

Approved February 11, 1985
Date

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION

The meeting was called to order by Representative Denise Apt at
Vice-Chairperson

3:30 ~~xxx~~ a.m./p.m. on February 5, 1985 in room 531-N of the Capitol.

All members were present except: Representatives Crumbaker, Miller and Polson who were excused.

Committee staff present:

Ben Barrett, Legislative Research Department
Avis Swartzman, Revisor of Statutes' Office
Dale Dennis, State Department of Education
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

The minutes of January 22, January 24, January 28, January 29 and January 31 were approved as written.

Vice-Chairman Denise Apt called the meeting to order in the absence of the Chairman. Today's meeting is a staff briefing on the home schooling concept.

Ben Barrett, Assistant Director of Legislative Research Department, gave the committee the staff briefing on home schooling. He reviewed the activity of the interim committee that reviewed this topic, Re Proposal No. 17. Mr. Barrett gave the committee information that compared the differences of HB 2008 and HB 2080, both pertaining to home schooling. (ATTACHMENT 1) Mr. Barrett then briefed the committee on the latest bill introduced pertaining to home schooling, HB 2178.

The briefing being concluded, the Vice-Chairman adjourned the meeting at 4:45 p.m.

The next meeting of the Committee will be February 6, 1985 at 3:30 p.m. in Room 519-S.

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N — Statehouse

Phone 296-3181

January 30, 1985

TO: REPRESENTATIVE DON CRUMBAKER

Office No. 182-W

**RE: COMPARISON OF THE MAIN PROVISIONS OF HOUSE BILL NO. 2008 AND
HOUSE BILL NO. 2080**

House Bill No. 2008 was recommended to the 1985 Legislature by the Special Committee on Education pursuant to its study of Proposal No. 17 — Compulsory Attendance — Nonpublic School and Home Schooling Options. House Bill No. 2080 was introduced by Representative Elaine Hassler, who served as vice-chairperson of the interim study committee.

Following is a side-by-side comparison of the main features of the two bills.

H.B. 2008

Section 1

The section, amends K.S.A. 1984 Supp. 72-1111, the compulsory attendance statute, to require a person of compulsory attendance age to attend school in a school district or an accredited nonpublic school.

An exemption to this requirement is provided for a child of compulsory attendance age whose parents, a parent, or person acting as the parent, objects to the child's attendance of a public school or an accredited nonpublic school on the basis of religious or other personal beliefs or convictions. This exemption permits the child to attend (a) a home instruction program, or (b) a nonaccredited nonpublic school. Access to this exemption is subject to compliance with several requirements set forth in the bill. (The home instruction exception is new; the nonpublic school alternative is not.)

This section requires that a home instruction program must be provided for in the home of the child by the parents, a parent, or a person acting as the parent.

The section also deletes the requirement that a nonpublic school be taught by a "competent" instructor. This requirement can still be found in Section 5(c) of the bill, which addresses certain requirements pertaining to non-accredited nonpublic schools. (Teachers in accredited nonpublic schools are required to be certified by the State Board of Education.)

The so-called "Amish provision" (K.S.A. 1984 Supp. 72-1111(e) of the current law would be deleted. (The interim Committee regarded this provision as being rendered redundant by the new home instruction provisions which are less stringent than those contained in the Amish provision of the current law.)

Section 2

The section amends K.S.A. 1984 Supp. 72-1113, which pertains to requirements for reporting to the Secretary of Social and Rehabilitation Services concerning persons who are subject to compulsory attendance but who are not enrolled in school or who are enrolled but who are inexcusably absent from school on all or a significant part of either three consecutive days or five or more days in any semester. Changes are technical in nature.

Section 3

The section contains the following requirements:

A child who is in home instruction or who is attending a non-accredited nonpublic school must:
 (1) attend a program of instruction

H.B. 2080

Section 1

This section is the same as Section 1 in H.B. 2008.

Section 2

This section is the same as Section 2 in H.B. 2008.

Section 3

The provisions described in the first paragraph under Section 3 of H.B. 2008 are the same as those found in H.B. 2080.

H.B. 2008

for a period of time substantially equivalent to the period of time that the public school is maintained by the school district of residence; (2) participate in the state's minimum competency assessment program; and (3) satisfactorily demonstrate educational progress. (See discussion below.)

The parent (or person acting as the parent) of a child in home instruction or who is attending an accredited nonpublic school must, by no later than September 15 of each school year, so notify the State Board of Education. If the child is in home instruction, the parent (or person acting as the parent) must register with the State Board the name of the parent (or person acting as the parent) who is providing for the program, the address of the home, the number and the ages of children residing in the home who are being provided home instruction, and provide any other information required by the State Board.

Specific requirements applicable to a home instruction program mandate that such program: (1) be provided only for children who reside in the private place of residence of the child (or children) and the parent (or person acting as the parent); and (2) be maintained each school year for a period of time substantially equivalent to the period that the public school in the district of residence is maintained.

The State Board of Education provides for children who are in home instruction or who are attending a nonaccredited nonpublic school to participate in the state's minimum competency assessment program. (Includes grades 2, 4, 6, 8, and 10 in the subjects of reading and mathematics.) This includes determining the grade level at which a child must participate (including the date, time, places, and method of participation), evaluation of test results, and reporting the test results to the parent (or person acting as the parent) and to the school district in which the child resides.

H.B. 2080

The parent (or person acting as the parent) of a child in home instruction must: (1) by no later than September 15 of each school year, so notify the school district board of education (district in which the child resides), (2) register with the school district board the name of the parent (or person acting as the parent) who is providing for the program, the address of the home, the number, ages and grade levels of the children residing in the home who are being provided home instruction; (3) file with the school district board a copy of the curriculum and a listing of the learning activities which comprise the instruction program; and (4) provide any additional information the school district board of education requires.

Same as H.B. 2008.

With regard to children in home instruction, the school district board: (1) designates a certificated employee of the district to oversee any home instruction program and to make at least one visit per school year to each such program; and (2) provides for participation in the state's minimum competency assessment program. The school district board determines the grade level at which the child must participate (including the date, time, place, and method of participation), evaluates test results, and reports the test results to the parent (or person acting as the parent).

H.B. 2008

If the child fails the test, the school district in which the child resides consults with the child and the parent (or person acting as the parent) in an effort to remedy the deficiencies identified. The next school year, the child is tested at the same grade level as before. If the child fails the test for the second time, the school district evaluates the child's abilities and capacities to determine whether satisfactory educational progress is being made. If the school district determines that such progress has not been made, the compulsory attendance exemption is lost and the school district reports the child to the Secretary of Social and Rehabilitation Services as a child who is not in compliance with the compulsory attendance law.

Failure to comply with the provisions of this section results in forfeiture of exemption in K.S.A. 1984 Supp. 72-1111, as amended, and requires the child to attend school in a school district or accredited nonpublic school.

Section 4

The section makes technical amendments in K.S.A. 1984 Supp. 72-53,100, the definition section of a law which requires the official custodian of a non-accredited nonpublic school to register the name and address of such school with the State Board of Education.

H.B. 2080

With regard to children attending a nonaccredited nonpublic school, the section requires that the State Board of Education must be so notified by the parent (or person acting as the parent) by no later than September 15. For these children, the same procedures as are contained in H.B. 2008 for participation in home instruction and non-accredited nonpublic school programs apply.

If the child (home instruction or nonaccredited nonpublic school child) fails the test through a determination that the child is performing six or more months below grade level, the school district in which the child resides designates a certificated employee to counsel and consult with the child and the parent (or person acting as the parent) in an effort to remedy the deficiencies identified. The next year the child is tested at the same grade level as before. If the child exhibits performance that is 12 months or more below grade level expectancy, the home instruction or non-accredited nonpublic school exemption to the compulsory attendance requirement (as the case may be) is forfeited and the school district reports the child to the Secretary of Social and Rehabilitation Services as a child who is not in compliance with the compulsory attendance law.

Same as H.B. 2008.

Section 4

This section is the same as Section 4 of H.B. 2008.

H.B. 2008

Section 5

The section amends K.S.A. 1984 Supp. 72-53,101 of the nonaccredited nonpublic school registration law. In addition to requiring the name and address of such school (present requirement), by no later than September 15 of each school year, the official custodian also would be required to register: (1) the grade levels maintained; (2) the number of pupils in attendance and the name and age of each such pupil; and (3) any additional information the State Board of Education might require.

The section contains the requirement presently found in K.S.A. 1984 Supp. 72-1111(a) which mandates that nonpublic schools be maintained for a period of time that is substantially equivalent to the period of time the public school in the school district is maintained.

The section also contains the requirement presently found in K.S.A. 1984 Supp. 72-1111(a), but which would be transferred to this section, which mandates that such schools be taught by a competent instructor.

The section states that failure to comply with the requirements of this section results in the loss of this exception to the main compulsory attendance requirement.

Section 6

The section amends K.S.A. 1984 Supp. 72-53,102 of the nonaccredited nonpublic school registration law. The changes are technical, in order to conform this section with the requirements described in Section 5.

(No similar provision to Section 7 in H.B. 2080.)

Section 7

The section amends K.S.A. 1984 Supp. 21-3612 of the Criminal Code. The amendment is technical.

H.B. 2080

Section 5

This section is the same as Section 5 of H.B. 2008.

Section 6

This section is the same as Section 6 of H.B. 2008.

Section 7

The bill amends K.S.A. 1984 Supp. 72-7033, a provision of the School District Equalization Act, to provide for the counting of pupils in the school district's enrollment when such pupils (1) are in home instruction, and (2) reside in the district. Any such pupil would be counted as 1.0 pupil.

Section 8

This section is the same as Section 7 of H.B. 2008.

<u>H.B. 2008</u>		<u>H.B. 2080</u>	
<u>Section 8</u>	The section amends K.S.A. 1984 Supp. 38-614, pertaining to child labor. The amendments are technical and clarifying.	<u>Section 9</u>	This section of H.B. 2080 is the same as Section 8 of H.B. 2008.
<u>Section 9</u>	The section amends K.S.A. 1984 Supp. 38-1502, a definition section in the Code for Care of Children. The amendment is technical and clarifying.	<u>Section 10</u>	This section of H.B. 2080 is the same as Section 9 of H.B. 2008.
<u>Section 10</u>	Repealer	<u>Section 11</u>	Repealer
<u>Section 11</u>	Effective date	<u>Section 12</u>	Effective date

We hope this information will be useful to you. If we may serve you further please let us know.

Ben F. Barrett
Associate Director

BFB/aem