

HOUSE BILL No. 2477

By Committee on Education

1-19

1 AN ACT concerning compulsory school attendance laws; requiring
2 alternative learning plans; amending K.S.A. 2011 Supp. 72-1111 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 72-1111 is hereby amended to read as
7 follows: 72-1111. (a) Subject to the other provisions of this section, every
8 parent or person acting as parent in the state of Kansas, who has control
9 over or charge of any child who has reached the age of seven 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. 72-1106, and amendments thereto; ; or (2) a private,
15 denominational or parochial school taught by a competent instructor for a
16 period of time which is substantially equivalent to the period of time
17 public school is maintained in the school district in which the private,
18 denominational or parochial school is located. ~~If the child is 16 or 17 years
19 of age, the parent or person acting as parent, by written consent, or the
20 court, pursuant to a court order, may allow the child to be exempt from the
21 compulsory 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; *and (3) the student, the student's parent or person acting
31 as parent and the principal of the school, or other designated school
32 administrator, agree, in writing, to the withdrawal of the student from
33 school.* The disclaimer shall include information regarding the academic
34 skills that the child has not yet achieved, the difference in future earning
35 power between a high school graduate and a high school drop out, and a
36 listing of educational alternatives that are available for the child; ~~or (3) the~~

1 child is regularly enrolled in a school as required by subsection (a) and is
2 concurrently enrolled in a postsecondary educational institution, as defined
3 by K.S.A. 74-3201b, and amendments thereto. The provisions of this
4 clause (3) shall be applicable to children from and after July 1, 1997 and
5 shall relate back to such date. *The written consent of the principal, or*
6 *other designated school administrator, shall not be required if the*
7 *withdrawal is due to: (1) Financial hardship; (2) documented illness; or*
8 *(3) court order.*

9 (c) Any child who is under the age of seven years, but who is enrolled
10 in school, is subject to the compulsory attendance requirements of this
11 section. Any such child may be withdrawn from enrollment in school at
12 any time by a parent or person acting as parent of the child and thereupon
13 the child shall be exempt from the compulsory attendance requirements of
14 this section until the child reaches the age of seven years or is re-enrolled
15 in school.

16 (d) Any child who is determined to be an exceptional child, except
17 for an exceptional child who is determined to be a gifted child, under the
18 provisions of the special education for exceptional children act is subject
19 to the compulsory attendance requirements of such act and is exempt from
20 the compulsory attendance requirements of this section.

21 (e) Any child who has been admitted to, and is attending, the Kansas
22 academy of mathematics and science, as provided in K.S.A. 72-9711 et
23 seq., and amendments thereto, is exempt from the compulsory attendance
24 requirements of this section.

25 (f) *Any child that is regularly enrolled in a school as required by*
26 *subsection (a) and is concurrently enrolled in a postsecondary educational*
27 *institution, as defined in K.S.A. 74-3201b, and amendments thereto, is*
28 *exempt from the compulsory attendance requirements of this section.*

29 (g) *Any child that qualifies for a diploma under the provisions of*
30 *K.S.A. 2011 Supp. 38-2285 or 38-2388, and amendments thereto, is*
31 *exempt from the compulsory attendance requirements of this section.*

32 ~~(h)~~ (h) No child attending public school in this state shall be required
33 to participate in any activity which is contrary to the religious teachings of
34 the child if a written statement signed by one of the parents or a person
35 acting as parent of the child is filed with the proper authorities of the
36 school attended requesting that the child not be required to participate in
37 such activities and stating the reason for the request.

38 ~~(g)~~ (i) When a recognized church or religious denomination that
39 objects to a regular public high school education provides, offers and
40 teaches, either individually or in cooperation with another recognized
41 church or religious denomination, a regularly supervised program of
42 instruction, which is approved by the state board of education, for children
43 of compulsory school attendance age who have successfully completed the

1 eighth grade, participation in such a program of instruction by any such
2 children whose parents or persons acting as parents are members of the
3 sponsoring church or religious denomination shall be regarded as
4 acceptable school attendance within the meaning of this act. Approval of
5 such programs shall be granted by the state board of education, for two-
6 year periods, upon application from recognized churches and religious
7 denominations, under the following conditions:

8 (1) Each participating child shall be engaged, during each day on
9 which attendance is legally required in the public schools in the school
10 district in which the child resides, in at least five hours of learning
11 activities appropriate to the adult occupation that the child is likely to
12 assume in later years;

13 (2) acceptable learning activities, for the purposes of this subsection,
14 shall include parent (or person acting as parent) supervised projects in
15 agriculture and homemaking, work-study programs in cooperation with
16 local business and industry, and correspondence courses from schools
17 accredited by the national home study council, recognized by the United
18 States office of education as the competent accrediting agency for private
19 home study schools;

20 (3) at least 15 hours per week of classroom work under the
21 supervision of an instructor shall be provided, at which time students shall
22 be required to file written reports of the learning activities they have
23 pursued since the time of the last class meeting, indicating the length of
24 time spent on each one, and the instructor shall examine and evaluate such
25 reports, approve plans for further learning activities, and provide necessary
26 assignments and instruction;

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

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

36 (6) the instructor shall be capable of performing competently the
37 functions entrusted thereto; and

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

1 board of education.

2 If the sponsors of an instructional program approved under this
3 subsection fail to comply at any time with the provisions of this
4 subsection, the state board of education shall rescind, after a written
5 warning has been served and a period of three weeks allowed for
6 compliance, approval of the programs, even though the two-year approval
7 period has not elapsed, and thereupon children attending such program
8 shall be admitted to a high school of the school district.

9 *(j) Failure to comply with the provisions of this section shall result in*
10 *the initiation of noncompliance procedures in accordance with K.S.A. 72-*
11 *1113, and amendments thereto.*

12 ~~(h)~~ (k) As used in this section:

13 (1) *"Alternative educational program" means an alternative learning*
14 *plan for the student designed to aid the student in obtaining a high school*
15 *diploma or general educational development credential. An alternative*
16 *educational program:*

17 (A) *Shall include age-appropriate academic rigor and the flexibility*
18 *to incorporate that student's interests and manner of learning;*

19 (B) *may include any extended learning opportunities such as*
20 *independent study, private instruction, performing groups, internships,*
21 *community service, apprenticeships and online coursework; and*

22 (C) *shall be developed, and amended, if necessary, in consultation*
23 *with the student, a school guidance counselor, the principal and the*
24 *student's parent or person acting as parent.*

25 ~~(+)~~ (2) "Parent" and "person acting as parent" have the meanings
26 respectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

27 ~~(2)~~ (3) "Regularly enrolled" means enrolled in five or more hours of
28 instruction each school day. For the purposes of subsection ~~(h)~~~~(3)~~ (f), hours
29 of instruction received at a postsecondary educational institution shall be
30 counted.

31 Sec. 2. K.S.A. 2011 Supp. 72-1111 is hereby repealed.

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

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