

## HOUSE BILL No. 2486

By Committee on Education

Requested by Representative Brantley

1-21

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

5

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

7 Section 1. K.S.A. 72-3118 is hereby amended to read as follows: 72-  
8 3118. (a) (1) Subject to the provisions of subsection (b), any child is  
9 eligible to attend the elementary grades in the school district ~~in which~~  
10 ~~where~~ the child resides or in a school district ~~which~~ *that* has entered into  
11 an agreement ~~in accordance with and under authority of~~ *pursuant to* K.S.A.  
12 72-13,101, and amendments thereto, with the school district ~~in~~  
13 ~~which~~ *where* the child resides if (1) for the 1994-95 school year, the child  
14 will attain the age of six years on or before September 1 of the school year  
15 and (2) for the 1995-96 school year, the child will attain the age of six  
16 years on or before September 1 of the school year and (3) for any school  
17 year commencing after the 1995-96 school year, the child will attain the  
18 age of six years on or before August 31 of the school year;

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

27 (c) Subject to the provisions of subsection (d) and (e), any child is  
28 eligible to attend kindergarten in the school district ~~in which~~ *where* the  
29 child resides or in a school district ~~which~~ *that* has entered into an  
30 agreement ~~in accordance with and under authority of~~ *pursuant to* K.S.A.  
31 72-13,101, and amendments thereto, with the school district ~~in~~ *which*  
32 ~~where~~ the child resides if (1) for the 1994-95 school year, the child will  
33 attain the age of five years on or before September 1 of the school year and  
34 (2) for any school year commencing after the 1994-95 school year, the  
35 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.