

1 **As Amended by House Committee**

2 *Session of 2003*

3
4 **HOUSE BILL No. 2339**

5
6 By Committee on Education

7
8 2-12

9
10 AN ACT concerning schools; relating to attendance; amending K.S.A.
11 72-1111 and repealing the existing section.

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

14 Section 1. K.S.A. 72-1111 is hereby amended to read as follows: 72-
15 1111. (a) Subject to the other provisions of this section, every parent or
16 person acting as parent in the state of Kansas, who has control over or
17 charge of any child who has reached the age of ~~seven~~ **six** years and is
18 under the age of 18 years and has not attained a high school diploma or
19 a general educational development (GED) credential, shall require such
20 child to attend continuously each school year *beginning with attendance*
21 *in kindergarten* (1) a public school for the duration of the school term
22 provided for in K.S.A. 72-1106, and amendments thereto, or (2) a private,
23 denominational or parochial school taught by a competent instructor for
24 a period of time which is substantially equivalent to the period of time
25 public school is maintained in the school district in which the private,
26 denominational or parochial school is located. If the child is 16 or 17 years
27 of age, the parent or person acting as parent, by written consent, or the
28 court, pursuant to a court order, may allow the child to be exempt from
29 the compulsory attendance requirements of this section.

30 (b) If the child is 16 or 17 years of age, the child shall be exempt
31 from the compulsory attendance requirements of this section if (1) the
32 child is regularly enrolled in a program recognized by the local board of
33 education as an approved alternative educational program, or (2) the child
34 and the parent or person acting as parent attend a final counseling session
35 conducted by the school during which a disclaimer to encourage the child
36 to remain in school or to pursue educational alternatives is presented to
37 and signed by the child and the parent or person acting as parent. The
38 disclaimer shall include information regarding the academic skills that the
39 child has not yet achieved, the difference in future earning power be-
40 tween a high school graduate and a high school drop out, and a listing of
41 educational alternatives that are available for the child.

42 (c) Any child who is under the age of ~~seven~~ **six** years, but who is
43 enrolled in school, is subject to the compulsory attendance requirements

1 of this section. Any such child may be withdrawn from enrollment in
2 school at any time by a parent or person acting as parent of the child and
3 thereupon the child shall be exempt from the compulsory attendance
4 requirements of this section until the child reaches the age of ~~seven~~ **six**
5 years or is re-enrolled in school.

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

11 (e) No child attending public school in this state shall be required to
12 participate in any activity which is contrary to the religious teachings of
13 the child if a written statement signed by one of the parents or a person
14 acting as parent of the child is filed with the proper authorities of the
15 school attended requesting that the child not be required to participate
16 in such activities and stating the reason for the request.

17 (f) When a recognized church or religious denomination that objects
18 to a regular public high school education provides, offers and teaches,
19 either individually or in cooperation with another recognized church or
20 religious denomination, a regularly supervised program of instruction,
21 which is approved by the state board of education, for children of com-
22 pulsory school attendance age who have successfully completed the
23 eighth grade, participation in such a program of instruction by any such
24 children whose parents or persons acting as parents are members of the
25 sponsoring church or religious denomination shall be regarded as ac-
26 ceptable school attendance within the meaning of this act. Approval of
27 such programs shall be granted by the state board of education, for two-
28 year periods, upon application from recognized churches and religious
29 denominations, under the following conditions: (1) Each participating
30 child shall be engaged, during each day on which attendance is legally
31 required in the public schools in the school district in which the child
32 resides, in at least five hours of learning activities appropriate to the adult
33 occupation that the child is likely to assume in later years;

34 (2) acceptable learning activities, for the purposes of this subsection,
35 shall include parent (or person acting as parent) supervised projects in
36 agriculture and homemaking, work-study programs in cooperation with
37 local business and industry, and correspondence courses from schools
38 accredited by the national home study council, recognized by the United
39 States office of education as the competent accrediting agency for private
40 home study schools;

41 (3) at least 15 hours per week of classroom work under the supervi-
42 sion of an instructor shall be provided, at which time students shall be
43 required to file written reports of the learning activities they have pursued

1 since the time of the last class meeting, indicating the length of time spent
2 on each one, and the instructor shall examine and evaluate such reports,
3 approve plans for further learning activities, and provide necessary as-
4 signments and instruction;

5 (4) regular attendance reports shall be filed as required by law, and
6 students shall be reported as absent for each school day on which they
7 have not completed the prescribed minimum of five hours of learning
8 activities;

9 (5) the instructor shall keep complete records concerning instruction
10 provided, assignments made, and work pursued by the students, and these
11 records shall be filed on the first day of each month with the state board
12 of education and the board of education of the school district in which
13 the child resides;

14 (6) the instructor shall be capable of performing competently the
15 functions entrusted thereto;

16 (7) in applying for approval under this subsection a recognized church
17 or religious denomination shall certify its objection to a regular public
18 high school education and shall specify, in such detail as the state board
19 of education may reasonably require, the program of instruction that it
20 intends to provide and no such program shall be approved unless it fully
21 complies with standards therefor which shall be specified by the state
22 board of education;

23 (8) if the sponsors of an instructional program approved under this
24 subsection fail to comply at any time with the provisions of this subsection,
25 the state board of education shall rescind, after a written warning has
26 been served and a period of three weeks allowed for compliance, approval
27 of the programs, even though the two-year approval period has not
28 elapsed, and thereupon children attending such program shall be admit-
29 ted to a high school of the school district.

30 (g) As used in this section, the terms “parent” and “person acting as
31 parent” have the meanings respectively ascribed thereto in K.S.A. 72-
32 1046, and amendments thereto.

33 Sec. 2. K.S.A. 72-1111 is hereby repealed.

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

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