it does not wish to accept.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj

cc: The Honorable Denny D. Burgess
State Representative
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