

SENATE BILL No. 411

By Committee on Education

2-11

1 AN ACT concerning education; relating to the compulsory school
2 attendance age; amending K.S.A. 72-3120 and repealing the existing
3 section.
4

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

6 Section 1. K.S.A. 72-3120 is hereby amended to read as follows: 72-
7 3120. (a) Subject to the other provisions of this section, every parent or
8 person acting as parent in the state of Kansas, who has control over or
9 charge of any child who has reached the age of ~~seven~~ five years and is
10 under the age of 18 years and has not attained a high school diploma or a
11 general educational development (GED) credential, shall require such
12 child to be regularly enrolled in and attend continuously each school year:
13 (1) A public school for the duration of the school term provided for in
14 K.S.A. 72-3115, and amendments thereto; or (2) a private, denominational
15 or parochial school taught by a competent instructor for a period of time
16 ~~which~~ that is substantially equivalent to the period of time public school is
17 maintained in the school district in which the private, denominational or
18 parochial school is located. If the child is 16 or 17 years of age, the parent
19 or person acting as parent, by written consent, or the court, pursuant to a
20 court order, may allow the child to be exempt from the compulsory
21 attendance requirements of this section.

22 (b) If the child is 16 or 17 years of age, the child shall be exempt
23 from the compulsory attendance requirements of this section if: (1) The
24 child is regularly enrolled in and attending a program recognized by the
25 local board of education as an approved alternative educational program;
26 (2) the child and the parent or person acting as parent attend a final
27 counseling session conducted by the school during which a disclaimer to
28 encourage the child to remain in school or to pursue educational
29 alternatives is presented to and signed by the child and the parent or person
30 acting as parent. The disclaimer shall include information regarding the
31 academic skills that the child has not yet achieved, the difference in future
32 earning power between a high school graduate and a high school drop out,
33 and a listing of educational alternatives that are available for the child; or
34 (3) the child is regularly enrolled in a school as required by subsection (a)
35 and is concurrently enrolled in a postsecondary educational institution, as
36 defined by K.S.A. 74-3201b, and amendments thereto. The provisions of

1 this clause (3) shall be applicable to children from and after July 1, 1997,
2 and shall relate back to such date.

3 (c) Any child who is under the age of ~~seven~~ *five* years, but who is
4 enrolled in school, is subject to the compulsory attendance requirements of
5 this section. Any such child may be withdrawn from enrollment in school
6 at any time by a parent or person acting as parent of the child and
7 thereupon the child shall be exempt from the compulsory attendance
8 requirements of this section until the child reaches the age of ~~seven~~ *five*
9 years or is re-enrolled in school.

10 (d) Any child who is determined to be an exceptional child, except
11 for an exceptional child who is determined to be a gifted child, under the
12 provisions of the special education for exceptional children act is subject
13 to the compulsory attendance requirements of such act and is exempt from
14 the compulsory attendance requirements of this section.

15 (e) Any child who has been admitted to, and is attending, the Kansas
16 academy of mathematics and science, as provided in K.S.A. 72-3903 et
17 seq., and amendments thereto, is exempt from the compulsory attendance
18 requirements of this section.

19 (f) *Any child under the age of six whose date of birth is on or after*
20 *June 1 and before September 1 is exempt from the compulsory attendance*
21 *requirements of this section.*

22 ~~(g)~~(g) No child attending public school in this state shall be required
23 to participate in any activity ~~which~~ *that* is contrary to the religious
24 teachings of the child if a written statement signed by one of the parents or
25 a person acting as parent of the child is filed with the proper authorities of
26 the school attended requesting that the child not be required to participate
27 in such activities and stating the reason for the request.

28 ~~(g)~~(h) (1) When a recognized church or religious denomination that
29 objects to a regular public high school education provides, offers and
30 teaches, either individually or in cooperation with another recognized
31 church or religious denomination, a regularly supervised program of
32 instruction, ~~which~~ *that* is approved by the state board of education, for
33 children of compulsory school attendance age who have successfully
34 completed the eighth grade, participation in such a program of instruction
35 by any such children whose parents or persons acting as parents are
36 members of the sponsoring church or religious denomination shall be
37 regarded as acceptable school attendance within the meaning of this act.
38 Approval of such programs shall be granted by the state board of
39 education, for two-year periods, upon application from recognized
40 churches and religious denominations, under the following conditions:

41 ~~(h)~~(A) Each participating child shall be engaged, during each day on
42 which attendance is legally required in the public schools in the school
43 district in which the child resides, in at least five hours of learning

1 activities appropriate to the adult occupation that the child is likely to
2 assume in later years;

3 ~~(2)~~(B) acceptable learning activities, for the purposes of this
4 subsection, shall include ~~parent (or person acting as parent) supervised~~
5 projects in agriculture and homemaking *supervised by a parent or person*
6 *acting as parent*, work-study programs in cooperation with local business
7 and industry; and correspondence courses from schools accredited by the
8 national home study council, recognized by the United States office of
9 education as the competent accrediting agency for private home study
10 schools;

11 ~~(3)~~(C) at least 15 hours per week of classroom work under the
12 supervision of an instructor shall be provided, at which time students shall
13 be required to file written reports of the learning activities ~~they such~~
14 *students* have pursued since the time of the last class meeting, indicating
15 the length of time spent on each one, and the instructor shall examine and
16 evaluate such reports, approve plans for further learning activities; and
17 provide necessary assignments and instruction;

18 ~~(4)~~(D) regular attendance reports shall be filed as required by law,
19 and students shall be reported as absent for each school day on which ~~they~~
20 *such students* have not completed the prescribed minimum of five hours of
21 learning activities;

22 ~~(5)~~(E) the instructor shall keep complete records concerning
23 instruction provided, assignments made; and work pursued by the students,
24 and these records shall be filed on the first day of each month with the
25 state board of education and the board of education of the school district in
26 which the child resides;

27 ~~(6)~~(F) the instructor shall be capable of performing competently the
28 functions entrusted thereto; and

29 ~~(7)~~(G) in applying for approval under this subsection, a recognized
30 church or religious denomination shall certify its objection to a regular
31 public high school education and shall specify, in such detail as the state
32 board of education may reasonably require, the program of instruction that
33 ~~it~~ *such church or religious denomination* intends to provide, and no such
34 program shall be approved unless it fully complies with standards therefor
35 which shall be specified by the state board of education.

36 (2) If the sponsors of an instructional program approved under this
37 subsection fail to comply at any time with the provisions of this
38 subsection, the state board of education shall rescind, after a written
39 warning has been served and a period of three weeks allowed for
40 compliance, approval of the programs, even though the two-year approval
41 period has not elapsed, and thereupon children attending such program
42 shall be admitted to a high school of the school district.

43 ~~(h)~~(i) As used in this section:

1 (1) "Educational alternatives" means an alternative learning plan for
2 the student that identifies educational programs that are located in the area
3 where the student resides, and are designed to aid the student in obtaining
4 a high school diploma, general educational development credential or
5 other certification of completion, such as a career technical education
6 industry certification. Such alternative learning plans may include
7 extended learning opportunities such as independent study, private
8 instruction, performing groups, internships, community service,
9 apprenticeships and online coursework.

10 (2) "Parent" and "person acting as parent" ~~have the meanings~~
11 ~~respectively ascribed thereto~~ *mean the same as* in K.S.A. 72-3122, and
12 amendments thereto.

13 (3) "Regularly enrolled" means enrolled in five or more hours of
14 instruction each school day. For the purposes of subsection (b)(3), hours of
15 instruction received at a postsecondary educational institution shall be
16 counted.

17 Sec. 2. K.S.A. 72-3120 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.