

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2008

SENATE BILL No. 399

By Legislative Educational Planning Committee

1-3

12 AN ACT concerning school districts; relating to kindergarten; amending
13 K.S.A. 72-1106 and 72-1107 and K.S.A. 2007 Supp. 72-1111 and 72-
14 53,106 and repealing the existing sections.
15

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

17 Section 1. K.S.A. 72-1106 is hereby amended to read as follows: 72-
18 1106. (a) Subject to the other provisions of this section, a school term
19 during which public school shall be maintained in each school year by
20 each school district organized under the laws of this state shall consist of
21 not less than 186 school days for pupils attending kindergarten or any of
22 the grades one through 11 and not less than 181 school days for pupils
23 attending grade 12.

24 (b) Subject to a policy developed and adopted by the board of any
25 school district, the board may provide for a school term consisting of
26 school hours. A school term provided for in a policy adopted under this
27 subsection shall consist of: (1) For pupils attending kindergarten, not less
28 than 465 school hours in each school year; and (2) for pupils attending
29 any of the grades one through 11, not less than 1,116 school hours in
30 each school year; and (3) for pupils attending grade 12, not less than 1,086
31 school hours in each school year. *If a board of education has adopted a*
32 *policy which provides for a school term in excess of 465 school hours in*
33 *each school year for pupils attending kindergarten, such pupils may at-*
34 *tend, but shall not be required to attend, more than 465 school hours in*
35 *each school year.* Each board of education which develops and adopts a
36 policy providing for a school term in accordance with this subsection shall
37 notify the state board of education thereof on or before September 15 in
38 each school year for which the policy is to be in effect.

39 (c) Subject to a plan developed and adopted by the board of any
40 school district, the board may schedule the school days required for a
41 school term provided for under subsection (a), or the school hours re-
42 quired for a school term provided for in a policy adopted under subsection
43 (b), on a trimestral or quarterly basis. Each board of education which

1 develops and adopts a plan providing for the scheduling of the school
2 days or school hours of the school term on a trimestral or quarterly basis
3 shall submit the plan to the state board of education for approval prior
4 to implementation. The plan shall be prepared in such form and manner
5 as the state board shall require and shall be submitted at a time or times
6 to be determined and specified by the state board.

7 (d) Subject to a policy developed and adopted by the board of any
8 district as an adjunct to the district's disciplinary policy or as a part of the
9 district's school improvement plan, the board may schedule school days
10 in addition to the school days scheduled for a school term provided for
11 under subsection (a), or school hours in addition to the school hours
12 scheduled for a school term provided for in a policy adopted under sub-
13 section (b), or both such additional school days and school hours for pupils
14 who are in need of remedial education or who are subject to disciplinary
15 measures imposed under the district's disciplinary policy. Any school day
16 or school hour scheduled for a pupil under a policy adopted under this
17 subsection may be scheduled on weekends, before or after regular school
18 hours, and during the summer months. Inexcusable absence from school
19 on any school day or during any school hour by any pupil for whom
20 additional school days or school hours have been scheduled under a policy
21 adopted under this subsection shall be counted as an inexcusable absence
22 from school for the purposes of K.S.A. 72-1113, and amendments thereto.

23 (e) If the board of any school district, or its designee, shall determine
24 that inclement weather will cause hazardous driving conditions, the
25 board, or its designee, may close any or all of the schools within the
26 district. The amount of time pupils have been in attendance when such
27 determination is made shall be considered a school day of a school term
28 or shall be considered the number of school hours for pupils to be in
29 attendance at school in a day, whichever is applicable. Consonant with
30 the other provisions of this section, a board may schedule any number of
31 days or hours in excess of the regularly scheduled school days or school
32 hours which the board determines will be necessary to compensate for
33 those school days or school hours that schools of the district will remain
34 closed during the school term due to hazardous driving conditions. If the
35 number of days or hours schools remain closed due to hazardous driving
36 conditions exceeds the number of days or hours scheduled by the board
37 to compensate for such school days or school hours, the excess number
38 of days or hours, not to exceed whichever is the lesser of (1) the number
39 of compensatory days or hours scheduled by the board or (2) five days or
40 the number of school hours regularly scheduled in five days, that schools
41 remain closed due to such conditions shall be considered school days or
42 school hours.

43 (f) The state board of education may waive the requirements of law

1 relating to the duration of the school term upon application for such
2 waiver by a school district. Such waiver may be granted by the state board
3 of education upon: (1) Certification by a board that, due to the persistence
4 of inclement weather, hazardous driving conditions have existed in the
5 school district for an inordinate period of time; and (2) a determination
6 by the state board that the school district cannot reasonably adjust its
7 schedule to comply with statutory requirements. Such waiver shall not
8 exempt a school district from providing a school offering for each pupil
9 which is substantially equivalent to that required by law.

10 (g) Time reserved for parent-teacher conferences for discussions on
11 the progress of pupils may be considered part of the school term.

12 (h) Time reserved for staff development or inservice training pro-
13 grams for the purpose of improving staff skills, developing competency
14 in new or highly specialized fields, improving instructional techniques, or
15 curriculum planning and study may be considered part of the school term
16 for an aggregate amount of time equal to the amount of time in excess
17 of the school term which is scheduled by a board of education for similar
18 activities.

19 (i) Boards of education may employ noncertificated personnel to su-
20 pervise pupils for noninstructional activities.

21 Sec. 2. K.S.A. 72-1107 is hereby amended to read as follows: 72-
22 1107. (a) ~~Subject to the provisions of subsection (b), any child is eligible~~
23 ~~to attend the elementary grades in the school district in which the child~~
24 ~~resides or in a school district which has entered into an agreement in~~
25 ~~accordance with and under authority of K.S.A. 72-8233, and amendments~~
26 ~~thereto, with the school district in which the child resides if (1) for the~~
27 ~~1994-95 school year, the child will attain the age of six years on or before~~
28 ~~September 1 of the school year and (2) for the 1995-96 school year, the~~
29 ~~child will attain the age of six years on or before September 1 of the~~
30 ~~school year and (3) for any school year commencing after the 1995-96~~
31 ~~school year, the child will attain the age of six years on or before August~~
32 ~~31 of the school year;~~

33 ~~—(b) Any child who has completed a kindergarten course entered and~~
34 ~~attended in this state in accordance with the provisions of subsection (d)~~
35 ~~this section or who was a resident in another state and who, while residing~~
36 ~~in such other state, had entered and was in attendance in first grade in~~
37 ~~such state or who had completed in such state a kindergarten course~~
38 ~~maintained by a public school district or by an accredited private, denom-~~
39 ~~inational or parochial school shall be eligible to attend first grade in this~~
40 ~~state, regardless of age;~~

41 ~~(c) subject to the provisions of subsection (d); (b) Any child is eligible~~
42 ~~to attend kindergarten in the school district in which the child resides or~~
43 ~~in a school district which has entered into an agreement in accordance~~

1 with and under authority of K.S.A. 72-8233, and amendments thereto,
2 with the school district in which the child resides if ~~(1) for the 1994-95~~
3 ~~school year, the child will attain the age of five years on or before Sep-~~
4 ~~tember 1 of the school year and (2) for any school year commencing after~~
5 ~~the 1994-95 school year, the child will attain the age of five years on or~~
6 before August 31 of the school year.

7 ~~(d)~~ (c) Any child who was a resident in another state and who, while
8 residing in such other state, had entered and was in attendance in kin-
9 dergarten in such state shall be eligible to attend kindergarten in this
10 state, regardless of age.

11 Sec. 3. K.S.A. 2007 Supp. 72-1111 is hereby amended to read as
12 follows: 72-1111. (a) Subject to the other provisions of this section, every
13 parent or person acting as parent in the state of Kansas, who has control
14 over or charge of any child who has reached the age of ~~seven~~ **six** years
15 and is under the age of 18 years and has not attained a high school diploma
16 or a general educational development (GED) credential, shall require
17 such child to be regularly enrolled in and attend continuously each school
18 year *beginning with the attendance of kindergarten* (1) a public school
19 for the duration of the school term provided for in K.S.A. 72-1106, and
20 amendments thereto, or (2) a private, denominational or parochial school
21 taught by a competent instructor for a period of time which is substantially
22 equivalent to the period of time public school is maintained in the school
23 district in which the private, denominational or parochial school is located.
24 If the child is 16 or 17 years of age, the parent or person acting as parent,
25 by written consent, or the court, pursuant to a court order, may allow the
26 child to be exempt from the compulsory attendance requirements of this
27 section.

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

1 1997 and shall relate back to such date.

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

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

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

20 (f) When a recognized church or religious denomination that objects
21 to a regular public high school education provides, offers and teaches,
22 either individually or in cooperation with another recognized church or
23 religious denomination, a regularly supervised program of instruction,
24 which is approved by the state board ~~of education~~, for children of com-
25 pulsory school attendance age who have successfully completed the
26 eighth grade, participation in such a program of instruction by any such
27 children whose parents or persons acting as parents are members of the
28 sponsoring church or religious denomination shall be regarded as ac-
29 ceptable school attendance within the meaning of this act. Approval of
30 such programs shall be granted by the state board ~~of education~~, for two-
31 year periods, upon application from recognized churches and religious
32 denominations, under the following conditions: (1) Each participating
33 child shall be engaged, during each day on which attendance is legally
34 required in the public schools in the school district in which the child
35 resides, in at least five hours of learning activities appropriate to the adult
36 occupation that the child is likely to assume in later years;

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

- 1 (3) at least 15 hours per week of classroom work under the supervi-
2 sion of an instructor shall be provided, at which time students shall be
3 required to file written reports of the learning activities they have pursued
4 since the time of the last class meeting, indicating the length of time spent
5 on each one, and the instructor shall examine and evaluate such reports,
6 approve plans for further learning activities, and provide necessary as-
7 signments and instruction;
- 8 (4) regular attendance reports shall be filed as required by law, and
9 students shall be reported as absent for each school day on which they
10 have not completed the prescribed minimum of five hours of learning
11 activities;
- 12 (5) the instructor shall keep complete records concerning instruction
13 provided, assignments made, and work pursued by the students, and these
14 records shall be filed on the first day of each month with the state board
15 ~~of education~~ and the board of education of the school district in which
16 the child resides;
- 17 (6) the instructor shall be capable of performing competently the
18 functions entrusted thereto;
- 19 (7) in applying for approval under this subsection a recognized church
20 or religious denomination shall certify its objection to a regular public
21 high school education and shall specify, in such detail as the state board
22 ~~of education~~ may reasonably require, the program of instruction that it
23 intends to provide and no such program shall be approved unless it fully
24 complies with standards therefor which shall be specified by the state
25 board ~~of education~~;
- 26 (8) if the sponsors of an instructional program approved under this
27 subsection fail to comply at any time with the provisions of this subsection,
28 the state board ~~of education~~ shall rescind, after a written warning has
29 been served and a period of three weeks allowed for compliance, approval
30 of the programs, even though the two-year approval period has not
31 elapsed, and thereupon children attending such program shall be admit-
32 ted to a high school of the school district.
- 33 ~~(g) (1) When a recognized church or religious denomination that ob-~~
34 ~~jects to attendance of kindergarten provides, offers and teaches, either~~
35 ~~individually or in cooperation with another recognized church or religious~~
36 ~~denomination, a regularly supervised program of instruction, which is~~
37 ~~approved by the state board, for children of compulsory school attendance~~
38 ~~age, participation in such a program of instruction by any such children~~
39 ~~whose parents or persons acting as parents are members of the sponsoring~~
40 ~~church or religious denomination shall be regarded as acceptable school~~
41 ~~attendance within the meaning of the compulsory attendance law. Ap-~~
42 ~~proval of such programs may be granted by the state board, for two-year~~
43 ~~periods, upon application from recognized churches and religious~~

1 *denominations.*

2 ~~—(2)—Applications for approval of a program of instruction under this~~
3 ~~subsection shall be submitted in the manner and form required by the~~
4 ~~state board. The application shall include a statement of the objection to~~
5 ~~the attendance of kindergarten and shall specify, in such detail as the state~~
6 ~~board requires, the program of instruction that is proposed to be pro-~~
7 ~~vided. The application shall include any other information deemed nec-~~
8 ~~essary by the state board. An application shall not be approved unless the~~
9 ~~program fully complies with the standards established by the state board.~~
10 ~~The state board shall establish standards relating to: Acceptable learning~~
11 ~~activities which must be provided by the program, the number of hours~~
12 ~~of learning activities that must be offered each school day, record and~~
13 ~~reporting requirements, teacher qualifications, and any other requirement~~
14 ~~deemed necessary by the state board.~~

15 ~~—(3)—A child participating in a program approved under this subsection~~
16 ~~shall be engaged in learning activities, during each day on which attend-~~
17 ~~ance is legally required in the public schools in the school district in which~~
18 ~~the child resides. Attendance reports shall be filed as required by law, and~~
19 ~~students shall be reported as absent for each school day on which they~~
20 ~~have not completed the minimum number of hours of learning activities~~
21 ~~as prescribed by the state board.~~

22 ~~—(4)—If the sponsors of an instructional program approved under this~~
23 ~~subsection fail to comply at any time with the provisions of this subsection,~~
24 ~~the state board shall rescind, after a written warning has been served and~~
25 ~~a period of three weeks allowed for compliance, approval of the programs,~~
26 ~~even though the two-year approval period has not elapsed, and thereupon~~
27 ~~children attending such program shall be admitted to a kindergarten of~~
28 ~~the school district.~~

29 ~~(g) No child shall be required to attend kindergarten if the child~~
30 ~~is a member of a religious denomination which objects to the at-~~
31 ~~tendance of kindergarten and if a written statement signed by a~~
32 ~~parent or a person acting as parent of the child is filed with the~~
33 ~~board of education of the school district in which the child resides~~
34 ~~requesting that the child not be required to attend kindergarten and~~
35 ~~stating the reason for the request.~~

36 ~~[(g) No child shall be required to attend kindergarten if the par-~~
37 ~~ent of the child or the person acting as parent of the child objects~~
38 ~~to the attendance of kindergarten. The parent or person acting as~~
39 ~~parent of the child shall submit a written and signed statement to~~
40 ~~the board of education of the school district in which the child re-~~
41 ~~sides requesting that the child not be required to attend kindergar-~~
42 ~~ten. The statement shall state the reason for the request and be~~
43 ~~submitted before August 1 of the school year.]~~

1 ~~(g)~~ (h) As used in this section:

2 (1) “Parent” and “person acting as parent” have the meanings re-
3 spectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

4 (2) “Regularly enrolled” means enrolled in five or more hours of in-
5 struction each school day. For the purposes of subsection (b)(3), hours
6 of instruction received at a postsecondary educational institution shall be
7 counted.

8 (3) “State board” means the state board of education.

9 Sec. 4. K.S.A. 2007 Supp. 72-53,106 is hereby amended to read as
10 follows: 72-53,106. (a) As used in this section:

11 (1) “School” means every school district and every nonpublic school
12 operating in this state.

13 (2) “School board” means the board of education of a school district
14 or the governing authority of a nonpublic school.

15 (3) “Proof of identity” means (A) in the case of a child enrolling in
16 kindergarten ~~or first grade~~, a certified copy of the birth certificate of the
17 child or, as an alternative, for a child who is in the custody of the secretary
18 of social and rehabilitation services, a certified copy of the court order
19 placing the child in the custody of the secretary and, in the case of a child
20 enrolling in any of the grades ~~two~~ one through 12, a certified transcript
21 or other similar pupil records or data; or (B) any documentary evidence
22 which a school board deems to be satisfactory proof of identity.

23 (b) Whenever a child enrolls or is enrolled in a school for the first
24 time, the school board of the school in which the child is enrolling or
25 being enrolled shall require, in accordance with a policy adopted by the
26 school board, presentation of proof of identity of the child. If proof of
27 identity of the child is not presented to the school board within 30 days
28 after enrollment, the school board shall immediately give written notice
29 thereof to a law enforcement agency having jurisdiction within the home
30 county of the school. Upon receipt of the written notice, the law enforce-
31 ment agency shall promptly conduct an investigation to determine the
32 identity of the child. No person or persons claiming custody of the child
33 shall be informed of the investigation while it is being conducted.

34 (c) Schools and law enforcement agencies shall cooperate with each
35 other in the conducting of any investigation required by this section.
36 School personnel shall provide law enforcement agencies with access on
37 school premises to any child whose identity is being investigated. School
38 personnel shall be present at all times any law enforcement agency per-
39 sonnel are on school premises for the purpose of conducting any such
40 investigation unless the school personnel and the law enforcement agency
41 personnel agree that their joint presence is not in the best interests of
42 the child. School personnel who are present during the conducting by a
43 law enforcement agency of an investigation on school premises to deter-

1 mine the identity of a child in accordance with the requirements of this
2 section are subject to the confidentiality requirements of the revised Kan-
3 sas code for care of children.

4 (d) Upon receipt by a school of a notice from a law enforcement
5 agency that a child who is or has been enrolled in the school has been
6 reported as a missing child, the school shall make note of the same in a
7 conspicuous manner on the school records of the child and shall keep
8 such school records separate from the school records of all other children
9 enrolled in the school. Upon receipt by the school of a request for the
10 school records of the child, the school shall notify the law enforcement
11 agency of the request.

12 (e) Each school board may designate and authorize one or more of
13 its school personnel to act on behalf of the school board in complying
14 with the requirements of this section.

15 (f) Information gathered in the course of the investigation to establish
16 the identity of a child pursuant to this section shall be confidential and
17 shall be used only to establish the identity of the child or in support of
18 any criminal prosecution emanating from the investigation.

19 Sec. 5. K.S.A. 72-1106 and 72-1107 and K.S.A. 2007 Supp. 72-1111
20 and 72-53,106 are hereby repealed.

21 Sec. 6. This act shall take effect and be in force from and after its
22 publication in the statute book.