

HOUSE BILL No. 2486

By Committee on Education

Requested by Representative Brantley

1-21

AN ACT concerning education; relating to school districts; requiring children to be toilet trained to enroll in and attend kindergarten; providing exceptions thereto; amending K.S.A. 72-3118 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 72-3118 is hereby amended to read as follows: 72-3118. (a) (1) Subject to the provisions of subsection (b), any child is eligible to attend the elementary grades in the school district ~~in which~~ *where* the child resides or in a school district ~~which that~~ *that* has entered into an agreement ~~in accordance with and under authority of~~ *pursuant to* K.S.A. 72-13,101, and amendments thereto, with the school district ~~in which~~ *where* the child resides if (1) for the 1994-95 school year, the child will attain the age of six years on or before September 1 of the school year and (2) for the 1995-96 school year, the child will attain the age of six years on or before September 1 of the school year and (3) for any school year commencing after the 1995-96 school year, the child will attain the age of six years on or before August 31 of the school year;

(b) Any child who has completed a kindergarten course ~~that the child had~~ entered and attended in this state in accordance with the provisions of subsection (d) or who was a resident in another state and ~~who~~, while residing in such other state, had entered and was in attendance in first grade in such state or ~~who~~ had completed in such state a kindergarten course maintained by a public school district or by an accredited private, denominational or parochial school shall be eligible to attend first grade in this state, regardless of age;

(c) Subject to the provisions of subsection (d) *and (e)*, any child is eligible to attend kindergarten in the school district ~~in which~~ *where* the child resides or in a school district ~~which that~~ *that* has entered into an agreement ~~in accordance with and under authority of~~ *pursuant to* K.S.A. 72-13,101, and amendments thereto, with the school district ~~in which~~ *where* the child resides if (1) for the 1994-95 school year, the child will attain the age of five years on or before September 1 of the school year and (2) for any school year commencing after the 1994-95 school year, the child will attain the age of five years on or before August 31 of the school

1 year;

2 (d) *Subject to the provisions of subsection (e), any child who was a*
3 *resident in another state and*~~who~~*, while residing in such other state, had*
4 *entered and was in attendance in kindergarten in such state shall be eligible*
5 *to attend kindergarten in this state, regardless of age.*

6 (e) (1) *Except as otherwise provided in this subsection, a school*
7 *district shall not enroll a child in kindergarten unless the child is toilet*
8 *trained. As part of the school district's kindergarten enrollment process, a*
9 *school district shall require a written assurance from the parent or person*
10 *acting as parent of a prospective kindergarten student that such child is*
11 *toilet trained.*

12 (2) *The provisions of paragraph (1) shall not apply to a child who is*
13 *not toilet trained due to an exceptionality described in the child's*
14 *individualized education program or section 504 plan or due to a medical*
15 *condition that is verified by an individual licensed by the state board of*
16 *healing arts to practice medicine and surgery or a mid-level practitioner*
17 *as defined in K.S.A. 65-1626, and amendments thereto.*

18 (3) *A school district may determine that a kindergarten student is a*
19 *student who is not toilet trained if the student has accidents with sufficient*
20 *frequency to impact the educational experience of the student or the*
21 *student's peers. Each school district shall establish a policy and*
22 *procedures that the school district will use to address a kindergarten*
23 *student who is found to not be toilet trained. Such policy and procedures*
24 *shall:*

25 (A) *Require the school to consider whether a child's delay in toilet*
26 *training may be a sign of an exceptionality and whether the child should*
27 *be referred for an initial evaluation or a reevaluation;*

28 (B) *set forth guidelines for when the child and the child's parent or*
29 *person acting as parent shall be referred to a counselor or social worker*
30 *for additional family supports and resources;*

31 (C) *under limited circumstances, authorize a parent or person acting*
32 *as parent to designate an adult individual to aid in the student's toilet*
33 *training at school; and*

34 (D) *authorize a school district to remove the child from kindergarten*
35 *and reintegrate the child into kindergarten once the child has become*
36 *toilet trained.*

37 (4) *As used in this subsection, "toilet trained" means that a child can*
38 *communicate the need to use the bathroom to an adult, use the toilet*
39 *without any assistance from an adult and tend to personal hygienic needs*
40 *after using the toilet and, if an accident occurs, the child can*
41 *independently tend to hygienic needs and change clothes.*

42 Sec. 2. K.S.A. 72-3118 is hereby repealed.

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.