

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter B. Student Enrollment and Choice

Part 33. Rules Governing Home Schools

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"1.00 REGULATORY AUTHORITY

These rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-15-501 et seq., and 6-18-232."

"Effective May 29, 2023"

Subpart 1. Generally

6 CAR § 33-101. Purpose.

The purpose of this part is to set reasonable guidelines for the operation of home schools.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.

6 CAR § 33-102. Definitions.

For the purpose of this part:

(1) "Athletic activity" means a varsity sport or another competitive sports-related contest, game, event, or exhibition that involves an individual student or teams of students either:

- (A) Among schools within the resident school district; or
- (B) Between schools outside of the resident school district;

(2) "Current school year" means the official period of time for student attendance pursuant to the school district academic calendar in accordance with the requirements of Arkansas Code § 6-10-106;

(3) "Endorsed concurrent enrollment course" means a college-level course offered by an institution of higher education in this state that upon completion would qualify for academic credit in both the institution of higher education and a public high school that:

(A) Is one (1) of the four (4) core areas of:

- (i) Math;
- (ii) English;
- (iii) Science; and
- (iv) Social studies;

(B) Meets the requirements of Arkansas Code § 6-16-1204(b); and

(C) Is listed in the Arkansas Course Transfer System of the Division of Higher Education;

(4) "Home school" means a school provided by a parent or legal guardian for his or her own child;

(5) "Home-schooled student" means a student legally enrolled in an Arkansas home school;

(6) "Interscholastic activity" means an activity between schools subject to rules of the Arkansas Activities Association that is:

(A) Outside the regular curriculum of a school district, including without limitation:

- (i) An athletic activity;
- (ii) A fine arts program; or
- (iii) A special interest club or group; and

(B) Taught by an individual with a minimum of a high school diploma;

(7) "Public school" means:

- (A) A school operated by a public school district; or
- (B) An open-enrollment public charter school;

(8) "Resident school" is the school to which the student would be assigned by the resident school district; and

(9) "Resident school district" means the school district in which the home-schooled student's parents reside as determined under Arkansas Code § 6-18-202.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.

6 CAR § 33-103. General.

(a)(1) A parent or legal guardian who intends to home school a child in accordance with Arkansas Code § 6-18-201 shall:

(A) Provide written notice to the superintendent of the resident school district; and

(B) Agree that the parent or guardian is responsible for the education of his or her child during the time the child is home schooled.

(2) This written notice shall be provided at the beginning of each school year but no later than August 15 or, subject to subsections (c) – (f) of this section, five (5) school days prior to withdrawing the student, as well as at the beginning of each school year thereafter.

(3) The superintendent or school board of the resident school district may waive the five-day waiting period.

(b)(1) No public school student shall be eligible for enrollment in a home school if the student is currently under disciplinary action for violation of any written school policy including, but not limited to, excessive unexcused absences.

(2) Exceptions to this requirement are outlined in subsection (c) of this section.

(c) Public school students who are under disciplinary action by a school district shall be eligible for enrollment in a home school if the:

(1) Superintendent or school board of the resident school district chooses to allow the child to enroll in a home school;

(2) Disciplinary action against the student has been completed or the school semester has ended, whichever occurs first; or

(3) Student has been expelled.

(d) A student who is enrolled in a public school and who has been temporarily issued items, resources, supplies, materials, or other property belonging to the public school at which he or she is enrolled is eligible for enrollment in a home school after the:

(1) Items, resources, supplies, materials, or other property belonging to the public school district at which the student is enrolled have been returned to the public school;

(2) Items, resources, supplies, materials, or other property belonging to the public school district in which the student is enrolled have been paid for; or

(3) Semester has ended.

(e) The public school district superintendent or the local school district board of directors may waive the required five-school-day waiting period required in subsection (a) of this section and 6 CAR § 33-104(d) if the public school district superintendent or the local school district board of directors is satisfied with the return of temporarily issued items, resources, supplies, materials, or other property referenced in subsection (d) of this section.

(f) Home-schooled students who enroll in a public, private, or parochial school during the time they are home schooling cannot reenter home schooling until a new notice of intent is completed and submitted to the resident school district or completed through the Division of Elementary and Secondary Education's online process.

(g)(1) Books, curricula, or materials used in home schooling are not required to be furnished by the:

(A) Division;

(B) Resident school district; or

(C) Education service cooperative.

(2) It is the responsibility of the parent/guardian to furnish all:

(A) Books;

- (B) Curricula; or
- (C) Materials.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.

6 CAR § 33-104. Notice of intent.

(a)(1) Parents or legal guardians who intend to home school must:

(A) File a notice of intent with the superintendent of the resident school district; and

(B) Agree that the parent or guardian is responsible for the education of his or her child during the time the child is home schooled.

(2) The notice of intent may be completed:

(A) Through the Division of Elementary and Secondary Education's online process; or

(B) By submitting a written notice of intent to the superintendent of the student's resident school district.

(b) A current notice of intent form shall be made available from the division's home school webpage for:

(1) Each Arkansas school district; and

(2) Parents or legal guardians who intend to home school.

(c) The notice of intent may be submitted to the resident school district superintendent:

(1) Electronically, including without limitation:

(A) Through the division's online process, which is located on the division's home school webpage; or

(B) By email;

(2) By mail;

(3) By fax; or

(4) In person.

(d)(1) All notices of intent, which include the agreement that the parent or guardian is responsible for the education of his or her child or children during the time the parent or legal guardian chooses to home school, must be submitted by August 15 or, subject to the provisions of 6 CAR § 33-103(c) – (f), five (5) school days prior to withdrawing the student during the school year.

(2) The superintendent or school board of the resident school district may waive the five-day waiting period.

(3) The notice of intent is valid for the:

(A) Entire school year if filed at the beginning of the school year; or

(B) Remainder of the school year if filed during the school year.

(e) Parents or legal guardians moving into a school district during the school year must file a copy of the current-year notice of intent, which includes the agreement that the parent or guardian is responsible for the education of his or her child or children during the time the parent or guardian chooses to home school, with the resident school district superintendent's office within thirty (30) calendar days of establishing residency within the district.

(f) The notice of intent must include the following information, which may be used only for statistical and recordkeeping purposes as required by law:

(1) The name, sex, date of birth, and grade level of each child and the name and address of the school last attended, if any, for each student;

(2) The mailing address and telephone number of the home school;

(3) The name of the parent or legal guardian providing the home school;

(4) A statement of a student's plans to participate during the school year in public school interscholastic activities pursuant to Arkansas Code § 6-15-509;

(5) A statement of a student's plans to seek a high school equivalency diploma during the current school year;

(6) A signature of the parent or legal guardian; and

(7) Any other information that may be required under Arkansas Code § 6-15-503.

(g) No additional criteria or information shall be required for a student to attend a home school beyond what the law requires.

(h) The information provided in the notice of intent is confidential and not subject to the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.

6 CAR § 33-105. Enrollment or reenrollment in public school.

(a) A public school district:

(1) Shall afford a home-schooled student who enrolls or reenrolls in a public school as a public school student the same rights and privileges enjoyed by other public school students; and

(2) Shall not deny a home-schooled student who enrolls or reenrolls in a public school as a public school student any of the following solely on the basis of having attended a home school:

(A) Award of course credits earned in the home school;

(B) Placement in the proper grade level and promotion to the next grade level;

(C) Except as provided in subsection (g) of this section, a diploma or graduation;

(D) Participation in any academic or extracurricular activity;

(E) Membership in school-sponsored:

(i) Clubs;

(ii) Associations; or

(iii) Organizations; or

(F) Scholarships.

(b) To enroll or reenroll in a public school as a public school student, a home-schooled student shall submit to the public school a:

(1) Transcript listing all courses taken and semester grades from the home school; and

(2) Portfolio of indicators of the home-schooled student's academic progress, including without limitation:

(A) Curricula used in the home school;

(B) Tests taken and lessons completed by the home-schooled student;

and

(C) Other indicators of the home-schooled student's academic progress.

(c) A public school shall place a home-schooled student who enrolls or reenrolls in the public school as a public school student at a grade level and academic course level equivalent to or higher than the home-schooled student's grade level and academic course level in the home school:

(1) As indicated by the home-schooled student's:

(A) Transcript listing all courses taken and semester grades from the home school;

(B) Score of at least the thirtieth percentile on a nationally recognized norm-referenced assessment taken in the past year; and

(C) Portfolio of indicators of the home-schooled student's academic progress, including without limitation:

(i) Curricula used in the home school;

(ii) Tests taken and lessons completed by the home-schooled student; and

(iii) Other indicators of the home-schooled student's academic progress; or

(2) By mutual agreement between the public school and the home-schooled student's parent or legal guardian.

(d) If the student is unable to provide a nationally recognized norm-referenced test score, the school shall:

(1) Assess the student using a nationally recognized norm-referenced assessment; or

(2) Waive the nationally recognized norm-referenced assessment requirement.

(e) Except as provided in subsection (f) of this section, if the home-schooled student does not meet the requirements of subsection (c) of this section, the public school shall have sole authority to determine the home-schooled student's grade placement and course credits based on the same methods used when a student who attended another public or private school enrolls or reenrolls in the public school.

(f) A public school may:

- (1) Waive all requirements under subsections (b) and (c) of this section; and
- (2) Enroll the student by mutual agreement with the parent or guardian.

(g) Any home-schooled student who enrolls or reenrolls in a public school as a public school student shall attend classes for at least nine (9) months immediately before graduation before the student can become eligible to graduate from the public school with a diploma.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.

6 CAR § 33-106. Enrollment in academic and endorsed concurrent enrollment.

(a) A public school district shall adopt a policy that allows a student who attends a home school to enroll in an academic course at a public school if the student resides in the public school district where the public school is located.

(b) A policy adopted by a public school district under subsection (a) of this section may:

(1)(A) Include provisions that apply to a home-schooled student enrolled in an academic course at a public school including without limitation provisions regarding:

- (i) Academic or grade-level prerequisites;
- (ii) Attendance;
- (iii) Testing;
- (iv) Coursework;
- (v) Grades; and
- (vi) Conduct.

(B) The provisions included under subdivision (b)(1)(A) of this section shall be consistent with provisions included in the public school district's policies that apply to public school students;

(2) Allow a student who attends a home school to enroll in one (1) or more academic courses in a semester; and

(3) Limit enrollment if the enrollment of a home-schooled student would:

(A) Create a financial loss for the public school district; or

(B) Violate any state or federal law or any rule established by the Division of Elementary and Secondary Education.

(c) A public school district that enrolls a home-schooled student in an academic course is entitled to receive an amount equal to one-sixth (1/6) of the state foundation funding amount for each academic course in which a home-schooled student is enrolled, but not more than the equivalent of the state foundation funding amount for one (1) average daily membership per student.

(d)(1) A public school district may seek a waiver from subsections (a) – (c) of this section from the Division of Elementary and Secondary Education.

(2) A waiver shall be made in writing and state the rationale for the request.

(3) The request should be mailed to:

Division of Elementary and Secondary Education

Division of Learning Services

Four Capitol Mall, Mail Slot 6

Little Rock, AR 72201

(e) A public school district under this section:

(1) May provide transportation to a home-schooled student to or from the location of the academic course;

(2) Shall provide a final grade and transcript to each home-schooled student who completes an academic course in which the student is enrolled in the public school district; and

(3) Shall not charge a home-schooled student for an endorsed concurrent enrollment course unless the public school district also charges public school students for the endorsed concurrent enrollment course.

(f)(1) A home-schooled student is not considered truant from a public school under this section due to unexcused absences from the academic course in which the home-schooled student is enrolled.

(2) However, a public school may drop a home-schooled student from an academic course in the event of excessive unexcused absences or any other violation of policies regarding the academic course in which the home-schooled student is enrolled.

(g) This section does not apply to a statewide open-enrollment public charter school that operates primarily as a virtual school.

(h)(1) All home-schooled students enrolled in a course shall have a teacher of record who is an appropriately licensed or approved primary instructor who is responsible for the course.

(2) School districts are responsible for ensuring that the teacher of record, even in a digital learning platform, is performing job responsibilities as a teacher of record.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.

6 CAR § 33-107. Students with disabilities.

(a) Students with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., in home school settings shall be given the same consideration afforded to students in private school settings for special education services as provided for in the Individuals with Disabilities Education Act.

(b) This policy is not to be construed as conferring the procedural protections and rights under Part B of Individuals with Disabilities Education Act to such students and their parent/guardians.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.

6 CAR § 33-108. Participation in interscholastic activities.

(a) The principal of the resident school shall permit a home-schooled student to pursue participation in an interscholastic activity of the resident school if the student or the student's parent:

(1) Provides the principal a notice of the student's desire to pursue participation before the signup, tryout, or participation deadlines established for students enrolled in the resident school; and

(2) Informs the principal in the notice that the student has demonstrated academic eligibility by obtaining a minimum:

(A) Test score of the thirtieth percentile on the Stanford Achievement Test Series, Tenth Edition, or another nationally recognized norm-referenced test in the previous twelve (12) months; or

(B) Score on a test approved by the State Board of Education.

(b) A resident school district may permit a home-schooled student to participate in an interscholastic activity if:

(1) For purposes of subsection (e) of this section, the home-schooled student reports to the resident school district within the first eleven (11) days of the fall or spring semester of the school district; and

(2) The home-schooled student or his or her parent advises the principal of the resident school in writing of the student's request to participate in the interscholastic activity before the signup, tryout, or participation deadlines established for students enrolled in the resident school.

(c) If a home-schooled student's written request to participate in the interscholastic activity is approved, the student:

(1) Shall have an equal opportunity to tryout and participate in interscholastic activities without discrimination but is not guaranteed participation in an interscholastic activity; and

(2) Shall not participate unless he or she meets the criteria for participation in the interscholastic activity that apply to students enrolled in the resident school district, including:

- (A) Tryout criteria;
- (B) Standards of behavior and codes of conduct;
- (C) The academic criteria under subdivision (a)(2) of this section;
- (D) Practice times;
- (E) Required drug testing;
- (F) Permission slips, waivers, and physical exams; and
- (G) Participation or activity fees.

(d)(1) A home-schooled student may participate in interscholastic activities at a public school other than the home-schooled student's resident school by mutual agreement between the resident school and any other public school where the home-schooled student wishes to participate.

(2) A home-schooled student approved to participate at a nonresident school may begin participating:

(A) In an interscholastic activity that is not an athletic activity immediately upon being approved to participate; and

(B) Except as provided in subdivision (d)(4) of this section, in an interscholastic activity that is an athletic activity one (1) calendar year after being approved to participate.

(3) A home-schooled student approved to participate at a nonresident school may immediately participate in rehearsals, tryouts, practices, auditions, classes, or other endeavors associated with the interscholastic activity that is an athletic activity.

(4) A home-schooled student may begin participating in an interscholastic activity that is an athletic activity immediately upon being approved to participate if the home-schooled student is approved to participate by July 1 of the school year the home-schooled student will be enrolled in the seventh grade.

(e) A home-schooled student who participates in an interscholastic activity may be:

(1) Required by the school district in which he or she participates to be at school not more than one (1) period per school day; and

(2) Transported by the resident school district to and from interscholastic activities as the resident school district transports other students who are enrolled in the resident school.

(f) A student who withdraws from an Arkansas Activities Association member school to be home schooled shall not participate in an interscholastic activity in the resident school district for a minimum of three hundred sixty-five (365) days after the student withdraws from the member school.

(g) A home-schooled student shall not participate in interscholastic activities at more than one (1) public school at the same time.

(h) A public school shall provide a reasonable alternative to any prerequisite for eligibility to participate in an interscholastic activity that the home-schooled student is unable to meet because of his or her enrollment in a home school.

(i) A reasonable alternative under subsection (h) of this section shall provide the home-schooled student with the same opportunity to participate in an interscholastic activity as a public school student.

Authority. Arkansas Code §§ 6-11-105, 6-15-502.