

KANSAS

- Compulsory Attendance Ages:** “reached the age of 7 and under the age of 18 years.” Kansas Statutes Annotated § 72-1111(a). However, compulsory attendance age ends at 16 years with parental consent. Kan. Stat. Ann. § 72-111(b).
- Required Days of Instruction:** Must teach for a period of time “substantially equivalent” to that of the local public school. Kan. Stat. Ann. § 72-1111(a)(2).
- Required Subjects:** None for “non-accredited” private schools. For public schools and accredited private schools: includes reading, writing, arithmetic, geography, spelling, English grammar and composition, civil government, United States and Kansas history, patriotism and duties of a citizen, health, and hygiene. Kan. Stat. Ann. § 72-1101 and § 72-1103.

Home School Statute: None.

Alternative Statutes Allowing for Home Schools:

Option 1. Non-accredited Private school option.

1. Choose a name for the school, then register the name and address with the State Board of Education. § 72-53,101 Kan. Stat. Ann. Keep a copy of the registration in case the state loses the original. Always refer to your home school as a “private school” when dealing with officials—not as a “home school.”
2. The instructor must be “competent.” Kan. Stat. Ann. § 72-1111(a)(2).
3. Instruction must be provided for a period of time “substantially equivalent” to public school, about 186 days. Kan. Stat. Ann. § 72-1111(a)(2).
4. The instruction must be (a) planned and (b) scheduled, and (c) periodic testing must occur. Kansas Attorney General Opinion No. 85-159 (1985) says the factors outlined in *In Re Sawyer* 672 P.2d 1093 (1983) (planned and scheduled instruction, periodic testing, and competent instructor) should be applied to determine whether home instruction is a private school.
5. State approval is not required. The State Department of Education has no authority to approve or disapprove non-accredited private schools. This interpretation has been upheld by many trial courts: *In re Jost*, No. 84-JC-88 (Marion County Dist. Ct. 1985), (holding that the HSLDA member’s home school was a legitimate non-accredited private school); *In re Ahlman*, No. 83-JC-1366 (Harvey County Dist. Ct. April 11, 1984); and *In re Hardon*, No. 85-JC-9 (Rawlins County Dist. Ct. Jan 17, 1986); and *In re Hastings*, 83-JC-1365 (Harvey County Dist. Ct. 1984); and *In the Interest of Zephyrus White*, 82-J-08, (Cloud County Dist. Ct., July 2, 1982) cited in *Sawyer* 672 P.2d at 1097.

6. Local approval of a private school is not required. In the *In re Ahlman* case, the judge ruled: “the statute does not authorize independent evaluation of the competency of a prima facie private school by local public school officials or local law enforcement authorities, absent clear evidence of a sham or subterfuge involving educational neglect. Children found to be participating in a prima facie private school are not truant under § 72-1111 notwithstanding the fact that such school operates in a private residence.”
7. Local approval of private school teachers is not required. Kan. Attorney General Opinion 75-409 said school boards have “no authority either express or implied to evaluate the competence of an instructor of a private school or to approve or disapprove the qualifications of any such instructor.”
8. Unplanned, unscheduled instruction by an instructor who was not competent and did not conduct periodic testing was ruled to not be a private school by the Kansas Supreme Court in *In re Sawyer* 672 P.2d 1093 (1983).

Option 2. Certain counties will recognize home schools that operate as a “satellite” of an existing private school within the state of Kansas. For example, HSLDA’s case of *In re Willms*, No. 87-JC-350 (Shawnee County Dist. Ct., Feb. 12, 1988), found a home school operating as a satellite and accountable to a local private school board to be in compliance with § 72-1111.

Parental Rights Act:

KSA § 38-141. The Kansas legislature enacted a Parental Rights Act in 1996 that further protects a parent’s right to choose home schooling:

- (b) It shall be the public policy of this state that parents shall retain the fundamental right to exercise primary control over the care and upbringing of their children in their charge.
- (d) Any parent may maintain a cause of action in state court or in any court of competent jurisdiction for claims arising under the principles established in subsection (b).

Teacher Qualifications: Must be “competent.” Kan. Stat. Ann. § 72-1111(a)(2). The local board “has no authority either express or implied to evaluate the competence of an instructor of a private school or to approve or disapprove the qualifications of any such instructor.” Kan. Op. Att’y. Gen. 75-409.

Standardized Tests: Not required by statute.

PLEASE NOTE:

Children enrolled in a virtual charter school, public on-line school, or public school independent study program are not eligible for HSLDA membership. Enrollment in these secular programs is enrollment in public school, which gives the public school authority over the student to impose state assessment, approval of curriculum, and supervision by a certified teacher. HSLDA membership extends only to students whose education is primarily administered and controlled by parents privately. If you have any questions please call our office.

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