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

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

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

(a) "School district" means any public school district.
(b) "Board" means the board of education of any school district.
(c) "State board" means the state board of education.
(d) "Department" means the state department of education.
(e) "State institution" means any institution under the jurisdiction of a state agency.
(f) "State agency" means the Kansas department for children and families, the Kansas department for aging and disability services, the department of corrections and the juvenile justice authority.
(g) "Exceptional children" means persons who are children with disabilities or gifted children and are school age, to be determined in accordance with rules and regulations adopted by the state board, which age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-1111, and amendments thereto.
(h) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined by the state board.
(i) "Special education" means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child, including:
(1) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
(2) instruction in physical education.

(4) (i) "Special teacher" means a person, employed by or under contract with a school district or a state institution to provide special education or related services, who is: (1) Qualified to provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or (2) qualified to
assist in the provision of special education or related services to
exceptional children as determined pursuant to standards established by
the state board.

(1) "State plan" means the state plan for special education and
related services authorized by this act.

(2) "Agency" means boards and the state agencies.

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

(4) "Person acting as parent" means a person such as a
grandparent, stepparent or other relative with whom a child lives or a
person other than a parent who is legally responsible for the welfare of a
child.

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

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

(7) "Federal law" means the individuals with disabilities
education act, as amended.

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

(9) "Related services" means transportation, and such
developmental, corrective, and other supportive services, including
speech-language pathology and audiology services, interpreting services,
psychological services, physical and occupational therapy, recreation,
including therapeutic recreation, social work services, school nurse
services designed to enable a child with a disability to receive a free
appropriate public education as described in the child's IEP, counseling
services, including rehabilitation counseling, orientation and mobility
services, and medical services, except that such medical services shall be
for diagnostic and evaluation purposes only, as may be required to assist
an exceptional child to benefit from special education, and includes the
early identification and assessment of disabling conditions in children.

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

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

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

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

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

(12) "Elementary school" means any nonprofit institutional day or
residential school that offers instruction in any or all of the grades
kindergarten through nine.

(14) "Secondary school" means any nonprofit institutional day or
residential school that offers instruction in any or all of the grades nine
through 12.

(16) "Children with disabilities" means: (1) Children with
intellectual disability, hearing impairments including deafness, speech or
language impairments, visual impairments including blindness, emotional
disturbance, orthopedic impairments, autism, traumatic brain injury, other
health impairments, or specific learning disabilities and who, by reason thereof, need special education and related services; and (2) children experiencing one or more developmental delays and, by reason thereof, need special education and related services if such children are ages three through nine.

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

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

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


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

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

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

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

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

(B) that each party understands that the agreement is legally binding
upon them, unless the party provides written notice to the other party, within three days of signing the agreement, that the party giving notice is voiding the agreement; and

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

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

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

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

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

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

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

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

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

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

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

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

(c) Except as provided by subsection (a), each due process hearing,
other than an expedited hearing under K.S.A. 72-993, and amendments thereto, shall be held not later than 35 days from the date on which the request therefor is received. The parties shall be notified in writing of the time and place of the hearing at least five days prior thereto. At any reasonable time prior to the hearing, the parent and the counsel or advisor of the involved child shall be given access to all records, tests, reports or clinical evaluations relating to the proposed action.

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

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

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

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

(2) If a request for disqualification is filed, the hearing officer shall review the request and determine the sufficiency of the grounds stated in
the request. The hearing officer then shall prepare a written order concerning the request and serve the order on the parties to the hearing. If the grounds are found to be insufficient, the hearing officer shall continue to serve as the hearing officer. If the grounds are found to be sufficient, the hearing officer immediately shall notify the state board and request the state board to appoint another hearing officer.

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

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

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

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

(C) caused a deprivation of educational benefits.

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

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

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

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

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

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

(2) (A) In the case of a child with a disability aged three through five and for two-year-old children with a disability who will turn age three during the school year, an individualized family service plan that contains
the material described in 20 U.S.C. § 1436, and that is developed in
accordance with this section, may serve as the IEP of the child if using that
plan as the IEP is agreed to by the agency and the child's parents.
(B) In conducting the initial IEP meeting for a child who was
previously served under part C of the federal law, an agency, at the request
of the parent, shall send an invitation to attend the IEP meeting to the part
C services coordinator or other representatives of the part C system to
assist with the smooth transition of services.
(b) (1) Except as otherwise provided in this section, each IEP of an
exceptional child and any amendment or modification of an IEP shall be
made by the child's IEP team. Upon agreement of the parent and the
agency, an IEP team can meet in person or by alternative means, including
telephone conference calls and video conferences.
(2) A member of a child's IEP team shall not be required to attend an
IEP meeting, if the parent of the child and the agency agree that the
attendance of such IEP member is not necessary because the IEP member's
area of curriculum or related service is not to be discussed or modified at
the meeting. The parent's agreement shall be in writing.
(3) A member of a child's IEP team may be excused from attending
an IEP meeting when the meeting is to involve a discussion of, and
possibly a modification to, the IEP member's area of the curriculum or
related service, if:
(A) The parent and the agency consent to the excusal;
(B) the IEP member submits, in writing to the parent and the IEP
team, input into the development of the IEP prior to the meeting; and
(C) the parent's consent to the excusal is in writing.
(4) (A) After the annual IEP meeting for a school year, the parent of
an exceptional child and an appropriate representative of the agency
providing services to the child may agree to develop a written document
amending or modifying the child's current IEP, without convening an IEP
meeting.
(B) If the parent and agency representative develop a written
document amending or modifying a child's current IEP, the document shall
be dated and signed by the parent and the agency representative. The
parent and the agency shall be provided a copy of the document.
(c) The IEP for each exceptional child shall include:
(1) A statement of the child's present levels of academic achievement
and functional performance, including: (A) How the child's disability or
giftedness affects the child's involvement and progress in the general
education curriculum; (B) for preschool children, as appropriate, how the
disability affects the child's participation in appropriate activities; and (C)
for those children with disabilities who take alternate assessments aligned
to alternate achievement standards, a description of benchmarks or short-
term objections;

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

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

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

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

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

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

(8) (A) beginning at age 14, and updated annually, thereafter: (A) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; and—(B) the transition services, including appropriate courses of study, needed to assist the child in reaching the stated postsecondary goals; and (C) beginning at age 16, or younger, if determined appropriate by the IEP team, a statement of needed
transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

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

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

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

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

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

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

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

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

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

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

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

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

(1) The development of the IEP of the child, including the determination of appropriate positive behavioral interventions supports, and other strategies and the determination of supplementary aids and services, program modifications, and support for school personnel
consistent with this section; and

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

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

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

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

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

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

Sec. 5. K.S.A. 2015 Supp. 72-1111 is hereby amended to read as follows: 72-1111. (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma or a general educational development (GED) credential, shall require such child to be regularly enrolled in and attend continuously each school year:

(1) A public school for the duration of the school term provided for in K.S.A. 72-1106, and amendments thereto; or (2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section.

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

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

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

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

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

(g) When a recognized church or religious denomination that objects
to a regular public high school education provides, offers and teaches,
either individually or in cooperation with another recognized church or
religious denomination, a regularly supervised program of instruction,
which is approved by the state board of education, for children of
compulsory school attendance age who have successfully completed the
eighth grade, participation in such a program of instruction by any such
children whose parents or persons acting as parents are members of the
sponsoring church or religious denomination shall be regarded as
acceptable school attendance within the meaning of this act. Approval of
such programs shall be granted by the state board of education, for two-
year periods, upon application from recognized churches and religious
denominations, under the following conditions:

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

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

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

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

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

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

(7) in applying for approval under this subsection a recognized
church or religious denomination shall certify its objection to a regular
public high school education and shall specify, in such detail as the state
board of education may reasonably require, the program of instruction that
it intends to provide and no such program shall be approved unless it fully
complies with standards therefor which shall be specified by the state
board of education.
If the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(h) As used in this section:

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

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

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

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

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

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

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

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

(e) "Municipal university" means a municipal university established
under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated, and amendments thereto.

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

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

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

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

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

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

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

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

(B) The term "at-risk pupils" shall not include any pupil: (i) Enrolled
in any of the grades one through 12 who is in attendance less than full
time; or (ii) who is over 19 years of age. The provisions of this paragraph
shall not apply to any pupil who has an individualized education program.
(2) "Board" means the board of education of a school district.
(3) "Current school year" means the school year during which general
state aid is determined by the state board under K.S.A. 2015 Supp. 72-
6465, and amendments thereto.
(4) "Enrollment" means: (A) (i) Subject to the provisions of
subsection (a)(4)(A)(ii), for school districts scheduling the school days or
school hours of the school term on a trimestral or quarterly basis, the
number of pupils regularly enrolled in the district on September 20 plus
the number of pupils regularly enrolled in the school district on February
less the number of pupils regularly enrolled on February 20 who were
counted in the enrollment of the school district on September 20;
(ii) for school districts not described in subsection (a)(4)(A)(i), the
number of pupils regularly enrolled in the school district on September 20;
and
(iii) a pupil who is a foreign exchange student shall not be counted
unless such student is regularly enrolled in the school district on
September 20 and attending kindergarten or any of the grades one through
12 maintained by the school district for at least one semester or two
quarters or the equivalent thereof;
(B) if enrollment in a school district in any school year has decreased
from enrollment in the preceding school year, enrollment of the school
district in the current school year means whichever is the greater of:
(i) Enrollment in the preceding school year minus enrollment in such
school year of preschool-aged at-risk pupils, if any such pupils were
enrolled, plus enrollment in the current school year of preschool-aged at-
risk pupils, if any such pupils are enrolled; or
(ii) the sum of enrollment in the current school year of preschool-
aged at-risk pupils, if any such pupils are enrolled and the average of the
sum of:
(a) Enrollment of the school district in the current school year minus
enrollment in such school year of preschool-aged at-risk pupils, if any
such pupils are enrolled;
(b) enrollment in the preceding school year minus enrollment in such
school year of preschool-aged at-risk pupils, if any such pupils were
enrolled; and
(c) enrollment in the school year next preceding the preceding school
year minus enrollment in such school year of preschool-aged at-risk
pupils, if any such pupils were enrolled.
(5) "February 20" has its usual meaning, except that in any year in
which February 20 is not a day on which school is maintained, it shall
mean the first day after February 20 on which school is maintained.

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

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

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

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

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

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

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

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

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

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

Sec. 9. K.S.A. 2015 Supp. 72-8302 is hereby amended to read as follows: 72-8302. (a) The board of education of a school district may provide or furnish transportation for pupils who are enrolled in the school district to or from any school of the school district or to or from any school
of another school district attended by such pupils in accordance with the provisions of an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto.

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

(A) The residence of the pupil is inside or outside the corporate limits of a city, the school building attended is outside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil; or

(B) the residence of the pupil is outside the corporate limits of a city, the school building attended is inside the corporate limits of a city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil; or

(C) the residence of the pupil is inside the corporate limits of one city, the school building attended is inside the corporate limits of a different city and the school building attended is more than 2½ miles by the usually traveled road from the residence of the pupil.

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

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

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

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

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

(B) fees for the provision or furnishing of transportation may not be assessed against or collected from any pupil who is determined to be a child with disabilities under the provisions of the special education for exceptional children act or any pupil who is eligible for free or reduced price meals under the national school lunch act or any pupil who is entitled to transportation under the provisions of K.S.A. 72-8306(a), and amendments thereto, and who resides 2½ miles or more by the regular route of a school bus from the school attended;

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

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

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

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