

Stricken language would be deleted from and underlined language would be added to present law.
Act 1031 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/14/21
A Bill

SENATE BILL 638

By: Senator J. English
By: Representative Brown

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS ACT OF 2021; TO ADVANCE ACHIEVEMENT OF EDUCATIONAL SUCCESS ON BEHALF OF CHILDREN OF MILITARY FAMILIES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS ACT OF 2021; AND TO ADVANCE ACHIEVEMENT OF EDUCATIONAL SUCCESS ON BEHALF OF CHILDREN OF MILITARY FAMILIES.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.
The General Assembly finds that:

(1) The Arkansas Military Child School Transitions Act of 2021 will strengthen the state's direction for establishing and maintaining effective school transition programs in support of dependents of uniformed services families who may change states and school districts six (6) or more times during their kindergarten through twelfth grade (K-12) years during their parents' service;

(2) This legislation consolidates all relevant state and interstate compact guidance relating to state and school district support for smooth school transitions established by this act;

(3) While the changes are primarily structural, this act



provides an added provision to permit enrollment in distance and digital education coursework for inbound transitioning students;

(4) Virtual enrollment is a United States Department of Defense priority that enables seamless transitions to new curricula and prevents untimely disruptions to high school graduations of children of military families;

(5) This act extends eligibility to dependent children of dual status military technicians who are required, as a condition of employment, to serve in a military capacity in the reserve component units in which they also serve in a civilian capacity;

(6) Dual status military technicians are liable for directed reassignments similar to active duty service members, and may also be mobilized and deployed similar to all active duty service members; and

(7) This act extends eligibility to dependent children of traditional Guardsmen and reservists who are relocating to Arkansas to take advantage of a civilian employment opportunity or to assume a position in an Arkansas-based reserve component unit.

SECTION 2. Arkansas Code Title 6, Chapter 28, is amended to add an additional chapter to read as follows:

CHAPTER 28

ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS ACT OF 2021

Subchapter 1 – Arkansas Military Child School Transitions

6-28-101. Title.

This chapter shall be known and may be cited as the "Arkansas Military Child School Transitions Act of 2021".

6-28-102. Legislative findings.

The General Assembly finds that:

(1) Maintaining a positive education trajectory is challenging for children of uniformed services families due to their parents' frequent reassignments and deployments, which interrupt academic progress, social growth, and achievement;

(2) Ensuring a quality, effective education for their children is the top concern of military families, which translates to a personnel readiness issue for the uniformed services when service members elect to separate to ensure education stability for their children;

(3) Countering disruptions adversely impacting successful school transitions are best led by advance notice of a child of a military family's pending transition, swift transfer of education records, well-trained school administrators assessing those records, and the collaborative building of an effective future curriculum plan with military service families;

(4) Consistent application of qualification and eligibility guidelines provide the basis for a child of a military family's effective educational experience;

(5) Advanced access to interscholastic and club sports and other extracurricular activities is essential to social development and reinforcing a welcoming reception at new schools;

(6) The uniform collection and sharing of information regarding the numbers of children of military families transitioning helps decision makers craft programs and make the well-informed decisions that bolster broad education success for children of military families;

(7) Cooperation and informed collaboration among the educational system, parents and legal guardians, and children of military families are essential to the academic success of a child of a military family;

(8) Coordination of state and public school district efforts to serve the purposes and carry out the obligations of this chapter are best met through a consolidated state coordinating body to orchestrate collaborative efforts of the state, public school districts, installation commands, and military service families;

(9) Arkansas is recognized for its establishment and exercise of local programs that facilitate successful school transfers on behalf of children of military families that provide public school districts with the resources, methodologies, and personnel training to support effective transitions by all children of military families;

(10) Consolidating guidance and administration of programs established by the Division of Elementary and Secondary Education and public school districts ensures smooth transitions for children of military families; and

(11) To best meet the needs of children of military families requires periodic needs assessment across the state and the potential modification, expansion, or extension of programs.

6-28-103. Purpose.

(a) The purpose of this chapter is to:

(1) Maximize the potential for effective school transitions by children of uniformed services families through provisions of this act administered by the Division of Elementary and Secondary Education and implemented by public school districts; and

(2) Consolidate state and Interstate Compact on Educational Opportunity for Military Children guidance.

(b) The kindergarten through grade twelve (K-12) success of students of military families is challenged by frequent relocations due to base reassignments and deployments of their parents or legal guardians.

(c) To better meet the needs of children of Arkansas-based active and reserve component uniformed services families, this act expands and extends the application of the provisions of the Interstate Compact on Educational Opportunity for Military Children, § 6-4-301 et seq., by:

(1) Facilitating the timely enrollment of children of military families and ensuring the children of military families 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 placement process for children of military families 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 chapter;

(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, military installation leaders and their commands, parents and legal guardians, and children of military families to achieve educational success for the children of military families.

6-28-104. Definitions.

As used in this chapter:

(1) "Activated reserve components" means members of the reserve component of the uniformed services who have received a notice of intent to mobilize or deploy 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 components of the uniformed services on active duty orders under 10 U.S.C. §§ 1209 and 1210 or 42 U.S.C. § 204, as they existed on January 1, 2021;

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

(4) "Dual status military technician" means a federal civilian employee who is:

(A) Employed under 5 U.S.C. § 3101 or 32 U.S.C. § 709(b);

(B) Required as a condition of his or her employment to maintain membership in the Selected Reserve; and

(C) Assigned to a civilian position as a technician in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve of the United States Armed Forces;

(5) "Education record" means an official record, file, or data directly related to a student and maintained by a public school or public school district, 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;

(6)(A) "Extracurricular activity" means a voluntary activity sponsored by a public school or public school district or an organization sanctioned by a public school district.

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

(7) "Military installation" means, for purposes of this chapter:

(A) United States Department of Defense installations, which shall include:

(i) Little Rock Air Force Base;

(ii) Pine Bluff Arsenal; and

(iii) Camp Pike Armed Forces Reserve Complex; and

(B) Arkansas installations, which shall include:

(i) Camp Joseph T. Robinson Maneuver Training

Center;

(ii) Ebbing Air National Guard Base; and

(iii) Fort Chaffee Joint Maneuver Training Center;

(8)(A) "Public school" means a state-supported school or open-enrollment public charter school serving students in prekindergarten 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 a uniformed services member transitions;

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

(13) "Traditional member of the National Guard or federal reserves" means an active member of the Selected Reserve subject to mobilization and deployment for which he or she attends monthly and annual training periods;

(14) "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;

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

(16) "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.

6-28-105. Application.

(a) This chapter shall apply to dependent children of:

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

(2) Members or veterans of the uniformed services who were 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;

(3) 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;

(4) Dual status military technicians; and

(5) Traditional members of the National Guard and reserve components of the armed forces who are relocating to the state for employment or to serve as a member of an Arkansas-based reserve component unit.

(b) This chapter shall not apply to the dependent children of:

(1) Inactive members of the National Guard and reserve components of the armed forces;

(2) Retired members of the uniformed services, except as provided under subdivision (a)(3) of this section; and

(3) 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.

(c)(1) This act includes provisions and extends application eligibility beyond the scope of the interstate compact.

(2) In complying with this chapter, sending districts and receiving districts may request the assistance of sending and receiving districts outside of the state to provide services to uniformed services families transferring to or from the state who are covered under this subchapter but may not be covered under the interstate compact.

6-28-106. State direction and coordination.

(a) The Commissioner of Elementary and Secondary Education shall administer:

(1) This act; and

(2) The state's participation in and compliance with the Interstate Compact on Educational Opportunity for Military Children under § 6-4-301 et seq.

(b) There shall be created the Arkansas Council for Military Children, whose purpose is to, in collaboration with local military commands, assist state and local education agencies in the implementation of the provisions of this act and the interstate compact in order to eliminate barriers to educational success faced by children of military families.

(c) The State Board of Education shall promulgate rules to implement this chapter.

6-28-107. Transfer of education records and enrollment.

(a)(1) Upon receipt of the unofficial copies of a student's education records by a receiving district, and as soon as practicable, a receiving district shall preregister and provisionally place a student based on the information provided in the unofficial education records that is pending validation by the official records.

(2) If official copies of a student's education records cannot be released to a parent or legal guardian of a student for purposes of a transition under this subchapter, then the custodian of the student's education records at the sending district shall prepare and furnish to the parent or legal guardian 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 Division of Elementary and Secondary Education.

(b)(1) Simultaneous with the enrollment and provisional placement of a student under this section, a receiving district shall request a student's official education records from the sending district.

(2) Upon receipt of a request under subdivision (b)(1) of this section, a sending district, if it is a district within the state, shall process and furnish a student's official education records within:

(A) Ten (10) days; or

(B) A reasonable time frame as established by division rules.

6-28-108. Advance enrollment.

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

(2) When a public school receives notice from a military family under subdivision (a)(1) of this section, the public school shall treat the notice as a provisional enrollment and provide the student with materials regarding:

(A) Academic courses;

(B) Electives;

(C) Sports; and

(D) Other relevant information regarding the public school.

(3) A public school:

(A) Shall consider the anticipated date of enrollment of a student under subdivision (a)(1) of this section in light of:

(i) Class sizes;

(ii) Course conflicts; and

(iii) The availability of elective courses;

(B) May preregister a student in anticipation of the student's enrollment under subdivision (a)(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.

(b)(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 student is sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

(c)(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.

(d) 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.

6-28-109. Virtual course enrollment.

At the request of a military family, a receiving district may enroll an inbound transitioning child of a military family in virtual distance-learning or digital coursework, if available, to facilitate a smooth transition between the student's previous coursework and the curriculum best suited to ensure educational success in his or her new school.

6-28-110. Immunizations.

(a)(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 Division of Elementary and Secondary Education 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 division rules.

6-28-111. Grade placement.

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

(b) 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.

6-28-112. Course and education program placement.

(a) If the academic courses are offered and there is space available, when a student transitions under this subchapter 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.

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

- (1) Honors courses;
- (2) The International Baccalaureate Diploma Programme;
- (3) Advanced Placement courses; and
- (4) Academic, technical, and career pathway courses.

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

(d)(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.

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

6-28-113. Special education services.

(a) 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.

(b) A receiving district:

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

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

6-28-114. Student excused absence.

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.

6-28-115. Graduation – Testing.

(a) In order to ensure the on-time graduation of a student under this subchapter, a receiving district shall:

(1) Waive specific courses that are required for graduation if similar coursework has been satisfactorily completed by a student under the control of another public school or public school district; and

(2) If a waiver for a specific course under subdivision (a)(1) of this section is denied, the receiving district shall provide:

(A) Justification for the denial; and

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

(b)(1) A receiving district 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) A sending district shall award and a receiving district shall accept a diploma for a student under this subchapter if the student:

(A) Meets the graduation requirements of the sending district;

(B) Transitions to the receiving district at the beginning of or during his or her senior year of high school; and

(C) Is deemed by the receiving district to be ineligible for graduation after all reasonable alternatives under this section have been considered.

6-28-116. New student reception programs – Military family education coordinators.

A public school with twenty (20) or more children of military families enrolled as students under this subchapter or a public school district with at least three thousand (3,000) enrolled public school students shall:

(1) Incorporate into the policies of the public school district 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 district; and

(2)(A) Designate each public school district a military family 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 family 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.

(C) The Division of Elementary and Secondary Education shall supply relevant resources for the orientation and training of public school military family education coordinators under this section.

6-28-117. Reporting enrollment of children of members of the uniformed services.

The Division of Elementary and Secondary Education shall require a public school to report the enrollment of a student who is a child of a uniformed services family:

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

(2) As established by rule if the public school or public school district does not report information through the Arkansas Public School Computer Network.

Subchapter 2 – State Coordination

6-28-201. State direction and coordination requirement.

The requirement for state coordination is established under § 6-28-106 and under § 6-4-302 Article VIII.

6-28-202. Chair of the Arkansas Council for Military Children and Compact Commissioner for Arkansas.

(a) Under this act, the Commissioner of Elementary and Secondary Education or his or her designee shall serve as both the:

(1) Chair of the Arkansas Council for Military Children; and

(2) Compact Commissioner for Arkansas.

(b) The chair shall lead the Arkansas Council for Military Children's collaborative support of state and public school district programs that carry

out the provisions of this act.

(c) The Compact Commissioner for Arkansas is responsible for the administration and management of the state's participation in the interstate compact.

(d) In order to administer this chapter and supplementary agreements entered into by the state, or as further directed by law, the Division of Elementary and Secondary Education, or the State Board of Education and the Chair of the Arkansas Council for Military Children and the Compact Commissioner for Arkansas, shall cooperate with all:

(1) Departments, agencies, and officers of and in the government of this state; and

(2) School districts and political subdivisions of this state.

6-28-203. Arkansas Council for Military Children – Membership.

(a) The Arkansas Council for Military Children created by § 6-28-106 shall be composed of the following members:

(1) The Commissioner of Elementary and Secondary Education or his or her designee, serving as Chair of the Arkansas Council for Military Children as established by § 6-28-202;

(2) The superintendent or his or her designee of the public school district with the greatest number of children of military families from each Arkansas congressional district as determined every four (4) years;

(3) Three (3) appointed at-large members, of which:

(A) One (1) member shall be appointed by the President Pro Tempore of the Senate;

(B) One (1) member shall be appointed by the Speaker of the House of Representatives; and

(C) One (1) member shall be appointed by the Governor;

(4) The charter school leader or his or her designee of the open-enrollment public charter school with the greatest number of children of military families as determined every four (4) years;

(5) A representative from each of the six (6) federal or state military installation as designated by the federal military installation commander or the Secretary of the Department of the Military, whichever is applicable;

(6) The Executive Director of the Arkansas Activities

Association;

(7) The Chair of the Senate Committee on Education and the Chair of the House Committee on Education or designees from each of the committees; and

(8) The military education liaison as established by § 6-28-205.

(b) Each appointed member under subdivision (a)(3) of this section shall:

(1) Have a background or interest in the education of military children;

(2) Be drawn from applicants that are from the Center for Exceptional Families, Arkansas Advocates for Children and Families, the Arkansas School Counselor Association, the Arkansas Parent and Teachers Association, or other organizations with purposes that include the following:

(A) Child welfare;

(B) Child and family advocacy; and

(C) Special education;

(3)(A) Be appointed for a term of four (4) years.

(B) The terms for the initial appointees under subsection (a) of this section shall be staggered as determined by lot with:

(i) One (1) member serving a term of three (3) years;

(ii) One (1) member serving a term of four (4) years; and

(iii) One (1) member serving a term of five (5) years.

(C) Each succeeding appointment to the council shall be for a term of four (4) years, but the member appointed shall serve until the member's successor is appointed; and

(4)(A) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled by appointment by the official that made the appointment.

(B) The new appointee under subdivision (b)(4)(A) of this section shall serve for the remainder of the unexpired term.

6-28-204. Purpose and duties of Arkansas Council for Military Children.

(a) The purpose of the Arkansas Council for Military Children is to assist state and local education agencies, in collaboration with local military commands, in the promotion of the provisions of this act and the interstate compact in order to eliminate barriers to educational success faced by children of military families.

(b) The duties of the council are to:

(1) Assist state and local education agencies in the promotion and communication of the provisions of this act to inform public school district officials and uniformed services families;

(2) Assist state and local education agencies with the orientation and training of district military education coordinators on provisions of this act;

(3) Assist in the development and delivery of programs that inform uniformed services families of the need for self-identification in order to assure accurate accounting of children of uniformed services families enrolled in public school districts; and

(4) Assist in the development and administration of programs recognizing education agencies, public schools, and leaders who have established or contributed to programs facilitating successful school transitions of children of uniformed services families.

(c)(1) The Arkansas Council for Military Children shall meet at least quarterly or more frequently as decided upon by a majority of its members.

(2) The council chair may call special meetings.

(d) The Arkansas Council for Military Children may:

(A) Form committees to carry out its purpose; and

(B) Enlist volunteer participation by knowledgeable individuals and organizations to assist in development and execution of programs.

(e) A majority of all Arkansas Council for Military Children members shall constitute a quorum at council meetings.

(f) At least annually, the Arkansas Council for Military Children shall hold a virtual or in-person public forum in a military community to receive feedback from Arkansas uniformed services families regarding the effectiveness of the provisions of this chapter.

(g) The council may provide recommendations to the Division of Elementary and Secondary Education regarding without limitation suggested:

(1) Legislative initiatives amending this chapter; and

(2) Rules applicable to the division and public school districts under this chapter.

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

(1) Information regarding the achievements of the council and public school districts regarding the support provided to uniformed services families under this chapter;

(2) Details of the reports provided to the Military Interstate Children's Compact Commission;

(3) The number of children of military families in each public school district transferring to or from another state or federal education agency in the previous year;

(4)(A) Summaries of cases elevated to the Chair of the Arkansas Council for Military Children for counsel and assistance in resolving cases involving:

(i) The transition of children of military families that were elevated by military families;

(ii) United States Department of Defense officials;

or

(iii) Public school districts.

(B) Information provided under subdivision (h)(4)(A) of this section shall be provided in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2021, and state student privacy laws;

(5) Information regarding training that is provided to public school district personnel with respect to this chapter;

(6) Details regarding plans for future engagement efforts with uniformed services families under this chapter; and

(7) Any other information deemed relevant by the Arkansas Council for Military Children.

(i) The division shall provide administrative staff support to the Chair of the Arkansas Council for Military Children to assist with the achievement of the purpose and the administration of duties of the Arkansas Council for Military Children.

6-28-205. Military family education liaison.

(a) The Commissioner of Elementary and Secondary Education shall designate a military family education liaison.

(b) The military family education liaison shall:

(1) Have specialized knowledge related to the:

(A) Educational needs of children of military families;

and

(B) Obstacles that children of military families face in obtaining an education;

(2) Serve as a member of the Arkansas Council for Military Children; and

(3) Have duties as defined by the Chair of the Arkansas Council for Military Children, which shall include without limitation:

(A) Assisting the chair and the council in the administration of this chapter;

(B) Facilitating school transitions of children of military families; and

(C) Assisting in the orientation and training of public school district military family education coordinators.

6-28-206. Immunity not affected.

(a) This subchapter shall not affect the immunity from suit granted to state officials and state employees under § 19-10-305 or to the state and its official agencies under Arkansas Constitution, Article 5, § 20.

(b) The exercise of the powers and performance of duties provided for in this subchapter by the Chair of the Arkansas Council for Military Children or the Compact Commissioner for Arkansas to the Interstate Compact on Educational Opportunity for Military Children, § 6-4-301 et seq., and the military family education liaison for Arkansas and its officers, agents, and employees are declared to be public and governmental functions, exercised for a public purpose and matters of public necessity, conferring upon each authority governmental immunity from suit in tort.

SECTION 3. Arkansas Code § 6-18-202(b), concerning residency of students, is amended to add an additional subdivision to read as follows:

(5) For purposes of this section, a dependent of a member of the

uniformed services, as defined in § 6-28-104, who is transferred to the state by official orders is considered a resident in a school district:

(A) Before the physical arrival of the dependent of a member of the uniformed services in the school district; and

(B) When the member of the uniformed services enrolls the dependent in the public school district as established under § 6-28-108.

SECTION 4. Arkansas Code § 6-20-2303(3)(C), concerning students that count towards a public school's average daily membership, is amended to add an additional subdivision to read as follows:

(v) Students who are eligible to attend and who reside within the boundaries of a school district and are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program; ~~or~~

(vi) Students who are enrolled in a public school operated by the school district and who have been placed by the Department of Human Services in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined under § 9-28-402, if:

(a) The student was enrolled in the school district before placement;

(b) The foster home or other placement is located within the boundaries of the school district;

(c) The juvenile division of the circuit court with jurisdiction over a dependency-neglect action concerning the child has issued an order allowing the child to attend school in the school district; or

(d) Enrollment in the school district is necessary to ensure continuity of educational services under § 9-28-113~~or~~

(vii) Transitioning inbound children of military families who have provisionally enrolled in a public school district under the Arkansas Military Child School Transitions Act of 2021, § 6-28-101 et seq.

SECTION 5. Arkansas Code § 6-20-2303(3)(E), concerning distance learning courses, is amended to read as follows:

(E)(i) Except as otherwise provided by law, a public

school district or open-enrollment public charter school that teaches a distance learning course to one (1) or more home-schooled, transitioning inbound child of a military family, or private school ~~students~~ student shall be eligible for an amount equal to one-sixth (1/6) of the state foundation funding amount per distance learning course for each private school student, transitioning inbound child of a military family, or home-schooled student who is:

- (a) Residing within the school district where the public school or open-enrollment public charter school is located; ~~and~~
- (b) Physically attending the distance learning course or courses on the campus of the public school district or open-enrollment public charter school; and
- (c) Provisionally enrolled in the public school district under the Arkansas Military Child School Transitions Act of 2021, § 6-28-101 et seq., as an inbound child of a military family.

(ii) However, under no circumstances shall a public school district or open-enrollment public charter school be entitled to more than the equivalent of state foundation funding for one (1) average daily membership regardless of the number of distance learning courses received by a particular home-schooled or private school student;

SECTION 6. Arkansas Code § 6-20-2303, concerning definitions under the Public School Funding Act of 2003, is amended to add an additional subdivision to read as follows:

(27) "Child of a military family" means the dependent child of a uniformed services member for whom the local education agency receives public funding and who is enrolled or is pre-enrolled in a public school district under the Arkansas Military Child School Transitions Act of 2021, § 6-28-101 et seq.

SECTION 7. Arkansas Code §§ 6-4-303 – 6-4-306 are repealed.

~~6-4-303. Compact Commissioner for Arkansas.~~

~~(a) Under the Interstate Compact on Educational Opportunity for Military Children established under this subchapter, the Compact Commissioner for Arkansas shall be the Commissioner of Elementary and Secondary Education or his or her designee.~~

~~(b) The Compact Commissioner for Arkansas is responsible for the administration and management of the state's participation in the compact 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, supplementary agreements entered into by the state, or as further directed by law or by the Division of Elementary and Secondary Education or the State Board of Education.~~

~~6-4-304. Creation of the State Council.~~

~~(a) There is created the State Council for the Interstate Compact on Educational Opportunity for Military Children to be composed of the following members:~~

~~(1) The Commissioner of Elementary and Secondary Education or his or her designee, serving as Compact Commissioner for Arkansas as provided under § 6-4-303;~~

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

~~(3) One (1) member to be appointed by the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;~~

~~(4) One (1) member to be appointed by the Speaker of the House of Representatives from a list of three (3) nominees submitted by the Executive Director of the Arkansas Association of Educational Administrators;~~

~~(5)(A) One (1) member selected from the state at large and appointed by the Governor subject to confirmation of the Senate.~~

~~(B) The Governor shall consult the Arkansas School Boards Association before making an appointment under subdivision (a)(5)(A) of this section;~~

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

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

~~(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.~~

~~(b)(1) Each appointed member shall have a background or interest in the education of military children.~~

~~(2)(A) The terms for the initial appointees to the council shall be staggered as determined by lot with:~~

~~(i) One (1) member serving a term of three (3) years;~~

~~(ii) One (1) member serving a term of four (4) years; and~~

~~(iii) One (1) member serving a term of five (5) years.~~

~~(B) Each succeeding appointment to the council shall be for a term of five (5) years, but the member appointed shall serve until the member's successor is appointed.~~

~~(3)(A) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled by appointment by the official that made the appointment.~~

~~(B) The new appointee shall serve for the remainder of the unexpired term.~~

~~(c)(1) The council shall meet at least quarterly or as decided upon by a majority of its members.~~

~~(2) Unless otherwise approved by the Commissioner of Elementary and Secondary Education, the State Council shall conduct its meetings in Central Arkansas and via teleconference or web conference to allow for scheduling flexibility for council members.~~

~~(d)(1) A majority of the members of the council shall constitute a~~

~~quorum for transacting business of the council.~~

~~(2) All actions of the council shall be by a quorum.~~

~~(e) The Commissioner of Elementary and Secondary Education or his or her designee serving as Compact Commissioner for Arkansas shall be the chair of the council and be a full voting member.~~

~~(f) Appointments to the council shall be for a term of four (4) years.~~

~~(g) All state agencies, school districts, and political subdivisions of the state shall furnish to the council any information and assistance the council may reasonably request.~~

~~6-4-305. Duties of the State Council.~~

~~(a) Within thirty (30) days from the date the appointments are initially made, the members of the State Council for the Interstate Compact on Educational Opportunity for Military Children shall appoint a military family education liaison to assist military families and the state in facilitating the implementation of the Interstate Compact on Educational Opportunity for Military Children adopted under this subchapter.~~

~~(b) The council may promulgate rules for the administration of this subchapter and provide recommendations to the Division of Elementary and Secondary Education regarding the promulgation of rules applicable to the division and public school districts.~~

~~(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 Division of Elementary and Secondary 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.~~

~~6-4-306. Military family education liaison.~~

~~(a) The military family education liaison shall be an ex officio member of the State Council for the Interstate Compact on Educational Opportunity for Military Children.~~

~~(b) The military family education liaison shall have specialized knowledge related to the educational needs of military children and the obstacles that military children face in obtaining an education.~~

~~(c) The military family education liaison shall serve a term of four (4) years.~~

SECTION 8. Arkansas Code §§ 6-4-308 and 6-4-309 are repealed.

~~6-4-308. Immunity not affected.~~

~~(a) This subchapter shall not affect the immunity from suit granted to state officials and employees under § 19-10-305 or to the state and its~~

~~official agencies under Arkansas Constitution, Article 5, § 20.~~

~~(b) The exercise of the powers and performance of duties provided for in this subchapter by the Compact Commissioner for Arkansas, the State Council for the Interstate Compact on Educational Opportunity for Military Children, and the military family education liaison for Arkansas and its officers, agents, and employees are declared to be public and governmental functions, exercised for a public purpose and matters of public necessity, conferring upon each authority governmental immunity from suit in tort.~~

~~6-4-309. Children of military families—Student enrollment procedures—Military education coordinators.~~

~~(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; and~~

~~(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 Division of Elementary and Secondary Education shall supply relevant resources for the orientation and training of public school military education coordinators under this section.~~

SECTION 9. Arkansas Code § 6-18-107 is repealed.

~~6-18-107. Enrollment of 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.~~

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

~~(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 his or her 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;~~

~~(8)(A) "Public school" means a state-supported school or public charter school serving students in prekindergarten 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 a uniformed services member transitions;~~

~~(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 were 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 Division of Elementary and Secondary 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 preregister 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 division 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 division 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 division rules.~~

~~(g)(1) A student shall enroll in a receiving district in the same grade level in which he or she 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 subdivision (m)(1) of this section 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; and~~

~~(2) If a waiver for a specific course under subdivision (q)(1)~~

~~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 Elementary and Secondary 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.~~

~~(t) The division shall require a public school to report the enrollment of a student who is a 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.~~

~~(u) The state board shall promulgate rules to implement this section.~~

SECTION 10. DO NOT CODIFY. Rules.

(a)(1) The Division of Elementary and Secondary Education shall promulgate rules necessary to implement this act.

(2) When adopting the initial rules to implement this act, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

- (A) On or before January 1, 2022; or

(B) If approval under § 10-3-309 has not occurred by January 1, 2022, as soon as practicable after approval under § 10-3-309.

(b) The division shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so that the Legislative Council may consider the rule for approval before January 1, 2022.

/s/J. English

APPROVED: 4/29/21