

HOUSE BILL No. 2514

By Committee on K-12 Education Budget

1-20

1 AN ACT concerning education; authorizing school districts to provide
2 part-time enrollment options for certain students; amending K.S.A. 72-
3 3120 and repealing the existing section.

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

6 Section 1. K.S.A. 72-3120 is hereby amended to read as follows: 72-
7 3120. (a) Subject to the other provisions of this section, every parent or
8 person acting as parent in the state of Kansas, who has control over or
9 charge of any child who has reached the age of seven years and is under
10 the age of 18 years and has not attained a high school diploma ~~or~~, a general
11 educational development ~~(GED)~~ credential *or a high school equivalency*
12 *credential*, shall require such child to be regularly enrolled in and attend
13 continuously each school year:

14 (1) A public school for the duration of the school term provided for in
15 K.S.A. 72-3115, and amendments thereto; ~~or~~

16 (2) a private, denominational or parochial school taught by a
17 competent instructor for a period of time which is substantially equivalent
18 to the period of time public school is maintained in the school district in
19 which the private, denominational or parochial school is located. ~~If the~~
20 ~~child is 16 or 17 years of age, the parent or person acting as parent, by~~
21 ~~written consent, or the court, pursuant to a court order, may allow the child~~
22 ~~to be exempt from the compulsory attendance requirements of this section;~~
23 *or*

24 (3) *a combination of a public school and a private, denominational*
25 *or parochial school for the periods of time referred to in paragraphs (1)*
26 *and (2).*

27 (b) If the child is 16 or 17 years of age, the child shall be exempt
28 from the compulsory attendance requirements of this section if:

29 (1) The child is regularly enrolled in and attending a program
30 recognized by the local board of education as an approved alternative
31 educational program;

32 (2) *the parent or person acting as parent provides written consent to*
33 *allow the child to be exempt from the compulsory attendance requirements*
34 *of this section and the child and the parent or person acting as parent*
35 *attend a final counseling session conducted by the school during which a*
36 *disclaimer to encourage the child to remain in school or to pursue*

1 educational alternatives is presented to and signed by the child and the
2 parent or person acting as parent. The disclaimer shall include information
3 regarding the academic skills that the child has not yet achieved, the
4 difference in future earning power between a high school graduate and a
5 high school drop out; and a listing of educational alternatives that are
6 available for the child; ~~or~~

7 (3) the child is regularly enrolled in a school as required by
8 subsection (a) and is concurrently enrolled in a postsecondary educational
9 institution, as defined by K.S.A. 74-3201b, and amendments thereto. ~~The~~
10 ~~provisions of this clause (3) shall be applicable to children from and after~~
11 ~~July 1, 1997, and shall relate back to such date; or~~

12 (4) *the child is subject to a court order that allows or requires the*
13 *child to be exempt from the compulsory attendance requirements.*

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

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

26 (e) Any child who has been admitted to, and is attending, the Kansas
27 academy of mathematics and science, as provided in K.S.A. 72-3903 et
28 seq., and amendments thereto, ~~is~~ *shall be* exempt from the compulsory
29 attendance requirements of this section.

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

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

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

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

11 (2) acceptable learning activities, for the purposes of this subsection,
12 shall include ~~parent (or person acting as parent) supervised~~ projects
13 *supervised by a parent or person acting as parent* in agriculture and
14 homemaking, work-study programs in cooperation with local business and
15 industry; and correspondence courses from schools accredited by the
16 national home study council, recognized by the United States office of
17 education as the competent accrediting agency for private home study
18 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) (1) *Each board of education of a school district shall allow any*
9 *child to enroll part-time in the school district to allow the student to attend*
10 *any courses, programs or services offered by the school district if the*
11 *child:*

12 (A) *Is also enrolled in a nonaccredited private elementary or*
13 *secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or*
14 *in any other private, denominational or parochial school pursuant to the*
15 *provisions of subsection (a);*

16 (B) *requests to enroll part-time in the school district; and*

17 (C) *meets the age of eligibility requirements for school attendance*
18 *pursuant to K.S.A. 72-3118, and amendments thereto.*

19 (2) *Each board of education of a school district shall adopt a policy*
20 *regarding the part-time enrollment of students pursuant to this subsection*
21 *and shall publish such policy on the school district's website. The board of*
22 *education of a school district shall make a good faith attempt to*
23 *accommodate scheduling requests of students enrolling in the school*
24 *district pursuant to this subsection but shall not be required to make*
25 *adjustments to accommodate every such request.*

26 (i) As used in this section:

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

36 (2) "Parent" and "person acting as parent" ~~have the meanings~~
37 ~~respectively ascribed thereto~~ *mean the same as such terms are defined in*
38 *K.S.A. 72-3122, and amendments thereto.*

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

43 Sec. 2. K.S.A. 72-3120 is hereby repealed.

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