

SENATE BILL No. 207

By Committee on Education

1-29

9 AN ACT concerning school districts; relating to kindergarten; amending
10 K.S.A. 72-1107 and K.S.A. 2006 Supp. 72-1111 and 72-53,106 and
11 repealing the existing sections.
12

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

14 Section 1. K.S.A. 72-1107 is hereby amended to read as follows: 72-
15 1107. (a) Subject to the provisions of subsection (b), any child is eligible
16 to attend the elementary grades in the school district in which the child
17 resides or in a school district which has entered into an agreement in
18 accordance with and under authority of K.S.A. 72-8233, and amendments
19 thereto, with the school district in which the child resides if ~~(1) for the~~
20 ~~1994-95 school year, the child will attain the age of six years on or before~~
21 ~~September 1 of the school year and (2) for the 1995-96 school year, the~~
22 ~~child will attain the age of six years on or before September 1 of the~~
23 ~~school year and (3) for any school year commencing after the 1995-96~~
24 ~~school year, the child will attain the age of six years on or before August~~
25 ~~31 of the school year;~~

26 (b) any child who has completed a kindergarten course entered and
27 attended in this state in accordance with the provisions of subsection (d)
28 or who was a resident in another state and who, while residing in such
29 other state, had entered and was in attendance in first grade in such state
30 or who had completed in such state a kindergarten course maintained by
31 a public school district or by an accredited private, denominational or
32 parochial school shall be eligible to attend first grade in this state, re-
33 gardless of age;

34 (c) subject to the provisions of subsection (d), any child is eligible to
35 attend kindergarten in the school district in which the child resides or in
36 a school district which has entered into an agreement in accordance with
37 and under authority of K.S.A. 72-8233, and amendments thereto, with
38 the school district in which the child resides if ~~(1) for the 1994-95 school~~
39 ~~year, the child will attain the age of five years on or before September 1~~
40 ~~of the school year and (2) for any school year commencing after the 1994-~~
41 ~~95 school year, the child will attain the age of five years on or before~~
42 ~~August 31 of the school year;~~

43 (d) any child who was a resident in another state and who, while

1 residing in such other state, had entered and was in attendance in kin-
2 dergarten in such state shall be eligible to attend kindergarten in this
3 state, regardless of age.

4 Sec. 2. K.S.A. 2006 Supp. 72-1111 is hereby amended to read as
5 follows: 72-1111. (a) Subject to the other provisions of this section, every
6 parent or person acting as parent in the state of Kansas, who has control
7 over or charge of any child who has reached the age of ~~seven~~ six years
8 and is under the age of 18 years and has not attained a high school diploma
9 or a general educational development (GED) credential, shall require
10 such child to be regularly enrolled in and attend continuously each school
11 year (1) a public school for the duration of the school term provided for
12 in K.S.A. 72-1106, and amendments thereto, or (2) a private, denomi-
13 national or parochial school taught by a competent instructor for a period
14 of time which is substantially equivalent to the period of time public
15 school is maintained in the school district in which the private, denomi-
16 national or parochial school is located. If the child is 16 or 17 years of
17 age, the parent or person acting as parent, by written consent, or the
18 court, pursuant to a court order, may allow the child to be exempt from
19 the compulsory attendance requirements of this section.

20 (b) If the child is 16 or 17 years of age, the child shall be exempt
21 from the compulsory attendance requirements of this section if (1) the
22 child is regularly enrolled in and attending a program recognized by the
23 local board of education as an approved alternative educational program,
24 or (2) the child and the parent or person acting as parent attend a final
25 counseling session conducted by the school during which a disclaimer to
26 encourage the child to remain in school or to pursue educational alter-
27 natives is presented to and signed by the child and the parent or person
28 acting as parent. The disclaimer shall include information regarding the
29 academic skills that the child has not yet achieved, the difference in future
30 earning power between a high school graduate and a high school drop
31 out, and a listing of educational alternatives that are available for the child,
32 or (3) the child is regularly enrolled in a school as required by subsection
33 (a) and is concurrently enrolled in a postsecondary educational institution,
34 as defined by K.S.A. 74-3201b, and amendments thereto. The provisions
35 of this clause (3) shall be applicable to children from and after July 1,
36 1997 and shall relate back to such date.

37 (c) Any child who is under the age of ~~seven~~ six years, but who is
38 enrolled in school, is subject to the compulsory attendance requirements
39 of this section. Any such child may be withdrawn from enrollment in
40 school at any time by a parent or person acting as parent of the child and
41 thereupon the child shall be exempt from the compulsory attendance
42 requirements of this section until the child reaches the age of ~~seven~~ six
43 years or is re-enrolled in school.

1 (d) Any child who is determined to be an exceptional child, except
2 for an exceptional child who is determined to be a gifted child, under the
3 provisions of the special education for exceptional children act is subject
4 to the compulsory attendance requirements of such act and is exempt
5 from the compulsory attendance requirements of this section.

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

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

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

36 (3) at least 15 hours per week of classroom work under the supervi-
37 sion of an instructor shall be provided, at which time students shall be
38 required to file written reports of the learning activities they have pursued
39 since the time of the last class meeting, indicating the length of time spent
40 on each one, and the instructor shall examine and evaluate such reports,
41 approve plans for further learning activities, and provide necessary as-
42 signments and instruction;

43 (4) regular attendance reports shall be filed as required by law, and

1 students shall be reported as absent for each school day on which they
2 have not completed the prescribed minimum of five hours of learning
3 activities;

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

9 (6) the instructor shall be capable of performing competently the
10 functions entrusted thereto;

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

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

25 (g) As used in this section:

26 (1) "Parent" and "person acting as parent" have the meanings re-
27 spectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

28 (2) "Regularly enrolled" means enrolled in five or more hours of in-
29 struction each school day. For the purposes of subsection (b)(3), hours
30 of instruction received at a postsecondary educational institution shall be
31 counted.

32 Sec. 3. K.S.A. 2006 Supp. 72-53,106 is hereby amended to read as
33 follows: 72-53,106. (a) As used in this section:

34 (1) "School" means every school district and every nonpublic school
35 operating in this state.

36 (2) "School board" means the board of education of a school district
37 or the governing authority of a nonpublic school.

38 (3) "Proof of identity" means (A) in the case of a child enrolling in
39 kindergarten ~~or first grade~~, a certified copy of the birth certificate of the
40 child or, as an alternative, for a child who is in the custody of the secretary
41 of social and rehabilitation services, a certified copy of the court order
42 placing the child in the custody of the secretary and, in the case of a child
43 enrolling in any of the grades ~~two~~ *one* through 12, a certified transcript

1 or other similar pupil records or data; or (B) any documentary evidence
2 which a school board deems to be satisfactory proof of identity.

3 (b) Whenever a child enrolls or is enrolled in a school for the first
4 time, the school board of the school in which the child is enrolling or
5 being enrolled shall require, in accordance with a policy adopted by the
6 school board, presentation of proof of identity of the child. If proof of
7 identity of the child is not presented to the school board within 30 days
8 after enrollment, the school board shall immediately give written notice
9 thereof to a law enforcement agency having jurisdiction within the home
10 county of the school. Upon receipt of the written notice, the law enforce-
11 ment agency shall promptly conduct an investigation to determine the
12 identity of the child. No person or persons claiming custody of the child
13 shall be informed of the investigation while it is being conducted.

14 (c) Schools and law enforcement agencies shall cooperate with each
15 other in the conducting of any investigation required by this section.
16 School personnel shall provide law enforcement agencies with access on
17 school premises to any child whose identity is being investigated. School
18 personnel shall be present at all times any law enforcement agency per-
19 sonnel are on school premises for the purpose of conducting any such
20 investigation unless the school personnel and the law enforcement agency
21 personnel agree that their joint presence is not in the best interests of
22 the child. School personnel who are present during the conducting by a
23 law enforcement agency of an investigation on school premises to deter-
24 mine the identity of a child in accordance with the requirements of this
25 section are subject to the confidentiality requirements of the revised Kan-
26 sas code for care of children.

27 (d) Upon receipt by a school of a notice from a law enforcement
28 agency that a child who is or has been enrolled in the school has been
29 reported as a missing child, the school shall make note of the same in a
30 conspicuous manner on the school records of the child and shall keep
31 such school records separate from the school records of all other children
32 enrolled in the school. Upon receipt by the school of a request for the
33 school records of the child, the school shall notify the law enforcement
34 agency of the request.

35 (e) Each school board may designate and authorize one or more of
36 its school personnel to act on behalf of the school board in complying
37 with the requirements of this section.

38 (f) Information gathered in the course of the investigation to establish
39 the identity of a child pursuant to this section shall be confidential and
40 shall be used only to establish the identity of the child or in support of
41 any criminal prosecution emanating from the investigation.

42 Sec. 4. K.S.A. 72-1107 and K.S.A. 2006 Supp. 72-1111 and 72-53,106
43 are hereby repealed.

1 Sec. 5. This act shall take effect and be in force from and after its
2 publication in the statute book.