

**SENATE BILL No. 238**

By Committee on Ways and Means

3-23

1 AN ACT concerning compulsory school attendance; relating to the age of  
2 children subject to compulsory school attendance; amending K.S.A.  
3 2016 Supp. 72-1111 and repealing the existing section.  
4

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

6 Section 1. K.S.A. 2016 Supp. 72-1111 is hereby amended to read as  
7 follows: 72-1111. (a) Subject to the other provisions of this section, every  
8 parent or person acting as parent in the state of Kansas, who has control  
9 over or charge of any child who has reached the age of ~~seven~~ six years and  
10 is under the age of 18 years and has not attained a high school diploma or  
11 a general educational development (GED) credential, shall require such  
12 child to be regularly enrolled in and attend continuously each school year:  
13 (1) A public school for the duration of the school term provided for in  
14 K.S.A. 72-1106, and amendments thereto; or (2) a private, denominational  
15 or parochial school taught by a competent instructor for a period of time  
16 which is substantially equivalent to the period of time public school is  
17 maintained in the school district in which the private, denominational or  
18 parochial school is located. If the child is 16 or 17 years of age, the parent  
19 or person acting as parent, by written consent, or the court, pursuant to a  
20 court order, may allow the child to be exempt from the compulsory  
21 attendance requirements of this section.

22 (b) If the child is 16 or 17 years of age, the child shall be exempt  
23 from the compulsory attendance requirements of this section if: (1) The  
24 child is regularly enrolled in and attending a program recognized by the  
25 local board of education as an approved alternative educational program;  
26 (2) the child and the parent or person acting as parent attend a final  
27 counseling session conducted by the school during which a disclaimer to  
28 encourage the child to remain in school or to pursue educational  
29 alternatives is presented to and signed by the child and the parent or person  
30 acting as parent. The disclaimer shall include information regarding the  
31 academic skills that the child has not yet achieved, the difference in future  
32 earning power between a high school graduate and a high school drop out,  
33 and a listing of educational alternatives that are available for the child; or  
34 (3) the child is regularly enrolled in a school as required by subsection (a)  
35 and is concurrently enrolled in a postsecondary educational institution, as  
36 defined by K.S.A. 74-3201b, and amendments thereto. ~~The provisions of~~

1 ~~this clause (3) shall be applicable to children from and after July 1, 1997,~~  
2 ~~and shall relate back to such date.~~

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

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

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

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

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

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

43 (2) acceptable learning activities, for the purposes of this subsection,

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

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

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

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

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

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

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

39 (h) *If a parent or person acting as a parent is a member of a*  
40 *recognized church or religious denomination that objects to the*  
41 *compulsory student attendance age for any child who has reached the age*  
42 *of six years pursuant to subsection (a), such parent or person acting as a*  
43 *parent may, by written consent, exempt the child from such compulsory*

1 *attendance requirement if such child has not yet reached the age of seven*  
2 *years. Any child exempted pursuant to this subsection shall be subject to*  
3 *the compulsory attendance requirements of this section when such child*  
4 *has reached the age of seven years.*

5 (i) As used in this section:

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

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

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

21 Sec. 2. K.S.A. 2016 Supp. 72-1111 is hereby repealed.

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