

HOUSE BILL No. 2630

By Committee on Education

2-8

1 AN ACT concerning education; relating to special education for
2 exceptional children; gifted children; amending K.S.A. 72-977 and 72-
3 53,111 and K.S.A. 2015 Supp. 72-962, 72-973, 72-987, 72-1111, 72-
4 11a03, 72-6464 and 72-8302 and repealing the existing sections.

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

7 Section 1. K.S.A. 2015 Supp. 72-962 is hereby amended to read as
8 follows: 72-962. As used in this act:

- 9 (a) "School district" means any public school district.
10 (b) "Board" means the board of education of any school district.
11 (c) "State board" means the state board of education.
12 (d) "Department" means the state department of education.
13 (e) "State institution" means any institution under the jurisdiction of a
14 state agency.

15 (f) "State agency" means the Kansas department for children and
16 families, the Kansas department for aging and disability services, the
17 department of corrections and the juvenile justice authority.

18 (g) "Exceptional children" means persons who are children with
19 disabilities ~~or gifted children~~ and are school age, to be determined in
20 accordance with rules and regulations adopted by the state board, which
21 age may differ from the ages of children required to attend school under
22 the provisions of K.S.A. 72-1111, and amendments thereto.

23 ~~(h) "Gifted children" means exceptional children who are determined~~
24 ~~to be within the gifted category of exceptionality as such category is~~
25 ~~defined by the state board.~~

26 (†) "Special education" means specially designed instruction provided
27 at no cost to parents to meet the unique needs of an exceptional child,
28 including:

29 (1) Instruction conducted in the classroom, in the home, in hospitals
30 and institutions, and in other settings; and

31 (2) instruction in physical education.

32 (†) (i) "Special teacher" means a person, employed by or under
33 contract with a school district or a state institution to provide special
34 education or related services, who is: (1) Qualified to provide special
35 education or related services to exceptional children as determined
36 pursuant to standards established by the state board; or (2) qualified to

1 assist in the provision of special education or related services to
2 exceptional children as determined pursuant to standards established by
3 the state board.

4 ~~(k)~~ (j) "State plan" means the state plan for special education and
5 related services authorized by this act.

6 ~~(l)~~ (k) "Agency" means boards and the state agencies.

7 ~~(m)~~ (l) "Parent" means: (1) A natural parent; (2) an adoptive parent;
8 (3) a person acting as parent; (4) a legal guardian; (5) an education
9 advocate; or (6) a foster parent, if the foster parent has been appointed the
10 education advocate of an exceptional child.

11 ~~(n)~~ (m) "Person acting as parent" means a person such as a
12 grandparent, stepparent or other relative with whom a child lives or a
13 person other than a parent who is legally responsible for the welfare of a
14 child.

15 ~~(o)~~ (n) "Education advocate" means a person appointed by the state
16 board in accordance with the provisions of K.S.A. 2015 Supp. 38-2218,
17 and amendments thereto. A person appointed as an education advocate for
18 a child shall not be: (1) An employee of the agency which is required by
19 law to provide special education or related services for the child; (2) an
20 employee of the state board, the department, or any agency which is
21 directly involved in providing educational services for the child; or (3) any
22 person having a professional or personal interest which would conflict
23 with the interests of the child.

24 ~~(p)~~ (o) "Free appropriate public education" means special education
25 and related services that: (1) Are provided at public expense, under public
26 supervision and direction, and without charge; (2) meet the standards of
27 the state board; (3) include an appropriate preschool, elementary, or
28 secondary school education; and (4) are provided in conformity with an
29 individualized education program.

30 ~~(q)~~ (p) "Federal law" means the individuals with disabilities
31 education act, as amended.

32 ~~(r)~~ (q) "Individualized education program" or "IEP" means a written
33 statement for each exceptional child that is developed, reviewed, and
34 revised in accordance with the provisions of K.S.A. 72-987, and
35 amendments thereto.

36 ~~(s)~~ (r) (1) "Related services" means transportation, and such
37 developmental, corrective, and other supportive services, including
38 speech-language pathology and audiology services, interpreting services,
39 psychological services, physical and occupational therapy, recreation,
40 including therapeutic recreation, social work services, school nurse
41 services designed to enable a child with a disability to receive a free
42 appropriate public education as described in the child's IEP, counseling
43 services, including rehabilitation counseling, orientation and mobility

1 services, and medical services, except that such medical services shall be
2 for diagnostic and evaluation purposes only, as may be required to assist
3 an exceptional child to benefit from special education, and includes the
4 early identification and assessment of disabling conditions in children.

5 (2) "Related services" shall not mean any medical device that is
6 surgically implanted or the replacement of any such device.

7 ~~(t)~~ (s) "Supplementary aids and services" means aids, services, and
8 other supports that are provided in regular education classes or other
9 education-related settings to enable children with disabilities to be
10 educated with nondisabled children to the maximum extent appropriate.

11 ~~(tt)~~ (t) "Individualized education program team" or "IEP team" means
12 a group of individuals composed of: (1) The parents of a child; (2) at least
13 one regular education teacher of the child, if the child is, or may be,
14 participating in the regular education environment; (3) at least one special
15 education teacher or, where appropriate, at least one special education
16 provider of the child; (4) a representative of the agency directly involved
17 in providing educational services for the child who: (A) Is qualified to
18 provide, or supervise the provision of, specially designed instruction to
19 meet the unique needs of exceptional children; (B) is knowledgeable about
20 the general curriculum; and (C) is knowledgeable about the availability of
21 resources of the agency; (5) an individual who can interpret the
22 instructional implications of evaluation results; (6) at the discretion of the
23 parent or the agency, other individuals who have knowledge or special
24 expertise regarding the child, including related services personnel as
25 appropriate; and (7) whenever appropriate, the child.

26 ~~(v)~~ (u) "Evaluation" means a multisourced and multidisciplinary
27 examination, conducted in accordance with the provisions of K.S.A. 72-
28 986, and amendments thereto, to determine whether a child is an
29 exceptional child.

30 ~~(w)~~ (v) "Independent educational evaluation" means an examination
31 which is obtained by the parent of an exceptional child and performed by
32 an individual or group of individuals who meet state and local standards to
33 conduct such an examination.

34 ~~(x)~~ (w) "Elementary school" means any nonprofit institutional day or
35 residential school that offers instruction in any or all of the grades
36 kindergarten through nine.

37 ~~(y)~~ (x) "Secondary school" means any nonprofit institutional day or
38 residential school that offers instruction in any or all of the grades nine
39 through 12.

40 ~~(z)~~ (y) "Children with disabilities" means: (1) Children with
41 intellectual disability, hearing impairments including deafness, speech or
42 language impairments, visual impairments including blindness, emotional
43 disturbance, orthopedic impairments, autism, traumatic brain injury, other

1 health impairments, or specific learning disabilities and who, by reason
2 thereof, need special education and related services; and (2) children
3 experiencing one or more developmental delays and, by reason thereof,
4 need special education and related services if such children are ages three
5 through nine.

6 ~~(aa)~~ (z) "Substantial change in placement" means the movement of an
7 exceptional child, for more than 25% of the child's school day, from a less
8 restrictive environment to a more restrictive environment or from a more
9 restrictive environment to a less restrictive environment.

10 ~~(bb)~~ (aa) "Material change in services" means an increase or decrease
11 of 25% or more of the duration or frequency of a special education service,
12 a related service or a supplementary aid or a service specified on the IEP
13 of an exceptional child.

14 ~~(cc)~~ (bb) "Developmental delay" means such a deviation from
15 average development in one or more of the following developmental areas,
16 as determined by appropriate diagnostic instruments and procedures, as
17 indicates that special education and related services are required: (1)
18 Physical; (2) cognitive; (3) adaptive behavior; (4) communication; or (5)
19 social or emotional development.

20 ~~(dd)~~ (cc) "Homeless children" means "homeless children and youths"
21 as defined in the federal McKinney-Vento homeless assistance act, 42
22 U.S.C. § 11434a.

23 ~~(ee)~~ (dd) "Limited English proficient" means an individual who meets
24 the qualifications specified in section 9101 of the federal elementary and
25 secondary education act of 1965, as amended.

26 Sec. 2. K.S.A. 2015 Supp. 72-973 is hereby amended to read as
27 follows: 72-973. (a) (1) Except as hereinafter provided, within 15 days of
28 receipt of a due process complaint notice from a parent, the agency shall
29 convene a meeting with the parent and the member or members of the IEP
30 team who have specific knowledge of the facts identified in the complaint,
31 and a representative of the agency who has the authority to make binding
32 decisions on behalf of the agency. This meeting shall not include the
33 agency's attorney unless the parent is accompanied by an attorney.

34 (2) At this meeting, the parent of the child shall discuss and explain
35 the complaint, including the facts that form the basis of the complaint and
36 the agency shall be provided the opportunity to resolve the complaint.

37 (3) If the meeting of the parties results in a resolution of the
38 complaint, the parties shall execute a written agreement that both the
39 parent and the representative of the agency shall sign and that, at a
40 minimum, includes the following statements:

41 (A) The agreed upon resolution of each issue presented in the
42 complaint;

43 (B) that each party understands that the agreement is legally binding

1 upon them, unless the party provides written notice to the other party,
2 within three days of signing the agreement, that the party giving notice is
3 voiding the agreement; and

4 (C) if not voided, each party understands that the agreement may be
5 enforced in state or federal court.

6 (4) If a resolution of the complaint is not reached at the meeting held
7 under this subsection and the agency has not resolved the complaint to the
8 satisfaction of the parent within 30 days of the agency's receipt of the
9 complaint, the due process hearing procedures shall be implemented and
10 all of the applicable timelines for a due process hearing shall commence.
11 All discussions that occurred during the meeting shall be confidential and
12 may not be used as evidence in any subsequent hearing or civil
13 proceeding.

14 (5) A meeting shall not be required under this subsection if the parent
15 and the agency agree, in writing, to waive such a meeting, or they agree to
16 use mediation to attempt to resolve the complaint.

17 (b) Any due process hearing provided for under this act, shall be held
18 at a time and place reasonably convenient to the parent of the involved
19 child, be a closed hearing unless the parent requests an open hearing and
20 be conducted in accordance with procedural due process rights, including
21 the following:

22 (1) The right of the parties to be accompanied and advised by counsel
23 and by individuals with special knowledge or training with respect to the
24 problems of children with disabilities;

25 (2) the right of the parties to be present at the hearing;

26 (3) the right of the parties to confront and cross-examine witnesses
27 who appear in person at the hearing, either voluntarily or as a result of the
28 issuance of a subpoena;

29 (4) the right of the parties to present witnesses in person or their
30 testimony by affidavit, including expert medical, psychological or
31 educational testimony;

32 (5) the right of the parties to prohibit the presentation of any evidence
33 at the hearing which has not been disclosed to the opposite party at least
34 five days prior to the hearing, including any evaluations completed by that
35 date and any recommendations based on such evaluations;

36 (6) the right to prohibit the other party from raising, at the due
37 process hearing, any issue that was not raised in the due process complaint
38 notice or in a prehearing conference held prior to the hearing;

39 (7) the right of the parties to have a written or, at the option of the
40 parent, an electronic, verbatim record of the hearing; and

41 (8) the right to a written or, at the option of the parent, an electronic
42 decision, including findings of facts and conclusions.

43 (c) Except as provided by subsection (a), each due process hearing,

1 other than an expedited hearing under K.S.A. 72-993, and amendments
2 thereto, shall be held not later than 35 days from the date on which the
3 request therefor is received. The parties shall be notified in writing of the
4 time and place of the hearing at least five days prior thereto. At any
5 reasonable time prior to the hearing, the parent and the counsel or advisor
6 of the involved child shall be given access to all records, tests, reports or
7 clinical evaluations relating to the proposed action.

8 (d) (1) Except as otherwise provided in K.S.A. 72-993, and
9 amendments thereto, during the pendency of any proceedings conducted
10 under this act, unless the agency and parent otherwise agree, the child shall
11 remain in the then-current educational placement of such child.

12 (2) If proceedings arise in connection with the initial admission of the
13 child to school, the child shall be placed in the appropriate regular
14 education classroom or program in compliance with K.S.A. 72-1111, and
15 amendments thereto, unless otherwise directed pursuant to K.S.A. 2015
16 Supp. 72-992a, and amendments thereto.

17 (e) Subject to the provisions of K.S.A. 72-973a, and amendments
18 thereto, the agency shall appoint a hearing officer for the purpose of
19 conducting the hearing. Members of the state board, the secretary for
20 children and families, the secretary of corrections, the commissioner of the
21 juvenile justice authority, and members of any board or agency involved in
22 the education of the child shall not serve as hearing officers. *A hearing*
23 *officer shall not be required to be a licensed attorney.* No hearing officer
24 shall be any person responsible for recommending the proposed action
25 upon which the hearing is based, any person having a personal or
26 professional interest which would conflict with objectivity in the hearing,
27 or any person who is an employee of the state board or any agency
28 involved in the education of the child. A person shall not be considered an
29 employee of the agency solely because the person is paid by the agency to
30 serve as a hearing officer. Each agency shall maintain a list of hearing
31 officers. Such list shall include a statement of the qualifications of each
32 hearing officer. Each hearing officer and each state review officer shall be
33 qualified in accordance with standards and requirements established by the
34 state board and shall have satisfactorily completed a training program
35 conducted or approved by the state board.

36 (f) (1) Any party to a due process hearing who has grounds to believe
37 that the hearing officer cannot afford the party a fair and impartial hearing
38 due to bias, prejudice or a conflict of interest may file a written request for
39 the hearing officer to disqualify such officer and have another hearing
40 officer appointed by the state board. Any such written request shall state
41 the grounds for the request and the facts upon which the request is based.

42 (2) If a request for disqualification is filed, the hearing officer shall
43 review the request and determine the sufficiency of the grounds stated in

1 the request. The hearing officer then shall prepare a written order
2 concerning the request and serve the order on the parties to the hearing. If
3 the grounds are found to be insufficient, the hearing officer shall continue
4 to serve as the hearing officer. If the grounds are found to be sufficient, the
5 hearing officer immediately shall notify the state board and request the
6 state board to appoint another hearing officer.

7 (g) (1) Except as provided in paragraph (2), the decision of the
8 hearing officer in each due process hearing shall be based on substantive
9 grounds and a determination of whether the child received a free
10 appropriate public education.

11 (2) In due process hearings in which procedural violations are
12 alleged, the hearing officer may find that the child did not receive a free
13 appropriate public education only if the hearing officer concludes the
14 procedural violations did occur and those violations:

15 (A) Impeded the child's right to a free appropriate public education;

16 (B) significantly impeded the parents' opportunity to participate in the
17 decision making process regarding the provision of a free appropriate
18 public education to the parents' child; or

19 (C) caused a deprivation of educational benefits.

20 (3) Nothing in this subsection shall be construed to preclude a hearing
21 officer from ordering a local educational agency to comply with
22 procedural requirements under this act.

23 (h) Whenever a hearing officer conducts any hearing, such hearing
24 officer shall render a decision on the matter, including findings of fact and
25 conclusions, not later than 10 days after the close of the hearing. The
26 decision shall be written or, at the option of the parent, shall be an
27 electronic decision. Any action of the hearing officer in accordance with
28 this subsection shall be final, subject to appeal and review in accordance
29 with this act.

30 Sec. 3. K.S.A. 72-977 is hereby amended to read as follows: 72-977.

31 ~~(a)~~ Except as otherwise provided in this section, it shall be the duty of the
32 parent of each exceptional child to require such child to attend school to
33 receive the special education and related services which are indicated on
34 the child's IEP or to provide for such services privately.

35 ~~(b) The provisions of subsection (a) do not apply to gifted children or
36 to parents of gifted children.~~

37 Sec. 4. K.S.A. 2015 Supp. 72-987 is hereby amended to read as
38 follows: 72-987. (a) (1) Except as specified in ~~provision~~ ~~paragraph~~ (2), at
39 the beginning of each school year, each agency shall have an
40 individualized education program in effect for each exceptional child.

41 (2) (A) In the case of a child with a disability aged three through five
42 and for two--year-old children with a disability who will turn age three
43 during the school year, an individualized family service plan that contains

1 the material described in 20 U.S.C. § 1436, and that is developed in
2 accordance with this section, may serve as the IEP of the child if using that
3 plan as the IEP is agreed to by the agency and the child's parents.

4 (B) In conducting the initial IEP meeting for a child who was
5 previously served under part C of the federal law, an agency, at the request
6 of the parent, shall send an invitation to attend the IEP meeting to the part
7 C services coordinator or other representatives of the part C system to
8 assist with the smooth transition of services.

9 (b) (1) Except as otherwise provided in this section, each IEP of an
10 exceptional child and any amendment or modification of an IEP shall be
11 made by the child's IEP team. Upon agreement of the parent and the
12 agency, an IEP team can meet in person or by alternative means, including
13 telephone conference calls and video conferences.

14 (2) A member of a child's IEP team shall not be required to attend an
15 IEP meeting, if the parent of the child and the agency agree that the
16 attendance of such IEP member is not necessary because the IEP member's
17 area of curriculum or related service is not to be discussed or modified at
18 the meeting. The parent's agreement shall be in writing.

19 (3) A member of a child's IEP team may be excused from attending
20 an IEP meeting when the meeting is to involve a discussion of, and
21 possibly a modification to, the IEP member's area of the curriculum or
22 related service, if:

23 (A) The parent and the agency consent to the excusal;

24 (B) the IEP member submits, in writing to the parent and the IEP
25 team, input into the development of the IEP prior to the meeting; and

26 (C) the parent's consent to the excusal is in writing.

27 (4) (A) After the annual IEP meeting for a school year, the parent of
28 an exceptional child and an appropriate representative of the agency
29 providing services to the child may agree to develop a written document
30 amending or modifying the child's current IEP, without convening an IEP
31 meeting.

32 (B) If the parent and agency representative develop a written
33 document amending or modifying a child's current IEP, the document shall
34 be dated and signed by the parent and the agency representative. The
35 parent and the agency shall be provided a copy of the document.

36 (c) The IEP for each exceptional child shall include:

37 (1) A statement of the child's present levels of academic achievement
38 and functional performance, including: (A) How the child's disability or
39 ~~giftedness~~ affects the child's involvement and progress in the general
40 education curriculum; (B) for preschool children, as appropriate, how the
41 disability affects the child's participation in appropriate activities; and (C)
42 for those children with disabilities who take alternate assessments aligned
43 to alternate achievement standards, a description of benchmarks or short-

1 term objections;

2 (2) a statement of measurable annual goals, including academic and
3 functional goals designed to: (A) Meet the child's needs that result from
4 the child's disability or giftedness, to enable the child to be involved in and
5 make progress in the general education or advanced curriculum; and (B)
6 meet each of the child's other educational needs that result from the child's
7 disability or giftedness;

8 (3) a description of how the child's progress toward meeting the
9 annual goals will be measured and when periodic reports on the progress
10 the child is making toward meeting the annual goals will be provided, such
11 as through the use of quarterly or other periodic reports issued
12 concurrently with general education report cards;

13 (4) a statement of the special education and related services and
14 supplementary aids, based on peer-reviewed research to the extent
15 practicable, and services to be provided to the child, or on behalf of the
16 child, and a statement of the program modifications or supports for school
17 personnel that will be provided for the child: (A) To advance appropriately
18 toward attaining the annual goals; (B) to be involved in and make progress
19 in the general education curriculum in accordance with ~~provision-~~
20 *paragraph* (1) and to participate in extracurricular and other nonacademic
21 activities; and (C) to be educated and participate with other exceptional
22 and nonexceptional children in the activities described in this paragraph;

23 (5) an explanation of the extent, if any, to which the child will not
24 participate with nonexceptional children in the regular class and in the
25 activities described in ~~provision-~~*paragraph* (4);

26 (6) (A) a statement of any individual appropriate accommodations
27 that are necessary to measure the academic achievement and functional
28 performance of the child on state and district-wide assessments; and (B) if
29 the IEP team determines that the child shall take an alternate assessment
30 on a particular state or district-wide assessment of student achievement or
31 part of such an assessment, a statement of why the child cannot participate
32 in the regular assessment and why the particular alternate assessment
33 selected is appropriate for the child;

34 (7) the projected date for the beginning of the services and
35 modifications described in ~~provision-~~*paragraph* (4), and the anticipated
36 frequency, location, and duration of those services and modifications;

37 ~~(8)-(A)~~ beginning at age 14, and updated annually, thereafter: (A)
38 Appropriate measurable postsecondary goals based upon age-appropriate
39 transition assessments related to training, education, employment and
40 where appropriate, independent living skills; ~~and~~-(B) the transition
41 services, including appropriate courses of study, needed to assist the child
42 in reaching the stated postsecondary goals; and (C) beginning at age 16, or
43 younger, if determined appropriate by the IEP team, a statement of needed

1 transition services for the child, including, when appropriate, a statement
2 of the interagency responsibilities or any needed linkages; and

3 (9) beginning at least one year before the child reaches the age of
4 majority under state law, a statement that the child has been informed of
5 the child's rights, if any, that will transfer to the child on reaching the age
6 of majority as provided in K.S.A. 72-989, and amendments thereto.

7 Nothing in this section shall be construed to require: (1) That additional
8 information be included in a child's IEP beyond that which is specifically
9 required by this section; and (2) that an IEP team include information
10 under one component of a child's IEP that is already contained under
11 another component of the IEP.

12 (d) In developing each child's IEP, the IEP team shall consider:

13 (1) The strengths of the child and the concerns of the parents for
14 enhancing the education of their child;

15 (2) the results of the initial evaluation or most recent evaluation of the
16 child;

17 (3) the academic, developmental and functional needs of the child;

18 (4) in the case of a child whose behavior impedes the child's learning
19 or that of others, the use of positive behavioral interventions and supports
20 and other strategies to address that behavior;

21 (5) in the case of a child with limited English proficiency, the
22 language needs of the child as such needs relate to the child's IEP;

23 (6) in the case of a child who is blind or visually impaired, provide
24 for instruction in Braille and the use of Braille unless the IEP team
25 determines, after an evaluation of the child's reading and writing skills,
26 needs, and appropriate reading and writing media, including an evaluation
27 of the child's future needs for instruction in Braille or the use of Braille,
28 that instruction in Braille or the use of Braille is not appropriate for the
29 child;

30 (7) the communication needs of the child, and in the case of a child
31 who is deaf or hard of hearing, consider the child's language and
32 communication needs, opportunities for direct communications with peers
33 and professional personnel in the child's language and communication
34 mode, academic level, and full range of needs, including opportunities for
35 direct instruction in the child's language and communication mode; and

36 (8) whether the child requires assistive technology devices and
37 services.

38 (e) The regular education teacher of the child, as a member of the IEP
39 team, to the extent appropriate, shall participate in:

40 (1) The development of the IEP of the child, including the
41 determination of appropriate positive behavioral interventions supports,
42 and other strategies and the determination of supplementary aids and
43 services, program modifications, and support for school personnel

1 consistent with this section; and

2 (2) except as provided in this section, the review and revision of the
3 child's IEP.

4 (f) Each agency shall ensure that the IEP team:

5 (1) Reviews the child's IEP periodically, but not less than annually to
6 determine whether the annual goals for the child are being achieved; and

7 (2) revises the IEP, as appropriate, to address: (A) Any lack of
8 expected progress toward the annual goals and in the general education
9 curriculum, where appropriate; (B) the results of any reevaluation
10 conducted under this section; (C) information about the child provided by
11 the parents; (D) the child's anticipated needs; or (E) other matters.

12 (g) (1) If an exceptional child with a current IEP transfers from one
13 Kansas school district to another during the academic year, the new school
14 district, in consultation with the child's parent, shall provide the child a
15 FAPE, including services comparable to those described in the transferred
16 IEP, until the new school district either adopts the transferred IEP, or
17 develops and implements a new IEP for the child.

18 (2) If during the academic year, an exceptional child who has a
19 current IEP transfers from a school district in another state to a Kansas
20 school district, the Kansas school district, in consultation with the child's
21 parent, shall provide the child a FAPE, including services comparable to
22 those described in the transferred IEP, until the Kansas school district
23 either adopts the transferred IEP, or conducts an evaluation of the child, if
24 deemed necessary, and develops and implements a new IEP for the child.

25 Sec. 5. K.S.A. 2015 Supp. 72-1111 is hereby amended to read as
26 follows: 72-1111. (a) Subject to the other provisions of this section, every
27 parent or person acting as parent in the state of Kansas, who has control
28 over or charge of any child who has reached the age of seven years and is
29 under the age of 18 years and has not attained a high school diploma or a
30 general educational development (GED) credential, shall require such
31 child to be regularly enrolled in and attend continuously each school year:
32 (1) A public school for the duration of the school term provided for in
33 K.S.A. 72-1106, and amendments thereto; or (2) a private, denominational
34 or parochial school taught by a competent instructor for a period of time
35 which is substantially equivalent to the period of time public school is
36 maintained in the school district in which the private, denominational or
37 parochial school is located. If the child is 16 or 17 years of age, the parent
38 or person acting as parent, by written consent, or the court, pursuant to a
39 court order, may allow the child to be exempt from the compulsory
40 attendance requirements of this section.

41 (b) If the child is 16 or 17 years of age, the child shall be exempt
42 from the compulsory attendance requirements of this section if: (1) The
43 child is regularly enrolled in and attending a program recognized by the

1 local board of education as an approved alternative educational program;
2 (2) the child and the parent or person acting as parent attend a final
3 counseling session conducted by the school during which a disclaimer to
4 encourage the child to remain in school or to pursue educational
5 alternatives is presented to and signed by the child and the parent or person
6 acting as parent. The disclaimer shall include information regarding the
7 academic skills that the child has not yet achieved, the difference in future
8 earning power between a high school graduate and a high school drop out,
9 and a listing of educational alternatives that are available for the child; or
10 (3) the child is regularly enrolled in a school as required by subsection (a)
11 and is concurrently enrolled in a postsecondary educational institution, as
12 defined by K.S.A. 74-3201b, and amendments thereto. The provisions of
13 this ~~clause~~ *paragraph* (3) shall be applicable to children from and after
14 July 1, 1997, and shall relate back to such date.

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

22 (d) Any child who is determined to be an exceptional child, ~~except~~
23 ~~for an exceptional child who is determined to be a gifted child,~~ under the
24 provisions of the special education for exceptional children act is subject
25 to the compulsory attendance requirements of such act and is exempt from
26 the compulsory attendance requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

8 (h) As used in this section:

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

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

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

24 Sec. 6. K.S.A. 2015 Supp. 72-11a03 is hereby amended to read as
25 follows: 72-11a03. As used in the Kansas challenge to secondary school
26 pupils act:

27 (a) "Concurrent enrollment pupil" means a person who is enrolled in
28 grades 10, 11 or 12 maintained by a school district or a gifted child who is
29 enrolled in any of the grades 9 through 12 maintained by a school district,
30 has demonstrated the ability to benefit from participation in the regular
31 curricula of eligible postsecondary education institutions, has been
32 authorized by the principal of the school attended to apply for enrollment
33 at an eligible postsecondary education institution, and is acceptable or has
34 been accepted for enrollment at an eligible postsecondary education
35 institution.

36 (b) "Eligible postsecondary education institution" means any state
37 educational institution, community college, municipal university, technical
38 college or accredited independent institution.

39 (c) "State educational institution" has the meaning ascribed thereto in
40 K.S.A. 76-711, and amendments thereto.

41 (d) "Community college" means any community college organized
42 and operating under the laws of this state.

43 (e) "Municipal university" means a municipal university established

1 under the provisions of article 13a of chapter 13 of Kansas Statutes
2 Annotated, *and amendments thereto*.

3 (f) "Accredited independent institution" means an institution of
4 postsecondary education the main campus of which is located in Kansas
5 and which: (1) Is operated independently and not controlled or
6 administered by any state agency or any subdivision of the state;; (2)
7 maintains open enrollment;; and (3) is accredited by the ~~north-central~~
8 ~~association of colleges and secondary schools accrediting agency based on~~
9 ~~its requirements as of April 1, 1985~~ *higher learning commission*.

10 (g) "Technical college" has the meaning ascribed thereto in K.S.A.
11 72-4212, and amendments thereto.

12 (h) ~~"Gifted child" has the meaning ascribed thereto in K.S.A. 72-962,~~
13 ~~and amendments thereto, or in rules and regulations adopted pursuant~~
14 ~~thereto.~~

15 Sec. 7. K.S.A. 72-53,111 is hereby amended to read as follows: 72-
16 53,111. (a) A school district shall not be required to provide any person
17 who has attained 19 years of age and who is not currently enrolled in the
18 school district with educational services in a regular school setting. If a
19 school district elects not to provide such person with educational services
20 in a regular school setting, the school district shall offer the person
21 educational services in an alternative setting or an alternative educational
22 program. The educational services or educational program provided any
23 person as an alternative to regular school placement shall be designed to
24 provide the person with the opportunity to satisfactorily complete the
25 course requirements of the state board of education necessary for
26 graduation from high school.

27 (b) Whenever a school district provides educational services or
28 educational programs to persons as an alternative to regular school
29 placement, such persons shall be subject to the same requirements, terms
30 and conditions of law, rules and regulations and district policies as are
31 applicable to persons in regular school placement.

32 (c) The foregoing provisions of this section do not apply to persons
33 who have been determined to be exceptional children, ~~except gifted~~
34 ~~children~~, under the provisions of the special education for exceptional
35 children act. Such persons shall be subject to the provisions of their
36 respective individualized education programs.

37 Sec. 8. K.S.A. 2015 Supp. 72-6464 is hereby amended to read as
38 follows: 72-6464. (a) As used in K.S.A. 2015 Supp. 72-6463 through 72-
39 6481, and amendments thereto:

40 (1) (A) "At-risk pupils" means pupils who are eligible for free meals
41 under the national school lunch act and who are enrolled in a district which
42 maintains an approved at-risk pupil assistance plan.

43 (B) The term "at-risk pupils" shall not include any pupil: (i) Enrolled

1 in any of the grades one through 12 who is in attendance less than full
2 time; or (ii) who is over 19 years of age. The provisions of this paragraph
3 shall not apply to any pupil who has an individualized education program.

4 (2) "Board" means the board of education of a school district.

5 (3) "Current school year" means the school year during which general
6 state aid is determined by the state board under K.S.A. 2015 Supp. 72-
7 6465, and amendments thereto.

8 (4) "Enrollment" means: (A) (i) Subject to the provisions of
9 subsection (a)(4)(A)(ii), for school districts scheduling the school days or
10 school hours of the school term on a trimestral or quarterly basis, the
11 number of pupils regularly enrolled in the district on September 20 plus
12 the number of pupils regularly enrolled in the school district on February
13 20 less the number of pupils regularly enrolled on February 20 who were
14 counted in the enrollment of the school district on September 20;

15 (ii) for school districts not described in subsection (a)(4)(A)(i), the
16 number of pupils regularly enrolled in the school district on September 20;
17 and

18 (iii) a pupil who is a foreign exchange student shall not be counted
19 unless such student is regularly enrolled in the school district on
20 September 20 and attending kindergarten or any of the grades one through
21 12 maintained by the school district for at least one semester or two
22 quarters or the equivalent thereof;

23 (B) if enrollment in a school district in any school year has decreased
24 from enrollment in the preceding school year, enrollment of the school
25 district in the current school year means whichever is the greater of:

26 (i) Enrollment in the preceding school year minus enrollment in such
27 school year of preschool-aged at-risk pupils, if any such pupils were
28 enrolled, plus enrollment in the current school year of preschool-aged at-
29 risk pupils, if any such pupils are enrolled; or

30 (ii) the sum of enrollment in the current school year of preschool-
31 aged at-risk pupils, if any such pupils are enrolled and the average of the
32 sum of:

33 (a) Enrollment of the school district in the current school year minus
34 enrollment in such school year of preschool-aged at-risk pupils, if any
35 such pupils are enrolled;

36 (b) enrollment in the preceding school year minus enrollment in such
37 school year of preschool-aged at-risk pupils, if any such pupils were
38 enrolled; and

39 (c) enrollment in the school year next preceding the preceding school
40 year minus enrollment in such school year of preschool-aged at-risk
41 pupils, if any such pupils were enrolled.

42 (5) "February 20" has its usual meaning, except that in any year in
43 which February 20 is not a day on which school is maintained, it shall

1 mean the first day after February 20 on which school is maintained.

2 (6) "Federal impact aid" means an amount equal to the federally
3 qualified percentage of the amount of moneys a district receives in the
4 current school year under the provisions of title I of public law 874 and
5 congressional appropriations therefor, excluding amounts received for
6 assistance in cases of major disaster and amounts received under the low-
7 rent housing program. The amount of federal impact aid defined herein as
8 an amount equal to the federally qualified percentage of the amount of
9 moneys provided for the district under title I of public law 874 shall be
10 determined by the state board in accordance with terms and conditions
11 imposed under the provisions of the public law and rules and regulations
12 thereunder.

13 (7) "Preceding school year" means the school year immediately
14 before the current school year.

15 (8) "Preschool-aged at-risk pupil" means an at-risk pupil who has
16 attained the age of four years, is under the age of eligibility for attendance
17 at kindergarten, and has been selected by the state board in accordance
18 with guidelines consonant with guidelines governing the selection of
19 pupils for participation in head start programs.

20 (9) "Preschool-aged exceptional children" means exceptional
21 children, ~~except gifted children~~, who have attained the age of three years
22 but are under the age of eligibility for attendance at kindergarten.

23 (10) "Pupil" means any person who is regularly enrolled in a district
24 and attending kindergarten or any of the grades one through 12 maintained
25 by the district, or who is regularly enrolled in a district and attending
26 kindergarten or any of the grades one through 12 in another district in
27 accordance with an agreement entered into under authority of K.S.A. 72-
28 8233, and amendments thereto, or who is regularly enrolled in a district
29 and attending special education services provided for preschool-aged
30 exceptional children by the district.

31 (11) "School district" means a unified school district organized and
32 operated under the laws of this state.

33 (12) "School year" means the 12-month period ending June 30.

34 (13) "September 20" has its usual meaning, except that in any year in
35 which September 20 is not a day on which school is maintained, it shall
36 mean the first day after September 20 on which school is maintained.

37 (14) "State board" means the state board of education.

38 (b) The provisions of this section shall be effective from and after
39 July 1, 2015, through June 30, 2017.

40 Sec. 9. K.S.A. 2015 Supp. 72-8302 is hereby amended to read as
41 follows: 72-8302. (a) The board of education of a school district may
42 provide or furnish transportation for pupils who are enrolled in the school
43 district to or from any school of the school district or to or from any school

1 of another school district attended by such pupils in accordance with the
2 provisions of an agreement entered into under authority of K.S.A. 72-
3 8233, and amendments thereto.

4 (b) (1) When any or all of the conditions specified in this provision
5 exist, the board of education of a school district shall provide or furnish
6 transportation for pupils who reside in the school district and who attend
7 any school of the school district or who attend any school of another
8 school district in accordance with the provisions of an agreement entered
9 into under authority of K.S.A. 72-8233, and amendments thereto. The
10 conditions which apply to the requirements of this provision are as
11 follows:

12 (A) The residence of the pupil is inside or outside the corporate limits
13 of a city, the school building attended is outside the corporate limits of a
14 city and the school building attended is more than 2¹/₂ miles by the usually
15 traveled road from the residence of the pupil; or

16 (B) the residence of the pupil is outside the corporate limits of a city,
17 the school building attended is inside the corporate limits of a city and the
18 school building attended is more than 2¹/₂ miles by the usually traveled
19 road from the residence of the pupil; or

20 (C) the residence of the pupil is inside the corporate limits of one city,
21 the school building attended is inside the corporate limits of a different city
22 and the school building attended is more than 2¹/₂ miles by the usually
23 traveled road from the residence of the pupil.

24 (2) The provisions of this subsection are subject to the provisions of
25 subsections (c) and (d).

26 (c) The board of education of every school district is authorized to
27 adopt rules and regulations to govern the conduct, control and discipline of
28 all pupils while being transported in school buses. The board may suspend
29 or revoke the transportation privilege or entitlement of any pupil who
30 violates any rules and regulations adopted by the board under authority of
31 this subsection.

32 (d) The board of education of every school district may suspend or
33 revoke the transportation privilege or entitlement of any pupil who is
34 detained at school at the conclusion of the school day for violation of any
35 rules and regulations governing pupil conduct or for disobedience of an
36 order of a teacher or other school authority. Suspension or revocation of
37 the transportation privilege or entitlement of any pupil specified in this
38 subsection shall be limited to the school day or days on which the pupil is
39 detained at school. The provisions of this subsection do not apply to any
40 pupil who has been determined to be an exceptional child, ~~except gifted~~
41 ~~children~~, under the provisions of the special education for exceptional
42 children act.

43 (e) (1) Subject to the limitations specified in this subsection, the

1 board of education of any school district may prescribe and collect fees to
2 offset, totally or in part, the costs incurred for the provision or furnishing
3 of transportation for pupils. The limitations which apply to the
4 authorization granted by this subsection are as follows:

5 (A) Fees for the provision or furnishing of transportation for pupils
6 shall be prescribed and collected only to recover the costs incurred as a
7 result of and directly attributable to the provision or furnishing of
8 transportation for pupils and only to the extent that such costs are not
9 reimbursed from any other source provided by law;

10 (B) fees for the provision or furnishing of transportation may not be
11 assessed against or collected from any pupil who is determined to be a
12 child with disabilities under the provisions of the special education for
13 exceptional children act or any pupil who is eligible for free or reduced
14 price meals under the national school lunch act or any pupil who is entitled
15 to transportation under the provisions of K.S.A. 72-8306(a), and
16 amendments thereto, and who resides $2\frac{1}{2}$ miles or more by the regular
17 route of a school bus from the school attended;

18 (C) fees for the provision or furnishing of transportation for pupils in
19 accordance with the provisions of an agreement entered into under
20 authority of K.S.A. 72-8233 or 72-8307, and amendments thereto, shall be
21 controlled by the provisions of the agreement.

22 (2) All moneys received by a school district from fees collected under
23 this subsection shall be deposited in the general fund of the district.

24 Sec. 10. K.S.A. 72-977 and 72-53,111 and K.S.A. 2015 Supp. 72-
25 962, 72-973, 72-987, 72-1111, 72-11a03, 72-6464 and 72-8302 are hereby
26 repealed.

27 Sec. 11. This act shall take effect and be in force from and after its
28 publication in the statute book.