

Stricken language would be deleted from and underlined language would be added to present law.
Act 939 of the Regular Session

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As Engrossed: S4/2/19
A Bill

SENATE BILL 638

By: Senator J. English
By: Representatives Burch, *Dotson, L. Johnson*

For An Act To Be Entitled

AN ACT CONCERNING THE INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR CHILDREN OF MILITARY
FAMILIES; TO AMEND ASPECTS OF THE ARKANSAS CODE WITH
RESPECT TO CHILDREN OF MILITARY FAMILIES WHO ARE
ENROLLED IN A PUBLIC SCHOOL; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR CHILDREN OF
MILITARY FAMILIES; AND TO AMEND ASPECTS
OF THE ARKANSAS CODE WITH RESPECT TO
CHILDREN OF MILITARY FAMILIES WHO ARE
ENROLLED IN A PUBLIC SCHOOL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-4-303 is amended to read as follows:

6-4-303. Compact Commissioner for Arkansas.

(a) Under the compact established under this subchapter, the Compact Commissioner for Arkansas shall be the Commissioner of Education or his or her designee.

(b) The Compact Commissioner for Arkansas is responsible for the administration and management of the ~~state~~ state's participation in the Interstate Compact on Educational Opportunity for Military Children adopted under this subchapter.

(c) The Compact Commissioner for Arkansas shall cooperate with all



departments, agencies, and officers of and in government of this state as well as all school districts and political subdivisions of this state for the administration of this compact, ~~or~~ supplementary agreements entered into by the state, or as further directed by law or by the Department of Education or the State Board of Education.

SECTION 2. Arkansas Code § 6-4-304(a)(2), concerning members of the State Council for the Interstate Compact on Educational Opportunity for Military Children, is amended to read as follows:

(2) The superintendent of the public school district with the greatest number of ~~military~~ children of military families from ~~a military installation~~ each Arkansas congressional district as determined every four (4) years;

SECTION 3. Arkansas Code § 6-4-304(a)(6) and (7), concerning members of the State Council for the Interstate Compact on Educational Opportunity for Military Children, are amended to read as follows:

(6) The charter school leader of the open-enrollment public charter school with the greatest number of ~~military~~ children ~~from a military installation~~ of military families; and

(7)(A) A representative from ~~a~~ each federal and state military installation in Arkansas that employs uniformed service members as designated by each military installation commander. who will

(B) A representative from a federal military installation shall serve as a nonvoting, ex officio member-;

(8) The Executive Director of the Arkansas Activities Association, serving as a nonvoting, ex officio member;

(9) The Chair of the Senate Committee on Education and the Chair of the House Committee on Education or designees from each of the committees, serving as nonvoting, ex officio members; and

(10) The United States Department of Defense representative for Arkansas shall have duties and responsibilities as established by United States Department of Defense Instruction Number 1342.29, and shall not be a member of the State Council.

SECTION 4. Arkansas Code § 6-4-304(c)(2), concerning meetings held by

the State Council for the Interstate Compact on Educational Opportunity for Military Children, is amended to read as follows:

(2) The Unless otherwise approved by the Commissioner of Education, the council State Council shall conduct its meetings in Pulaski County Central Arkansas ~~or~~ and via teleconference or web conference ~~as technology becomes available and as desired~~ to allow for scheduling flexibility for ~~its~~ council members.

SECTION 5. Arkansas Code § 6-4-305(b), concerning duties of the State Council, is amended to read as follows:

(b) The council may promulgate rules for the administration of this subchapter and provide recommendations to the Department of Education regarding the promulgation of rules applicable to the department and public school districts.

SECTION 6. Arkansas Code § 6-4-305, concerning duties of the State Council, is amended to add additional subsections to read as follows:

(c) Children of military families under this subchapter shall have equitable access to academic courses and programs and to extracurricular academic, athletic, and social programs.

(d)(1) The State Council shall meet at least annually to hold a public forum in a military community to hear direct feedback from military families regarding the effectiveness of the compact in this state.

(2) Under this subchapter, parents and legal guardians of military families may request the opportunity to:

(A) Speak at the public forum under subdivision (d)(1) of this section; or

(B) Make an online presentation to the State Council during the public forum under subdivision (d)(1) of this section.

(e) The State Council may seek input from the Department of Education regarding the outcome of a case that is brought to the State Council for resolution.

(f) The State Council shall provide annually a report to the Governor, the Senate Committee on Education, and the House Committee on Education that includes without limitation the following:

(1) Information regarding the achievements of the State Council

and public school districts regarding the support provided to military families under this subchapter;

(2) Details of the reports regarding the compact in this state that are provided to the Military Interstate Children's Compact Council and actions taken by the Military Interstate Children's Compact Council that impact the state;

(3) Details of cases and the outcomes of the cases brought to the State Council for resolution, in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2019, and state student privacy laws;

(4) Information regarding training that is provided to and completed by public school district personnel with respect to this subchapter;

(5) Details regarding plans for future engagement efforts with military families under this subchapter; and

(6) Any other information requested by parents and legal guardians of military families.

SECTION 7. Arkansas Code Title 6, Chapter 4, Subchapter 3, is amended to add an additional section to read as follows:

6-4-309. Children of military families – Student enrollment procedures and coordinator.

(a) A public school with twenty (20) or more children of military families enrolled as students or a public school with a total of three thousand (3,000) or more students enrolled shall:

(1) Incorporate into the policies of the public school specific procedures that outline actions to take in support of students who are the children of military families who transition to and from the public school.

(2)(A) Designate each public school district a military education coordinator to serve as the primary point of contact for each child of a military family and his or her parent or legal guardian.

(B) The public school military education coordinator shall have specialized knowledge regarding the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.

(b) The department shall supply relevant resources for the orientation

and training of public school military education coordinators under this section.

SECTION 8. Arkansas Code § 6-18-107 is amended to read as follows:

6-18-107. Enrollment of ~~military dependents~~ children of military families – Definitions.

(a) The purpose of this section is to extend laws related to children of active duty members of the uniformed forces under the Interstate Compact on Educational Opportunity for Military Children, § 6-4-301 et seq., to children of all components of the uniformed services in order to remove barriers to educational success that may be experienced by children of military families due to frequent moves and deployment of their parents by:

(1) Facilitating the timely enrollment of children of military families and ensuring the children are not placed at a disadvantage due to difficulty in the transfer of education records from a previous public school, including a public school in another state;

(2) Facilitating the student placement process so children of military families are not disadvantaged by variations in attendance requirements, scheduling, lesson sequencing, grading, course content, and assessment;

(3) Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular activities;

(4) Facilitating the on-time graduation of children of military families;

(5) Providing for the adoption and enforcement of administrative rules to implement this section;

(6) Providing for the uniform collection and sharing of information between and among public school districts; and

(7) Promoting flexibility and cooperation between the educational system, parents and legal guardians, and students in order to achieve educational success for the student.

~~(a)~~(b) As used in this section:

~~(1) “Branch of the United States armed forces” means:~~

~~(A) United States Army;~~

~~(B) United States Air Force;~~

~~(C) United States Marine Corps;~~

~~(D) United States Navy;~~

~~(E) Army, National Guard, or Air National Guard; or~~

~~(F) United States Coast Guard;~~

~~(2) "Military dependent" means a child who:~~

~~(A) Is enrolled in kindergarten through grade twelve (K-12) in a public school; and~~

~~(B) Resides in the household of a person who is on active duty in or serving in the reserve component of a branch of the United States armed forces; and~~

(1) "Activated reserve components" means members of the reserve component of the uniformed services who have received a notice of intent to deploy or mobilize under Title 10 of the United States Code, Title 32 of the United States Code, or state mobilization to active duty;

(2) "Active duty" means full-time duty status in the active, uniformed services of the United States, including without limitation members of the National Guard and Reserve on active duty orders under 10 U.S.C. §§ 1209 and 1210, as they existed on January 1, 2019;

(3) "Deployment" means the period of time six (6) months before a member of the uniformed services' departure from their home station on military orders through six (6) months after return to his or her home station;

(4) "Education records" means an official record, file, or data directly related to a student and maintained by a public school or local education agency, including without limitation a record encompassing all the material kept in a student's cumulative folder such as:

(A) General identifying data;

(B) Records of attendance and of academic work completed;

(C) Records of achievement and results of evaluative

tests;

(D) Health data;

(E) Disciplinary status;

(F) Test protocols; and

(G) Individualized education programs;

(5)(A) "Extracurricular activity" means a voluntary activity sponsored by a school or local education agency or an organization sanctioned

by the local education agency.

(B) "Extracurricular activity" includes without limitation preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities;

(6) "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade twelve (K-12) public schools;

(7) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense or the State of Arkansas;

~~(3)(A)~~(8)(A) "Public school" means a state-supported school or public charter school serving students in prekindergarten, kindergarten, elementary, middle, or secondary grades or kindergarten through grade twelve (K-12) in Arkansas.

(B) "Public school" includes without limitation:

- (i) Alternative learning environments;
- (ii) The Arkansas School for the Blind;
- (iii) The Arkansas School for the Deaf; and
- (iv) The Arkansas School for Mathematics, Sciences,

and the Arts-;

(9) "Receiving district" means a public school district to which a child of a uniformed services member transitions;

(10) "Rule" means:

(A) A written statement that is of general applicability that implements, interprets, or prescribes a policy; or

(B) An organizational, procedural, or practice requirement promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any successor law, and includes the amendment, repeal, or suspension of an existing rule;

(11) "Sending district" means the public school district from which a child of uniformed services member transfers;

(12) "Student" means the dependent minor child of a uniformed services member for whom the local education agency receives public funding and who is enrolled in a public school;

(13) "Transition" means the:

(A) Formal and physical process of transitioning from public school to public school; or

(B) Period of time in which a student moves from a sending district to a receiving district

(14) "Uniformed services" means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, the United States Commissioned Corps of the Public Health Services, and the state and federal reserve components of each of these bodies; and

(15) "Veteran" means an individual who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

(c)(1) This subchapter shall apply to minor dependent children of:

(A) Members of the active and activated reserve components of the uniformed services;

(B) Members or veterans of the uniformed services who are severely injured in the line of duty and are medically discharged or retired, for a period of one (1) year following the medical discharge or retirement; and

(C) Members of the uniformed services who die while on active duty or as a result of injuries sustained while on active duty, for a period of one (1) year following the death.

(2) This subchapter shall not apply to the minor dependent children of:

(A) Inactive members of the National Guard and military reserves;

(B) Retired members of the uniformed services, except as provided under subdivision (c)(1)(B) of this section; and

(C) Other United States Department of Defense personnel and other federal or state agency civilian and contract employees who are not considered members of the uniformed services.

(d)(1) The Interstate Compact on Educational Opportunity for Military Children under § 6-4-301 et seq.:

(A) Is limited to providing transition services for children of active duty members of the uniformed services; and

(B) Excludes provision of services to children of members of the reserve components.

(2)(A) In complying with this section, sending districts and receiving districts shall not require sending and receiving districts outside of the state to provide services to uniformed services families transferring to or from the state.

(B) Sending districts and receiving districts in the state shall make an attempt to coordinate on behalf of children of reserve component members with sending and receiving districts outside of the state under subdivision (d)(2)(A) of this section.

(e)(1) If official copies of a student's education records cannot be released to a parent of a student for purposes of a transition under this section, then the custodian of the student's education records at the sending district shall prepare and furnish to the parent of the student and the receiving district a complete set of unofficial copies of the student's education records, which shall contain uniform information as determined by the Department of Education.

(2) Upon receipt of the unofficial copies of a student's education records by a receiving district under subdivision (e)(1) of this section, and as soon as practicable, a receiving district shall pre-register and place a student based on the information provided in the unofficial education records that is pending validation by the official records.

(3)(A) Simultaneous with the enrollment and provisional placement of a student under subdivision (e)(2) of this section, a receiving district shall request a student's official education records from the sending district.

(B) Upon receipt of this request, the sending district, if it is a district within this state, shall process and furnish the official education records to the receiving district within ten (10) days or within such time as is reasonably determined under department rules.

(f)(1) A student shall furnish his or her required immunization records to a receiving district within thirty (30) days of enrolling in the receiving district or within such time as is reasonably determined under department rules.

(2) For a series of immunizations, initial vaccinations shall be obtained within thirty (30) days or within such time as is reasonably

determined under department rules.

(g)(1) A student shall enroll in a receiving district in the same grade level in which he or she is was enrolled at the sending district, regardless of the student's age.

(2) A student who has completed a grade level in the sending district shall be eligible for enrollment in the next highest grade level at the receiving district, regardless of the student's age.

(h)(1) If the academic courses are offered and there is space available, when a student transitions under this section before or during a school year, the receiving district shall provisionally honor the placement of the student in academic courses based on the student's enrollment at the sending district and on educational assessments conducted at the sending district.

(2) Academic course placement includes without limitation enrollment in:

- (A) Honors courses;
- (B) The International Baccalaureate Diploma Programme;
- (C) Advanced Placement courses; and
- (D) Academic, technical, and career pathway courses.

(3) A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an academic course.

(i)(1) If the educational programs are offered and there is space available, when a student transitions under this section before or during a school year, the receiving district shall provisionally honor the placement of the student in educational programs based on the student's participation in educational programs at the sending district and on educational assessments conducted at the sending district.

(2) Educational programs include without limitation:

- (A) Gifted and talented programs; and
- (B) English as a second language courses;

(3) A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an educational program.

(j)(1) A receiving district shall provisionally provide services to a student with disabilities under the Individuals with Disabilities Education

Act, 20 U.S.C. § 1400 et seq., according to the student's existing individualized education program.

(2) A receiving district:

(A) Shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities under this section; and

(B) May perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in the receiving district.

(k) A public school may waive academic course or educational program requirements for students who transition to a receiving district under this section.

(l) If a student whose parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment, the student may be granted additional excused absences at the discretion of the public school in which he or she is enrolled.

(m)(1) Members of the uniformed services shall, if possible, provide advance notice to public schools regarding the enrollment of a student under this section.

(2) When a public school receives notice from a military family under subdivision (m)(1) of this section, the public school shall treat the notice as a provisional enrollment and provide the student with materials regarding academic courses, electives, sports, and other relevant information regarding the public school.

(3) A public school:

(A) Shall consider the anticipated date of enrollment of a student under this subdivision (m)(1) in light of class sizes, course conflicts, and the availability of elective courses;

(B) May preregister a student in anticipation of the student's enrollment under subdivision (m)(1) of this section; and

(C) May seek waivers from the State Board of Education to accommodate a student under this section, including without limitation required class ratios.

(n)(1) A student under this section shall receive equitable access to academic courses.

(2)(A) A receiving district may enter academic course requests

on behalf of an incoming student under this section based on the student's transcript of information sent by the student's family or the student's sending district.

(B) Special power of attorney relative to the guardianship of a child of a military family is sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

(o)(1) A receiving district shall not charge local tuition to a student who transitions to the receiving district under this section and who has been placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(2) A student who has been placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(p) A receiving district shall ensure a student who transitions under this section has the opportunity to participate in extracurricular activities, regardless of application deadlines, and to the extent that the student is otherwise qualified.

(q) In order to ensure the on-time graduation of military students under this section, state and local education agencies shall:

(1) Waive specific courses that are required for graduation if similar coursework has been satisfactorily completed by a transitioning student under the control of another local education agency.

(2) If a waiver for a specific course under subdivision (q)(1)(A) of this section is denied, the state or local education agency shall provide:

(A) Justification for the denial; and

(B) An alternative means by which the transitioning student can complete the required coursework so that the student can graduate on time.

(r)(1) Public schools shall accept results from:

(A) Exit or end-of-course exams that are required for graduation from the sending district;

(B) National norm-referenced achievement tests; or

(C) Alternative testing.

(2) If a student transitions under this section at the beginning of or during his or her senior year of high school and the student is deemed by the receiving district to be ineligible for graduation after all reasonable alternatives under this section have been considered, the sending district shall award and the receiving district shall accept a diploma for the student if the student meets the graduation requirements of the sending district.

(s) The Commissioner of Education, the State Council, and the Interstate Commission on Educational Opportunity for Military Children under § 6-4-301 et seq., shall provide for coordination among state and local education agencies and military installations under this section.

~~(b)~~(t) The Department of Education shall require a public school to report the enrollment of a student who is a ~~military dependent~~ child of a military family:

(1) In the Arkansas Public School Computer Network; or

(2) If the public school does not report through the Arkansas Public School Computer Network, as established by rule.

~~(e)~~(u) The State Board of Education shall promulgate rules to implement this section.

/s/J. English

APPROVED: 4/12/19