

As Amended by House Committee

Session of 2022

HOUSE BILL No. 2511

By Committee on K-12 Education Budget

1-20

1 AN ACT concerning ~~the Kansas state high school activities association~~
2 **schools and school activities**; authorizing certain students to
3 participate in **interscholastic** activities offered by school districts;
4 making members of or persons employed by the Kansas state high
5 school activities association mandatory reporters of child abuse and
6 neglect; **authorizing school districts to allow for part-time**
7 **enrollment of certain students**; amending K.S.A. 38-2223 and 72-
8 **3120** and repealing the existing ~~section sections~~.
9

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

11 New Section 1. (a) Any student who meets the requirements of this
12 section shall be permitted to participate in any activities offered by a
13 school district that are regulated, supervised, promoted and developed by
14 the activities association referred to in K.S.A. 72-7114, and amendments
15 thereto. A student shall be permitted to participate in any such activities if
16 such student:

- 17 (1) Is a resident of the school district;
- 18 (2) is enrolled and attending a virtual school as defined in K.S.A 72-
19 3712, and amendments thereto, or a school registered with the state board
20 of education in accordance with K.S.A. 72-4346, and amendments thereto,
21 and the official custodian of such school attests to the student's compliance
22 with all applicable academic requirements for participation in activities
23 offered by such school district;
- 24 (3) complies with the requirements of K.S.A. 72-6262, and
25 amendments thereto, prior to participation in any such activity;
- 26 (4) meets any applicable age and eligibility requirements set forth by
27 the activities association referred to in K.S.A. 72-7114, and amendments
28 thereto, that are not otherwise in conflict with this section; and
- 29 (5) pays any fees required by the school district for participation in
30 such activity if such fees are generally imposed upon all other students
31 who participate in such activity.

32 (b) The board of education of a school district may require a student
33 who participates in an activity pursuant to this section to enroll in a
34 particular course or complete a particular course as a condition of
35 participation, if such requirement is imposed upon all other students who
36 participate in such activity.

1 Sec. 2. K.S.A. 38-2223 is hereby amended to read as follows: 38-
2 2223. (a) *Persons making reports.* (1) When any of the following persons
3 has reason to suspect that a child has been harmed as a result of physical,
4 mental or emotional abuse or neglect or sexual abuse, the person shall
5 report the matter promptly as provided in subsections (b) and (c);

6 (A) The following persons providing medical care or treatment:
7 Persons licensed to practice the healing arts, dentistry and optometry,
8 persons engaged in postgraduate training programs approved by the state
9 board of healing arts, licensed professional or practical nurses and chief
10 administrative officers of medical care facilities;

11 (B) the following persons licensed by the state to provide mental
12 health services: Licensed psychologists, licensed masters level
13 psychologists, licensed clinical psychotherapists, licensed social workers,
14 licensed marriage and family therapists, licensed clinical marriage and
15 family therapists, licensed behavioral analysts, licensed assistant
16 behavioral analysts, licensed professional counselors, licensed clinical
17 professional counselors and registered alcohol and drug abuse counselors;

18 (C) teachers, school administrators~~—or~~ and other employees of an
19 educational institution~~—which~~ that the child is attending and *any member of*
20 *the board of directors of the Kansas state high school activities*
21 *association referenced in K.S.A. 72-7114, and amendments thereto, and*
22 *any person who is employed by or is an officer of such association;*

23 (D) persons licensed by the secretary of health and environment to
24 provide child care services or the employees of persons so licensed at the
25 place where the child care services are being provided to the child;

26 ~~(D)~~(E) firefighters, emergency medical services personnel, law
27 enforcement officers, juvenile intake and assessment workers, court
28 services officers, community corrections officers, case managers appointed
29 under K.S.A. 2021 Supp. 23-3508, and amendments thereto, and mediators
30 appointed under K.S.A. 2021 Supp. 23-3502, and amendments thereto;
31 and

32 ~~(E)~~(F) any person employed by or who works as a volunteer for any
33 organization, whether for profit or not-for-profit, that provides social
34 services to pregnant teenagers, including, but not limited to, counseling,
35 adoption services and pregnancy education and maintenance.

36 (2) In addition to the reports required under subsection (a)(1), any
37 person who has reason to suspect that a child may be a child in need of
38 care may report the matter as provided in subsection (b) and (c).

39 (b) *Form of report.* (1) The report may be made orally and shall be
40 followed by a written report if requested. Every report shall contain, if
41 known: The names and addresses of the child and the child's parents or
42 other persons responsible for the child's care; the location of the child if
43 not at the child's residence; the child's gender, race and age; the reasons

1 why the reporter suspects the child may be a child in need of care; if abuse
2 or neglect or sexual abuse is suspected, the nature and extent of the harm
3 to the child, including any evidence of previous harm; and any other
4 information that the reporter believes might be helpful in establishing the
5 cause of the harm and the identity of the persons responsible for the harm.

6 (2) When reporting a suspicion that a child may be in need of care,
7 the reporter shall disclose protected health information freely and
8 cooperate fully with the secretary and law enforcement throughout the
9 investigation and any subsequent legal process.

10 (c) *To whom made.* Reports made pursuant to this section shall be
11 made to the secretary, except as follows:

12 (1) When the Kansas department for children and families is not open
13 for business, reports shall be made to the appropriate law enforcement
14 agency. On the next day that the department is open for business, the law
15 enforcement agency shall report to the department any report received and
16 any investigation initiated pursuant to K.S.A. 38-2226, and amendments
17 thereto. The reports may be made orally or, on request of the secretary, in
18 writing.

19 (2) Reports of child abuse or neglect occurring in an institution
20 operated by the Kansas department of corrections shall be made to the
21 attorney general or the secretary of corrections. Reports of child abuse or
22 neglect occurring in an institution operated by the Kansas department for
23 aging and disability services shall be made to the appropriate law
24 enforcement agency. All other reports of child abuse or neglect by persons
25 employed by the Kansas department for aging and disability services or
26 the Kansas department for children and families, or of children of persons
27 employed by either department, shall be made to the appropriate law
28 enforcement agency.

29 (d) *Death of child.* Any person who is required by this section to
30 report a suspicion that a child is in need of care and who knows of
31 information relating to the death of a child shall immediately notify the
32 coroner as provided by K.S.A. 22a-242, and amendments thereto.

33 (e) *Violations.* (1) Willful and knowing failure to make a report
34 required by this section is a class B misdemeanor. It is not a defense that
35 another mandatory reporter made a report.

36 (2) Intentionally preventing or interfering with the making of a report
37 required by this section is a class B misdemeanor.

38 (3) Any person who willfully and knowingly makes a false report
39 pursuant to this section or makes a report that such person knows lacks
40 factual foundation is guilty of a class B misdemeanor.

41 (f) *Immunity from liability.* Anyone who, without malice, participates
42 in the making of a report to the secretary or a law enforcement agency
43 relating to a suspicion a child may be a child in need of care or who

1 participates in any activity or investigation relating to the report or who
2 participates in any judicial proceeding resulting from the report shall have
3 immunity from any civil liability that might otherwise be incurred or
4 imposed.

5 **Sec. 3. K.S.A. 72-3120 is hereby amended to read as follows: 72-**
6 **3120. (a) Subject to the other provisions of this section, every parent or**
7 **person acting as parent in the state of Kansas, who has control over or**
8 **charge of any child who has reached the age of seven years and is**
9 **under the age of 18 years and has not attained a high school diploma**
10 ~~or, a general educational development-(GED) credential or a high~~
11 ~~school equivalency credential, shall require such child to be regularly~~
12 ~~enrolled in and attend continuously each school year:~~

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

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

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

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

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

31 (2) *the parent or person acting as parent provides written consent to*
32 *allow the child to be exempt from the compulsory attendance requirements*
33 *of this section and the child and the parent or person acting as parent*
34 *attend a final counseling session conducted by the school during which*
35 *a disclaimer to encourage the child to remain in school or to pursue*
36 *educational alternatives is presented to and signed by the child and*
37 *the parent or person acting as parent. The disclaimer shall include*
38 *information regarding the academic skills that the child has not yet*
39 *achieved, the difference in future earning power between a high school*
40 *graduate and a high school drop out; and a listing of educational*
41 *alternatives that are available for the child;*~~or~~

42 (3) the child is regularly enrolled in a school as required by
43 subsection (a) and is concurrently enrolled in a postsecondary

1 educational institution, as defined by K.S.A. 74-3201b, and
2 amendments thereto. ~~The provisions of this clause (3) shall be applicable~~
3 ~~to children from and after July 1, 1997, and shall relate back to such date;~~
4 *or*

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

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

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

20 (e) Any child who has been admitted to, and is attending, the
21 Kansas academy of mathematics and science, as provided in K.S.A.
22 72-3903 et seq., and amendments thereto, ~~is shall be exempt from the~~
23 compulsory attendance requirements of this section.

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

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

1 under the following conditions:

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

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

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

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

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

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

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

40 If the sponsors of an instructional program approved under this
41 subsection fail to comply at any time with the provisions of this
42 subsection, the state board of education shall rescind, after a written
43 warning has been served and a period of three weeks allowed for

1 **compliance, approval of the programs, even though the two-year**
2 **approval period has not elapsed, and thereupon children attending**
3 **such program shall be admitted to a high school of the school district.**

4 **(h) (1)** *Each board of education of a school district shall allow any*
5 *child to enroll part-time in the school district to allow the student to attend*
6 *any courses, programs or services offered by the school district if the*
7 *child:*

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

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

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

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

22 *(i) As used in this section:*

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

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

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

40 ~~Sec. 3.~~ **4. K.S.A. 38-2223 is and 72-3120 are hereby repealed.**

41 ~~Sec. 4.~~ **5. This act shall take effect and be in force from and after its**
42 **publication in the statute book.**