

SENATE BILL No. 469

By Committee on Education

2-6

1 AN ACT concerning education; establishing the sunflower education
2 equity act; providing savings accounts for students; establishing the
3 sunflower education equity scholarship fund; amending K.S.A. 2023
4 Supp. 72-3120 and repealing the existing section.
5

6 WHEREAS, The legislature affirms that a quality, individualized
7 education provides an essential pathway to success, not only for each
8 student but for the prosperity and stability of the state; and

9 WHEREAS, Since 1925, in the United States supreme court case of
10 *Pierce v. Society of Sisters*, the law has recognized that a child is not a
11 mere creature of the state and that parents and guardians are possessed of
12 the liberty to direct the upbringing and education of their children. The
13 court stated: "The fundamental theory of liberty upon which all
14 governments in this Union repose excludes any general power of the State
15 to standardize its children by forcing them to accept instruction from
16 public teachers only." Educational freedom ensures parental choice that
17 considers the unique learning needs of each student in a learning
18 environment that best aligns with the student's academic, socio-emotional
19 and spiritual needs and directs and encourages life success; and

20 WHEREAS, The sunflower education equity act affirms that equity in
21 education means that all children shall receive what they need
22 educationally regardless of their socioeconomic, racial or cultural status.
23 The act affirms and promotes that all children, without preference or bias,
24 are uniquely capable and worthy of meeting and exceeding the highest
25 caliber of expectations in an environment that best promotes their unique
26 qualities, abilities, needs and goals; and

27 WHEREAS, The sunflower education equity act provides meaningful
28 educational freedom while simultaneously protecting the freedom of
29 parents to direct the education of their children.

30 Now, therefore:

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

32 New Section 1. (a) Section 1 et seq., and amendments thereto, shall
33 be known and may be cited as the sunflower education equity act.

34 (b) As used in the sunflower education equity act:

35 (1) "Account" means a sunflower education equity scholarship
36 account.

1 (2) "BASE aid" means the same as defined in K.S.A. 72-5132, and
2 amendments thereto, for the current school year.

3 (3) "Board" means the sunflower education equity board established
4 in section 3, and amendments thereto.

5 (4) "Immediate family member" means a parent, sibling or any other
6 relative of a qualified student who lives in the same residence as the
7 qualified student.

8 (5) "Parent" means a Kansas resident who is the parent, stepparent,
9 legal guardian, custodian or other person with authority to act on behalf of
10 a qualified student.

11 (6) "Postsecondary educational institution" means the same as
12 defined in K.S.A. 74-3201b, and amendments thereto, and includes any
13 private postsecondary educational institution as defined in K.S.A. 74-
14 32,163, and amendments thereto.

15 (7) "Program" means the sunflower education equity scholarship
16 program established pursuant to this act.

17 (8) "Qualified school" means any school located in Kansas that is:

18 (A) A nonpublic elementary or secondary school that has made
19 application and received approval pursuant to this act; or

20 (B) a preschool serving students with disabilities.

21 (9) "Qualified student" means a resident of Kansas who is eligible to
22 enroll in a public elementary or secondary school in this state and either:

23 (A) Is eligible for free or reduced-priced meals under the national
24 school lunch act or has an annual family income that is less than or equal
25 to 250% of the federal poverty guidelines as determined annually in the
26 federal register by the United States department of health and human
27 services under 42 U.S.C. § 9902(2); or

28 (B) is determined to be a child with a disability pursuant to K.S.A.
29 72-3403 et seq., and amendments thereto.

30 (10) "School district" means a school district organized under the
31 laws of this state.

32 (11) "Treasurer" means the state treasurer or the state treasurer's
33 designee.

34 New Sec. 2. (a) The sunflower education equity program is hereby
35 established to recognize the right of parents to choose the educational
36 environment that best serves their children. The program shall be
37 administered pursuant to this act by the treasurer at the direction of the
38 board.

39 (b) The board shall provide general management and oversight of the
40 program, administer the appeals process pursuant to section 9, and
41 amendments thereto, and perform other duties as provided in this act.

42 (c) The treasurer shall implement and administer the program at the
43 direction of the board, accept applications, retain program data, establish

1 and administer accounts, administer the sunflower education equity
2 scholarship fund established by section 8, and amendments thereto,
3 establish and administer any technical processes and procedures required
4 by this act and perform any other duties required by this act.

5 (d) If the board or treasurer determines it is necessary, the state
6 department of education shall cooperate and collaborate with the board or
7 treasurer in the implementation or administration of the program.

8 (e) Any qualified student who participates in the program and such
9 student's parent shall be subject to the requirements of this act and any
10 rules and regulations adopted hereunder. A student who does not
11 participate in the program shall not be subject to such requirements.

12 New Sec. 3. (a) There is hereby established the sunflower education
13 equity board.

14 (b) (1) The board shall consist of nine voting members and one non-
15 voting member.

16 (2) The voting members of the board include the following:

17 (A) The treasurer, who shall serve as the chairperson of the board;

18 (B) one member appointed by the president of the senate;

19 (C) one member appointed by the speaker of the house of
20 representatives;

21 (D) one member appointed by the minority leader of the senate;

22 (E) one member appointed by the minority leader of the house of
23 representatives;

24 (F) the chairperson of the house of representatives education
25 committee or the K-12 education budget committee as determined by the
26 speaker of the house of representatives;

27 (G) the chairperson of the senate education committee;

28 (H) a parent with a qualified student in the program appointed by the
29 governor; and

30 (I) a representative of a qualified school appointed by the governor.

31 (3) The non-voting member shall be a representative from the state
32 department of education.

33 (c) All members of the board shall be residents of Kansas.

34 (d) (1) The members appointed by the governor shall serve an initial
35 term of one year. The members appointed by the minority leader of the
36 senate and the minority leader of the house of representatives shall serve
37 an initial term of two years. The members appointed by the president of
38 the senate and the speaker of the house of representatives shall serve an
39 initial term of three years.

40 (2) After the initial terms established by paragraph (1), appointed
41 board members shall serve for four-year terms and are eligible for
42 reappointment at the expiration of such member's initial term.

43 (e) Any vacancy occurring on the board shall be filled in the same

1 manner as the initial appointment for the unexpired term being filled.

2 (f) The board shall meet upon the call of the chairperson at least twice
3 per year. A majority of the voting members of the board constitutes a
4 quorum.

5 (g) Members of the board attending meetings of such board or
6 attending a subcommittee meeting thereof authorized by such board shall
7 be paid compensation, subsistence allowance, mileage and other expenses
8 as provided in K.S.A. 75-3223, and amendments thereto.

9 New Sec. 4. (a) The board shall have the following powers and
10 duties:

11 (1) Oversee and manage the program;

12 (2) advise the treasurer on the implementation and administration of
13 the program;

14 (3) determine the manner and form of the application to enroll in the
15 program and establish an account;

16 (4) pursuant to section 10, and amendments thereto, determine the
17 manner and form of the application for approval as a qualified school or
18 tutor and to receive payments from an account;

19 (5) execute contracts or authorize the treasurer to execute contracts as
20 necessary to carry out the requirements of this act;

21 (6) hear and review appeals pursuant to section 9, and amendments
22 thereto;

23 (7) work with the state department of education as necessary for the
24 program;

25 (8) establish an appeals process in accordance with section 9, and
26 amendments thereto;

27 (9) conduct or contract to conduct financial audits of the use of
28 account moneys;

29 (10) establish or contract for the establishment of a telephone or
30 online fraud reporting service;

31 (11) establish or contract with a private entity for the establishment of
32 a commercially viable and user friendly website, native application or
33 mobile application that will establish digital spending accounts on behalf
34 of qualified students and provide at least the following services:

35 (A) Account management by the treasurer and parent of a qualified
36 student;

37 (B) payment processing by electronic funds transfer to a qualified
38 school or other entity approved by the board;

39 (C) reimbursement by electronic funds transfer to qualified school,
40 tutor or other entity approved by the board;

41 (D) monitoring and creating reports of transaction activity in real time
42 by the treasurer;

43 (E) allowing the treasurer to place an account on temporary hold

1 status;

2 (F) a design that reduces the possibility of fraud, waste and abuse;
3 and

4 (G) data privacy and cyber security using best standards as
5 determined by the board;

6 (12) require a surety bond or insurance of at least \$100,000 for
7 education service providers serving more than five students annually. Such
8 requirements shall not apply to an education service provider who is an
9 immediate family member of a qualified student such provider is serving;

10 (13) develop and update as necessary a handbook for program
11 applicants and participants that includes, but is not limited to, information
12 relating to policies and processes of sunflower education equity
13 scholarship accounts; and

14 (14) exercise such other powers and perform such other functions and
15 duties provided in this act.

16 (b) The board shall not disclose a qualified student's identification or
17 distribute or release any personally identifiable data of a qualified student
18 to a third party without the written consent of such student's parent.
19 Written consent shall be obtained for each instance of such disclosure,
20 distribution or release.

21 New Sec. 5. (a) The treasurer shall maintain an explanation of at least
22 the following information on the treasurer's website and provide an
23 electronic or hard copy of such information to any parent whose child is a
24 qualified student participating in the program prior to any expenditure
25 from an account:

26 (1) The allowable uses of money in an education equity scholarship
27 account provided in section 7, and amendments thereto;

28 (2) the responsibilities of a parent of a qualified student participating
29 in the program;

30 (3) the effect of participation in the program by qualified students
31 with an individualized education program (IEP) or an education plan under
32 section 504 of the rehabilitation act of 1973, 29 U.S.C. § 794 (section 504
33 plan);

34 (4) the appeals process established pursuant to section 9, and
35 amendments thereto;

36 (5) the handbook developed pursuant to section 4, and amendments
37 thereto;

38 (6) the duties of the treasurer; and

39 (7) the duties of the board.

40 (b) The state department of education shall include information about
41 the program on the department's homepage and provide a link on such
42 homepage to the treasurer's webpage about the program.

43 New Sec. 6. (a) (1) To enroll in the program for the purpose of

1 establishing an account, the parent of a qualified student shall submit an
2 application on a form and in a manner determined by the board.

3 (2) If the parent of a qualified student who is schooled at home makes
4 application to enroll in this program, such application does not constitute
5 registration pursuant to K.S.A. 72-4346, and amendments thereto, and
6 nothing in this act shall be construed to require a parent to register with the
7 state department of education pursuant to K.S.A. 72-4346, and
8 amendments thereto.

9 (b) The treasurer shall:

10 (1) Accept sunflower education equity applications throughout the
11 school year;

12 (2) enroll a qualified student in the program after receipt of a
13 completed application and any other required documentation;

14 (3) notify parents of the student's enrollment in the program within 30
15 calendar days after receipt of completed application forms and other
16 required documentation; and

17 (4) provide parents the program information required by section 5,
18 and amendments thereto.

19 (c) The treasurer and parents may provide electronically any
20 notifications, applications or documents required by this act. The treasurer
21 shall confirm receipt of all notifications required by this act, whether
22 provided by hard copy or electronically.

23 (d) After enrollment in the program, the parent of a qualified student
24 shall enter into a written agreement with the treasurer, in a manner and on
25 a form provided by the board, to establish an account. Each such written
26 agreement shall be approved by the board.

27 (e) The written agreement shall provide the following:

28 (1) Except as provided in section 11, and amendments thereto, a
29 portion of moneys in the account shall be used to provide an education for
30 the qualified student in at least the subjects of reading, grammar,
31 mathematics, social studies and science;

32 (2) after receiving the scholarship, the qualified student shall not
33 enroll full time in a school of a school district;

34 (3) no immediate family member of a qualified student may charge or
35 collect payment, tuition or fees for any of the following, if provided to
36 such qualified student:

37 (A) Educational therapies or services; or

38 (B) tutoring;

39 (4) the money in a qualified student's account shall only be expended
40 as authorized by this act;

41 (5) any payments from an account for tuition shall only be made to a
42 qualified school or a postsecondary educational institution;

43 (6) the qualified student may accept a scholarship from a scholarship

1 granting organization pursuant to the tax credit for low income students
2 scholarship program act, K.S.A. 72-4351 et seq., and amendments thereto,
3 if such qualified student and such qualified student's parent meets the
4 requirements of both programs; and

5 (7) the parent of a qualified student shall comply with all
6 requirements of this act and any rules and regulations adopted hereunder.

7 (f) Upon execution of an initial written agreement, the treasurer shall
8 notify the board, who shall provide final approval of such agreement.
9 Upon approval, the treasurer shall authorize an account in the name of the
10 qualified student.

11 (g) One account shall be established for each qualified student. A
12 parent acting on behalf of more than one qualified student shall have a
13 separate account and separate written agreement for each qualified student.

14 (h) A written agreement entered into pursuant to this section shall
15 have a term of one year but may be suspended or terminated at any time
16 pursuant to subsection (i). To continue receiving a scholarship, the parent
17 of a qualified student shall renew the qualified student's account on an
18 annual basis. The treasurer shall notify the parent of the renewal
19 requirements at least 30 calendar days prior to the end of the written
20 agreement's term.

21 (i) (1) The treasurer may suspend a written agreement upon a
22 determination that:

23 (A) Money in an account has been used for purposes other than those
24 allowed by this act;

25 (B) the student is no longer a resident of Kansas; or

26 (C) the qualified student has enrolled in a school district on a full-
27 time basis.

28 (2) When a written agreement is suspended by the treasurer, the
29 treasurer shall notify the parent of the qualified student that the written
30 agreement has been suspended and that no transactions or disbursements
31 from the qualified student's account may be made during the suspension.
32 The notification shall specify the reason for the suspension and state that
33 the parent has 15 business days to respond and take corrective action. The
34 treasurer may terminate the written agreement if the parent refuses or fails
35 to:

36 (A) Respond, furnish any additional information or make any report
37 required for reinstatement within the 15-day period; or

38 (B) comply with section 7(d), and amendments thereto, after making
39 an unauthorized expenditure.

40 (3) A parent may terminate a written agreement at any time. To
41 terminate a written agreement, the parent shall notify the treasurer in
42 writing of such termination.

43 (4) When a written agreement is terminated, the account associated

1 with such agreement shall be deemed no longer active and the treasurer
2 shall close the account in accordance with section 8, and amendments
3 thereto.

4 New Sec. 7. (a) A parent shall only expend moneys in a qualified
5 student's account for the following expenses of the qualified student:

- 6 (1) Tuition or fees charged by a qualified school;
- 7 (2) textbooks and other supplies required by a qualified school;
- 8 (3) educational therapies or services provided by a licensed or
9 accredited education provider;
- 10 (4) tutoring services provided by a tutor who shall not be an
11 immediate family member of the qualified student;
- 12 (5) curriculum materials;
- 13 (6) uniforms purchased as required for attendance at a qualified
14 school;
- 15 (7) tuition or fees charged by an online learning program;
- 16 (8) contracted services from a public school district, including
17 individual classes;
- 18 (9) fees for any nationally standardized norm-referenced achievement
19 test, advanced placement examination or examination related to admission
20 to a postsecondary institution;
- 21 (10) tuition and fees charged by a postsecondary educational
22 institution;
- 23 (11) textbooks required by a postsecondary educational institution;
- 24 (12) fees or costs required to apply for or acquire occupational
25 licenses, certificates, apprenticeships or other professional qualifications;
- 26 (13) fees for transportation services approved by the board that are
27 used for transportation to and from a qualified school;
- 28 (14) computer hardware and technological devices primarily used for
29 educational purposes, including personal computers, laptops, tablet
30 devices, microscopes, telescopes and printers; and
- 31 (15) any other education expenses approved by the board.

32 (b) Money in a qualified student's account shall not be expended for
33 the following:

- 34 (1) Athletic training or coaching; or
- 35 (2) for qualified students schooled at home, instruction or tutoring
36 provided by an immediate family member.

37 (c) The content or religious nature of a product or service may not be
38 considered when determining whether payment for such product or service
39 is an allowable expenditure from an account.

40 (d) The treasurer shall notify the parent of any expenditures from a
41 qualified student's account that do not meet the requirements of subsection
42 (a). Such parent shall repay the cost of any such expenditures within 30
43 calendar days of notification by the treasurer. Any such expenditure that is

1 subsequently repaid shall be credited back to the account balance within
2 30 calendar days after the receipt of payment.

3 (e) The board or treasurer may refer cases of substantial misuse of
4 moneys to the attorney general for purposes of collection or criminal
5 investigation if the board or treasurer obtains evidence of fraudulent use of
6 an account.

7 New Sec. 8. (a) (1) There is hereby established in the state treasury
8 the sunflower education equity scholarship fund to be administered by the
9 state treasurer. Moneys in the sunflower education equity scholarship fund
10 shall be expended only for the purposes established in this act. All moneys
11 received pursuant to subsection (b) shall be deposited in the state treasury
12 in accordance with the provisions of K.S.A. 75-4215, and amendments
13 thereto, and shall be credited to the sunflower education equity scholarship
14 fund.

15 (2) On or before the 10th day of each month, the director of accounts
16 and reports shall transfer from the state general fund to the sunflower
17 education equity scholarship fund interest earnings based on:

18 (A) The average daily balance of moneys in the sunflower education
19 equity scholarship fund; and

20 (B) the net earnings rate of the pooled money investment portfolio for
21 the preceding month.

22 (b) On or before August 1 of each year, the treasurer shall determine
23 the amount to be transferred to the sunflower education equity scholarship
24 fund by multiplying an amount equal to the BASE aid by the total number
25 of qualified students participating in the program.

26 (c) During each regular legislative session, the treasurer shall provide
27 to the legislature an estimate of the amount required to fund sunflower
28 education equity scholarship accounts for the succeeding fiscal year.

29 (d) (1) Except as provided in paragraph (2) and if an account is
30 active, the treasurer shall transfer annually to a qualified student's account
31 in the sunflower education equity scholarship fund an amount equal to
32 95% of the BASE aid. The treasurer shall make such transfers in two
33 installments per school year: One installment in August and one
34 installment in January.

35 (2) If a qualified student enrolls in a school district on a part-time
36 basis, such qualified student or such student's parent shall notify the
37 treasurer, who shall prorate the amount to be transferred under paragraph
38 (1).

39 (e) Unless an account has been closed pursuant to subsection (h),
40 moneys remaining in an account at the end of a school year shall roll over
41 in such account to the next succeeding school year.

42 (f) A qualified school or other entity providing education services
43 purchased with moneys from an account shall not share, refund or rebate

1 any portion of such moneys to the parent or qualified student. Any such
2 refund or rebate shall be made directly into the qualified student's account.

3 (g) No personal deposits may be made into an account.

4 (h) (1) Each account shall remain active until:

5 (A) A written agreement is terminated pursuant to section 6, and
6 amendments thereto;

7 (B) a parent does not renew the qualified student's written agreement
8 for a period of three years and fails to timely respond to the notice sent by
9 the treasurer that the account will close in 60 calendar days if the written
10 agreement is not renewed;

11 (C) until the student's graduation from a postsecondary educational
12 institution; or

13 (D) four consecutive years have passed after a student's graduation
14 from high school or award of a high school equivalency certificate in
15 which the student is not enrolled in a postsecondary educational
16 institution.

17 (2) When the treasurer determines that an account is no longer active,
18 the treasurer shall close the account and certify the amount of moneys
19 remaining in the account to the director of accounts of reports. Such
20 certified amount shall be transferred from the closed account to the state
21 general fund.

22 (i) The treasurer shall deduct 5% of the BASE aid per qualified
23 student participating in the program as reimbursement for the
24 administrative costs of administering the program.

25 (j) The board may contract with private financial management firms
26 to manage scholarship accounts.

27 (k) Moneys in an account do not constitute taxable income to the
28 parent of the qualified student.

29 (l) The board shall conduct or contract to conduct annual financial
30 audits and random quarterly financial audits of sunflower education equity
31 scholarship accounts to ensure compliance with this act. The board shall
32 determine the scope of such audit and shall oversee such audit.

33 New Sec. 9. (a) A parent may appeal to the board any administrative
34 decision made by the board or treasurer pursuant to this act, including, but
35 not limited to, determinations of allowable expenses, removal from the
36 program or enrollment eligibility. The treasurer shall notify parents that
37 each parent may appeal any administrative decision made under this act
38 and the process by which the parent may appeal. The board shall establish
39 an appeals process.

40 (b) Parents may represent themselves or designate a representative
41 before any appeals hearing. Any designated representative who is not an
42 attorney may not charge for any service rendered in connection with such
43 hearing. The fact that a representative participated in the hearing or

1 assisted a parent is not grounds for reversing any administrative decision
2 or order if the evidence supporting the decision or order is substantial,
3 reliable and probative.

4 (c) If the board issues a stay of an account suspension in response to
5 an appeal of an administrative decision made by the board or the treasurer,
6 the board or treasurer shall not withhold funding or refuse to enter into an
7 agreement with the parent pursuant to section 6, and amendments thereto,
8 unless otherwise directed by the board.

9 New Sec. 10. (a) A tutor seeking to provide tutoring services to
10 qualified students shall apply to the board on a form and in a manner
11 determined by the board. Such application shall include the name, address
12 and phone number of the tutor. If the tutor has a website or email address,
13 such website or email address shall also be provided to the board.

14 (b) A school seeking approval as a qualified school that will accept
15 and serve qualified students shall apply to the board on a form and in a
16 manner determined by the board. Such application shall include the name
17 of the school, the name and title of the primary contact of such school and
18 the school's address, phone number and email address. The primary
19 contact of such school shall attest in writing to the school's intent to
20 provide instruction to all qualified students enrolled at such school in the
21 subjects of reading, grammar, mathematics, science and social studies.

22 New Sec. 11. (a) A qualified school shall provide qualified students
23 enrolled full time in such school instruction in reading, grammar,
24 mathematics, science and social studies. If any qualified students are
25 enrolled in the qualified school part time, the qualified school shall
26 provide a statement to the board declaring which of the above required
27 subjects and courses of instruction it is providing to part-time enrolled
28 qualified students.

29 (b) This section does not apply to the following:

30 (1) Any postsecondary educational institution with qualified students
31 enrolled in such institution;

32 (2) a qualified student with a disability, including, but not limited to,
33 a student:

34 (A) Eligible to receive services pursuant to article 34 of chapter 72 of
35 the Kansas Statutes Annotated, and amendments thereto;

36 (B) identified as having a disability under section 504 of the
37 rehabilitation act of 1973; or

38 (C) whose parent states in writing that such student has a disability.
39 No verification of a disability stated pursuant to this paragraph shall be
40 required.

41 (3) any qualified student attending school at home if such school is
42 provided by an immediate family member.

43 (c) This section shall not be construed to require any qualified school

1 to provide instruction in any subject or course that is not reading,
2 grammar, mathematics, social studies and science.

3 New Sec. 12. (a) A qualified school with 50 or more qualified
4 students enrolled shall annually make available to parents of a qualified
5 student enrolled or seeking to be enrolled at such school the aggregate test
6 scores of either all students enrolled or all qualified students enrolled in
7 the qualified school the following examinations and assessments by school
8 building and grade level:

9 (1) Any nationally standardized norm-referenced achievement
10 examination or state assessment; and

11 (2) any examination related to college or university admissions that
12 assesses reading and mathematics.

13 (b) The parent of a qualified student may request that such student
14 take the state assessment at the school district where such student resides.
15 Such state assessment shall be provided by such school district upon
16 request and at no charge. The qualified student may take the state
17 assessment at the same time and date when such assessment is given to
18 students attending a school of the school district where such student
19 resides. The school district may allow a qualified student to take such
20 assessment at an alternative date and time if requested by the qualified
21 student's parent.

22 (c) (1) No information provided to the board or made available shall
23 include any data on a qualified student's personal feelings, attitudes,
24 beliefs or practices.

25 (2) The qualified school shall not disclose a qualified student's
26 identification or distribute or release any personally identifiable data of a
27 qualified student to a third party without the written consent of such
28 student's parent. Written consent shall be obtained for each instance of
29 such disclosure, distribution or release.

30 New Sec. 13. Nothing in this act shall be construed to permit any
31 governmental agency to exercise control or supervision over any
32 nonpublic school or home school. Any qualified school or tutor who
33 accepts a payment from a parent of a qualified student participating in the
34 program is not an agent of this state.

35 Sec. 14. K.S.A. 2023 Supp. 72-3120 is hereby amended to read as
36 follows: 72-3120. (a) Subject to the other provisions of this section, every
37 parent or person acting as parent in the state of Kansas; who has control
38 over or charge of any child who has reached the age of seven years and is
39 under the age of 18 years and has not attained a high school diploma, a
40 general educational development credential or a high school equivalency
41 credential; shall require such child to be regularly enrolled in and attend
42 continuously each school year:

43 (1) A public school for the duration of the school term provided for in

1 K.S.A. 72-3115, and amendments thereto;

2 (2) a private, denominational or parochial school taught by a
3 competent instructor for a period of time—~~which~~ *that* is substantially
4 equivalent to the period of time public school is maintained in the school
5 district in which the private, denominational or parochial school is located;
6 or

7 (3) a combination of a public school and a private, denominational or
8 parochial school for the periods of time referred to in paragraphs (1) and
9 (2).

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

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

15 (2) the parent or person acting as parent provides written consent to
16 allow the child to be exempt from the compulsory attendance requirements
17 of this section and the child and the parent or person acting as parent
18 attend a final counseling session conducted by the school during which a
19 disclaimer to encourage the child to remain in school or to pursue
20 educational alternatives is presented to and signed by the child and the
21 parent or person acting as parent. The disclaimer shall include information
22 regarding the academic skills that the child has not yet achieved, the
23 difference in future earning power between a high school graduate and a
24 high school drop out and a listing of educational alternatives that are
25 available for the child;

26 (3) the child is regularly enrolled in a school as required by
27 subsection (a) and is concurrently enrolled in a postsecondary educational
28 institution, as defined by K.S.A. 74-3201b, and amendments thereto; or

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

31 (c) *A child who is a qualified student participating in the sunflower
32 education equity program pursuant to section 1 et seq., and amendments
33 thereto, shall be deemed to meet the requirements of this section.*

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

41 ~~(d)~~(e) Any child who is determined to be an exceptional child, except
42 for an exceptional child who is determined to be a gifted child, under the
43 provisions of the special education for exceptional children act shall be

1 subject to the compulsory attendance requirements of such act and exempt
2 from the compulsory attendance requirements of this section.

3 ~~(e)~~(f) Any child who has been admitted to, and is attending, the
4 Kansas academy of mathematics and science, as provided in K.S.A. 72-
5 3903 et seq., and amendments thereto, shall be exempt from the
6 compulsory attendance requirements of this section.

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

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

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

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

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

1 assignments and instruction;

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

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

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

13 (7) in applying for approval under this subsection a recognized
14 church or religious denomination shall certify its objection to a regular
15 public high school education and shall specify, in such detail as the state
16 board of education may reasonably require, the program of instruction that
17 it intends to provide, and no such program shall be approved unless it fully
18 complies with standards specified by the state board of education.

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

26 ~~(h)~~(i) (1) Each board of education of a school district shall allow any
27 child to enroll ~~part-time~~ *part time* in the school district to allow the student
28 to attend any courses, programs or services offered by the school district if
29 the child:

30 (A) Is also enrolled in a nonaccredited private elementary or
31 secondary school pursuant to K.S.A. 72-4345, and amendments thereto, or
32 in any other private, denominational or parochial school pursuant to the
33 provisions of subsection (a);

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

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

37 (2) Each board of education of a school district shall adopt a policy
38 regarding the part-time enrollment of students pursuant to this subsection
39 and shall publish such policy on the school district's website. The board of
40 education of a school district shall make a good faith attempt to
41 accommodate scheduling requests of students enrolling in the school
42 district pursuant to this subsection but shall not be required to make
43 adjustments to accommodate every such request.

1 ~~(j)~~(j) As used in this section:

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

11 (2) "Parent" and "person acting as parent" mean the same as such
12 terms are defined in K.S.A. 72-3122, and amendments thereto.

13 (3) *"Private school" includes competent, private instruction of a child*
14 *directed by a parent or a person acting as parent. "Private school" does*
15 *not include instruction provided pursuant to subsection (c).*

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

20 Sec. 15. K.S.A. 2023 Supp. 72-3120 is hereby repealed.

21 Sec. 16. This act shall take effect and be in force from and after its
22 publication in the statute book.