

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/6/19
A Bill

HOUSE BILL 1537

By: Representative Evans
By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING STUDENT RESIDENCY, COMPULSORY ATTENDANCE,
AND STUDENT MINIMUM ENROLLMENT AGE; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING STUDENT RESIDENCY, COMPULSORY
ATTENDANCE, AND MINIMUM ENROLLMENT AGE.

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

SECTION 1. Arkansas Code § 6-18-201(a), concerning attendance requirements for children between ages five (5) and seventeen (17), is amended to read as follows:

(a) Under the penalty for noncompliance set by law, every parent, legal guardian, person having lawful control of the child, or ~~other~~ person standing in loco parentis residing within the State of Arkansas and having custody or charge of a child five (5) years of age through seventeen (17) years of age on or before the date established in § 6-18-207 for the minimum age for enrollment in public school shall enroll and send the child to a public, private, or parochial school or provide a home school for the child, as described in § 6-15-501 et seq., with the following exceptions:

(1)(A) A parent, legal guardian, person having lawful control of a child, or ~~other~~ person standing in loco parentis residing within the state and having custody or charge of ~~a~~ the child may elect for the child not to



attend kindergarten if the child will not be six (6) years of age on the date established in § 6-18-207 for the minimum age for enrollment in public school of that school year.

(B)(i) If an election is made under subdivision (a)(1)(A) of this section, the parent, legal guardian, person having lawful control of the child, or ~~other person standing in loco parentis having custody or charge of the child~~ shall file a signed kindergarten waiver form with the local school district administrative office.

(ii) The kindergarten waiver form shall be prescribed by rule of the Department of Education.

(C) Upon the filing of the kindergarten waiver form, the child shall not be required to attend kindergarten ~~in~~ during that school year;

(2) ~~Any~~ A child who has received a high school diploma or its equivalent as determined by the State Board of Education is not subject to the attendance requirement under this section;

(3) ~~Any~~ A child sixteen (16) years of age or older who is enrolled in a postsecondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education is not subject to the attendance requirement under this section; and

(4)~~(A)~~ ~~Any~~ A child sixteen (16) years of age or older who is enrolled in an adult education program under subsection (b) of this section or in the Arkansas National Guard Youth Challenge Program is not subject to the attendance requirement under this section.

~~(B) The requirements in subsection (b) of this section do not apply to the Arkansas National Guard Youth Challenge Program.~~

SECTION 2. Arkansas Code § 6-18-201(b)(3), concerning alternative options to compulsory attendance, is amended to read as follows:

(3) The student and the student's ~~parents, guardians, or persons~~ parent, legal guardian, person having lawful control of the child, or person standing in loco parentis meet with the school counselor to discuss academic options open to the student;

SECTION 3. Arkansas Code § 6-18-201(b)(8), concerning exemptions to compulsory attendance for students enrolled in an adult education program, is

amended to read as follows:

(8) The student, the student's ~~parents, guardians, or persons~~ parent, legal guardian, person having lawful control of the child, or person standing in loco parentis, and the administrative head of the adult education program agree in writing that the student will attend the requisite number of hours per week and maintain appropriate conduct as outlined in the local adult education program student handbook;

SECTION 4. Arkansas Code § 6-18-201(c)(2), concerning requirements of students of a certain age who are enrolled in a private, parochial, or home school who desire to enroll in an adult education program, is amended to read as follows:

(2) The student and the student's ~~parents, guardians, or persons~~ parent, legal guardian, person having lawful control of the child, or person standing in loco parentis shall meet with the appropriate staff of the adult education program to discuss academic options open to the student;

SECTION 5. Arkansas Code § 6-18-201(c)(5), concerning requirements of students of a certain age who are enrolled in a private, parochial, or home school who desire to enroll in an adult education program, is amended to read as follows:

(5) The student, the student's ~~parents, guardians, or persons~~ parent, legal guardian, person having lawful control of the child, or person standing in loco parentis, and the administrative head of the adult education program agree in writing that the student will attend the requisite number of hours per week and maintain appropriate conduct as outlined in the local adult education program student handbook;

SECTION 6. Arkansas Code § 6-18-201(c)(7), concerning requirements of students of a certain age who are enrolled in a private, parochial, or home school who desire to enroll in an adult education program, is amended to read as follows:

(7) If a home school student is accepted into the adult education program, the student's parent, legal guardian, person having lawful control of the child, or person standing in loco parentis shall send written notification to the local public school superintendent of his or her intent

to participate in the adult education program.

SECTION 7. Arkansas Code § 6-18-202(a), concerning definitions with respect to attendance requirements, is amended add an additional subdivision to read as follows:

(4) "In loco parentis" means relating to the responsibility to undertake the care and control of another person in the absence of:

(A) Supervision by the person's parent or legal guardian;
and

(B) Formal legal approval.

SECTION 8. Arkansas Code § 6-18-202(b)(1), concerning the availability of public schools in any school district in the state to certain persons, is amended to read as follows:

(b)(1) The public schools of any school district in this state shall be open and free through completion of the secondary program to all persons in this state between five (5) and twenty-one (21) years of age whose ~~parents, foster parents, legal guardians, or other persons having lawful control of the person under an order of a court reside~~ parent, legal guardian, person having lawful control of the person, or person standing in loco parentis, reside within the school district and to all persons between those ages who have been legally transferred to the district for education purposes.

SECTION 9. Arkansas Code § 6-18-202(b)(3), concerning proof of residency, is amended to read as follows:

(3) ~~Any~~ A school district may require a parent, foster parent, legal guardian, ~~or other person having lawful control of the student, or person standing~~ in loco parentis who enrolls a student in a school district to sign a statement under oath attesting to his or her residential address or to provide other proof that a student is a resident of the school district as defined by this section.

SECTION 10. Arkansas Code § 6-18-202(c), concerning an adult student establishing a separate residence, is amended to read as follows:

(c) Any person eighteen (18) years of age or older may establish a

residence separate and apart from his or her ~~parents or guardians~~ parent, legal guardian, person having lawful control of the person, or a person standing in loco parentis for school attendance purposes.

SECTION 11. Arkansas Code § 6-18-202(d), concerning a student who is not an adult establishing a separate residence, is amended to read as follows:

(d) In order for a person under eighteen (18) years of age to establish a residence for the purpose of attending the public schools separate and apart from his or her ~~parents, guardians, or other persons having lawful control of him or her under an order of a court,~~ the person must actually parent, legal guardian, person having lawful control of the person, or person standing in loco parentis, the person is required to reside in the district for a primary purpose other than that of school attendance.

SECTION 12. Arkansas Code § 6-18-207(a), concerning the minimum age by which a student may enter kindergarten, is amended to add an additional subdivision to read as follows:

(3) A student who was enrolled in a state-accredited or state-approved kindergarten program in another state or in a kindergarten program equivalent in another country may be enrolled in kindergarten in this state upon a written request to the school district if the student:

(A) Becomes a resident of this state as a direct result of active military orders or a court-ordered change of custody;

(B) Will become five (5) years of age during the year in which he or she is enrolled in kindergarten; and

(C) Meets the basic residency requirement for school attendance.

SECTION 13. Arkansas Code § 6-18-208 is amended to read as follows:

6-18-208. Requirements for enrollment in public school – Exceptions.

(a) Before a child's admission to an Arkansas public school, a school district shall request the parent, legal guardian, person having lawful control, or ~~other responsible~~ person standing in loco parentis to furnish the child's Social Security number and shall inform the parent, ~~guardian, or other responsible person that, in the alternative, they may~~ legal guardian,

person having lawful control of the child, or person standing in loco parentis that, in the alternative, the parent, legal guardian, person having lawful control of the child, or person standing in loco parentis may request that the school district assign the child a nine-digit number designated by the Department of Education.

(b) Before a child's admission to an Arkansas public school, the parent, legal guardian, person having lawful control of the child, or ~~responsible~~ person standing in loco parentis shall provide the school district with one (1) of the following documents indicating the child's age:

- (1) A birth certificate;
- (2) A statement by the local registrar or a county recorder certifying the child's date of birth;
- (3) An attested baptismal certificate;
- (4) A passport;
- (5) An affidavit of the date and place of birth by the child's parent ~~or guardian~~, legal guardian, person having lawful control of the child, or person standing in loco parentis;
- (6) Previous school records; or
- (7) A United States military identification.

(c) Before a child's admission to an Arkansas public school, the parent, legal guardian, person having lawful control of the child, or ~~other~~ responsible person standing in loco parentis shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding.

(d)(1) ~~Beginning with the 2005-2006 school year, no~~ A school or school district shall not:

(A) Use, display, release, or print a student's Social Security number or any part of the Social Security number on any report, identification card, identification badge, or any document that will be made available or released to the public, to a student, or to a student's parent, ~~or~~ legal guardian, person having lawful control of the child, or person standing in loco parentis without the express written consent of the student's parent, legal guardian, person having lawful control of the child, or person standing in loco parentis if the student is a minor, or of the student if the student is eighteen (18) years of age or older; or

(B) Make a student's Social Security number available by

reading the magnetic strip or other encoded information on the student's identification card.

(2) This section ~~shall~~ does not apply to educational records that are transferred to or between the department, other public schools or school districts, or other governmental agencies as allowed or required by federal law, state law, or State Board of Education rule.

/s/Evans