

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

*As Engrossed: S3/22/01*

# A Bill

**Act 1659 of 2001**  
SENATE BILL 940

5 By: Senator Mahony  
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## **For An Act To Be Entitled**

9 AN ACT TO AMEND THE ARKANSAS CODE REGARDING  
10 REQUIREMENTS FOR ENROLLING IN AN ADULT EDUCATION  
11 PROGRAM; AND FOR OTHER PURPOSES.  
12

### **Subtitle**

13 AN ACT TO AMEND THE ARKANSAS CODE  
14 REGARDING REQUIREMENTS FOR ENROLLING IN  
15 AN ADULT EDUCATION PROGRAM.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1 . Arkansas Code 6-18-201 is amended to read as follows:

22 6-18-201. Compulsory attendance - Exceptions.

23 (a) Under the penalty for noncompliance as shall be set by law, every  
24 parent, guardian, or other person residing within the State of Arkansas  
25 having custody or charge of any child age five (5) through seventeen (17)  
26 years on or before September 15 of that year shall enroll and send the child  
27 to a public, private, or parochial school or provide a home school for the  
28 child, as described in § 6-15-501 et seq., with the following exceptions:

29 (1)(A) Any parent, guardian, or other person residing within the  
30 state and having custody or charge of any child may elect for the child not  
31 to attend kindergarten if the child will not be age six (6) on September 15  
32 of that particular school year.

33 (B)(i) If an election is made, the parent, guardian, or  
34 other person having custody or charge of the child must file a signed  
35 kindergarten waiver form with the local district administrative office.

36 (ii) The form shall be prescribed by regulation of

1 the Department of Education.

2 (C) On filing the kindergarten waiver form, the child  
3 shall not be required to attend kindergarten in that school year;

4 (2) Any child who has received a high school diploma or its  
5 equivalent as determined by the State Board of Education is not subject to  
6 the attendance requirement;

7 (3) Any child age sixteen (16) or above enrolled in a  
8 postsecondary vocational -technical institution, a community college, or a  
9 two-year or four-year institution of higher education is not subject to the  
10 attendance requirement;

11 (4)(A) Any child age sixteen (16) or above enrolled in an adult  
12 education program as provided for in subsection (b) of this section or in the  
13 Arkansas National Guard Youth Challenge Program is not subject to the  
14 attendance requirement.

15 (B) The requirements in subsection (b) of this section  
16 shall not apply to the Arkansas National Guard Youth Challenge Program; and

17 (5) Any child age sixteen (16) or above enrolled in an adult  
18 education program prior to June 13, 1994, under a waiver granted by the local  
19 school district who is currently attending the program is not subject to the  
20 attendance requirement.

21 (b) A local school district may grant a waiver of the attendance  
22 requirement to any student age sixteen (16) or seventeen (17) to enroll in an  
23 adult education program only after all of the following requirements have  
24 been met:

25 (1) The student makes formal application to the school district  
26 for a waiver to enroll in an adult education program;

27 (2)(A) After formal application and prior to any further action  
28 on the application, the student shall be administered either a test for adult  
29 basic education or a general educational development pre-test under  
30 standardized testing conditions by a secondary school counselor and shall  
31 score 8.5 or above on the test for adult basic education or a minimum score  
32 of 45 on each section and a minimum composite score of 49 on the pre-general  
33 educational development test.

34 (B) Provided, however, that the minimum test scores shall  
35 not be required of any student who is subject to the attendance requirement  
36 of this section but who was not enrolled in any school district during the

1 previous school year;

2 (3) The student and the student's parents, guardians, or persons  
3 in loco parentis meet with the school counselor to discuss academic options  
4 open to the student;

5 (4) The school district determines that the student is a proper  
6 candidate for enrollment in adult education, contingent upon approval by the  
7 appropriate adult education program;

8 (5) The adult education program reviews the student's school and  
9 testing records and agrees to admit the student into the program;

10 (6) The adult education program shall report attendance of all  
11 sixteen-year-old and seventeen-year-old enrollees to the sending school  
12 district on at least a monthly basis;

13 (7)(A) The adult education program shall require for continued  
14 enrollment a minimum of twenty (20) hours per week of class attendance and  
15 instruction.

16 (B) Provided, however, that a minimum of ten (10) hours  
17 shall be required for any student who is employed for thirty (30) hours or  
18 more each week;

19 (8) The student, the student's parents, guardians, or persons in  
20 loco parentis, and the administrative head of the adult education program  
21 agree in writing that the student will attend the requisite number of hours  
22 per week and maintain appropriate conduct as outlined in the local adult  
23 education program student handbook;

24 (9) In the event that a more appropriate assessment test or  
25 testing and assessment mechanism shall be developed to determine a reasonable  
26 level of competency for success at the adult education level, that test or  
27 mechanism shall be substituted, with the approval of the Adult Education  
28 Section of the Department of Workforce Education, for the tests required in  
29 subdivision (b)(2) of this section; ~~and~~

30 (10) In the event that a student does not attend class as  
31 mandated in this subsection (b) or make reasonable progress toward the  
32 completion of the adult education curriculum, the student shall re-enroll in  
33 the public schools within five (5) days from the date the student is released  
34 from the adult education program-; and

35 (11) The above requirements shall not apply to students enrolled  
36 in a private, parochial, or home school in the state.

1       (c) Students age sixteen (16) or seventeen (17), enrolled in a  
2 private, parochial or home school who desire to enroll in an adult education  
3 program shall meet the following requirements:

4               (1)(A) Students shall apply for enrollment to the adult  
5 education program;

6               (B) A student enrolled in a private or parochial school  
7 shall provide a letter from the principal or administrator of the private or  
8 parochial school to verify enrollment;

9               (C) A student that is home schooled shall provide a  
10 notarized copy of the notice of intent to home school provided to the  
11 superintendent of the local school district as required by § 6-15-503;

12               (2) The student and the student's parents, guardians, or persons  
13 in loco parentis shall meet with the appropriate staff of the adult education  
14 program to discuss academic options open to the student;

15               (3) The adult education program administrators shall review the  
16 student's school and testing records prior to allowing admission to an adult  
17 education program;

18               (4)(A) Except as provided in subdivision (c)(4)(B), the adult  
19 education program shall require, for continued enrollment, a minimum of  
20 twenty (20) hours per week of class attendance and instruction;

21               (B) A minimum of ten (10) hours shall be required for any  
22 student who is employed for thirty (30) hours or more each week;

23               (5) The student, the student's parents, guardians, or persons in  
24 loco parentis, and the administrative head of the adult education program  
25 agree in writing that the student will attend the requisite number of hours  
26 per week and maintain appropriate conduct as outlined in the local adult  
27 education program student handbook;

28               (6) In the event a student does not attend class as mandated in  
29 this subsection or make reasonable progress toward the completion of the  
30 adult education curriculum, the student shall re-enroll in either a public,  
31 private, parochial or home school within five (5) days from the date the  
32 student is released from the adult education program;

33               (7) If a home school student is accepted into the adult  
34 education program, the student's parent, guardian or person standing in loco  
35 parentis shall send written notification to the local public school  
36 superintendent of their intent to participate in the adult education program;

1 and

2 (d) Students age sixteen (16) or above, enrolled in a private,  
3 parochial or home school who desire to take the general education development  
4 test shall meet the following requirements:

5 (1) Students shall not be required to obtain permission or  
6 approval from any official in a public school district before being allowed  
7 to take the test;

8 (2) A students enrolled in a private or parochial school shall  
9 provide a letter from the principal or administrator of the private or  
10 parochial school to verify enrollment;

11 (3) A student enrolled in a home school shall provide a  
12 notarized copy of the notice of intent to home school provided to the  
13 superintendent of the local school district as required by § 6-15-503.

14 ~~(e)~~(e) Any child who will be six (6) years of age on or before October  
15 1 of the school year of enrollment and who has not completed a state-  
16 accredited kindergarten program shall be evaluated by the district and placed  
17 either in the first grade or kindergarten depending upon the results of the  
18 evaluation.

20 /s/ Mahony

23 APPROVED: 4/16/2001

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