

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

2020

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**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF STUDENTS OF MILITARY FAMILIES**

**CHAPTER 1:
REGULATORY AUTHORITY, PURPOSE, DEFINITIONS, AND APPLICATION**

1-1.00 REGULATORY AUTHORITY

1-1.01 These rules shall be known as the Division of Elementary and Secondary Education Rules Governing the Enrollment of Students of Military Families.

1-1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§6-4-305 and 6-18-107.

1-2.00 PURPOSE

1-2.01 The purpose of this rule 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 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:

1-2.01.1 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;

1-2.01.2 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;

1-2.01.3 Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular activities;

1-2.01.4 Facilitating the on-time graduation of children of military families;

- 1-2.01.5 Providing for the adoption and enforcement of administrative rules to implement the Compact;
- 1-2.01.6 Providing for the uniform collection and sharing of information between and among public school districts; and
- 1-2.01.7 Promoting flexibility and cooperation between the educational system, parents and legal guardians, and students in order to achieve educational success for the student.

1-3.00 DEFINITIONS

- 1-3.01 "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;
- 1-3.02 "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, 1210, and 1211, as they existed on January 1, 2019;
- 1-3.03 "Children of military families" means school-aged children enrolled in Kindergarten through Twelfth (12th) grade, in the household of a member of any component of the uniformed services.
- 1-3.04 "Compact" means the Interstate Compact on Educational Opportunity for Military Children.
- 1-3.05 "Council" means the Arkansas State Council for the Interstate Compact on Educational Opportunity for Military Children (Arkansas State MIC3 Council).
- 1-3.06 "Deployment" means the period of time six (6) months before a member of the uniformed services' departure from their home station on military orders through six (6) months after return to his or her home station;
- 1-3.07 "Division" means the Division of Elementary and Secondary Education;
- 1-3.08 "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:

1-3.08.1 General identifying data:

1-3.08.2 Records of attendance and of academic work completed:

1-3.08.3 Records of achievement and results of evaluative tests:

1-3.08.4 Health data:

1-3.08.5 Disciplinary status:

1-3.08.6 Test protocols: and

1-3.08.7 Individualized education programs:

1-3.09 "Extracurricular activity" means a voluntary activity sponsored by a public school or local education agency or an organization sanctioned by the local education agency.

1-3.09.1 "Extracurricular activity" includes without limitation preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities:

1-3.10 "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:

1-3.11 "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:

1-3.12 "Public school" means a state-supported school or public charter school serving students in prekindergarten, kindergarten, elementary, middle, or secondary grades or kindergarten through grade twelve (K-12) in Arkansas, and includes without limitation:

1-3.12.1 Alternative learning environments:

1-3.12.2 The Arkansas School for the Blind;

1-3.12.3 The Arkansas School for the Deaf; and

1-3.12.4 The Arkansas School for Mathematics, Sciences, and the Arts.

1-3.13 "Receiving district" means a public school district to which a child of a uniformed services member transitions;

1-3.14 "Sending district" means the public school district from which a child of uniformed services member transfers;

1-3.15 "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;

1-3.16 "Transition" means the:

1-3.16.1 Formal and physical process of transitioning from public school to public school; or

1-3.16.2 Period of time in which a student moves from a sending district to a receiving district.

1-3.17 "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

1-3.18 "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.

1-4.00 APPLICATION

1-4.01 This rule applies to minor dependent children of:

1-4.01.2 Members of the active and activated reserve components of the uniformed services;

1-4.01.2 Members or veterans of the uniformed services who are severely injured in the line of duty and are medically discharged or retired, for a period of one (1) year following the medical discharge or retirement; and

1-4.01.3 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.

1-4.02 This ~~subchapter~~ rule shall not apply to the minor dependent children of:

1-4.02.1 Inactive members of the National Guard and military reserves;

1-4.02.2 Retired members of the uniformed services, except as provided under section 4.01.2 of this chapter; and

1-4.02.3 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.

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

CHAPTER 2:
PUBLIC SCHOOL DISTRICT DUTIES

2-1.00 ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

2-1.01 Children of military families under this ~~subchapter~~ rule shall have equitable access to academic courses and programs and to extracurricular academic, athletic, and social programs.

2-1.02 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.

2-1.03 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.

2-1.04 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 information as defined in Chapter 1, Section 3.08 of these rules and any other pertinent information reasonably requested by the receiving school district.

2-1.05 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 pre-register and place a student based on the information provided in the unofficial education records that is pending validation by the official records.

2-1.06 Simultaneous with the enrollment and provisional placement of a student, a receiving district shall request a student's official education records from the sending district.

2-1.07 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.

2-1.08 A student shall furnish his or her required immunization records to a receiving district within thirty (30) days of enrolling in the receiving district.

2-1.09 For a series of immunizations, initial vaccinations shall be obtained within thirty (30) days.

2-1.10 A student shall enroll in a receiving district in the same grade level in which he or she is or was enrolled at the sending district, regardless of the student's age.

2-1.11 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.

2-1.12 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.

2-1.13 Academic course placement includes without limitation enrollment in:

2-1.13.1 Honors courses;

2-1.13.2 The International Baccalaureate Diploma Program;

2-1.13.3 Advanced Placement courses; and

2-1.13.4 Academic, technical, and career pathway courses.

2-1.14 A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an academic course.

2-1.15 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.

2-1.16 Educational programs include without limitation:

2-1.16.1 Gifted and talented programs; and

2-1.16.2 English as a second language courses;

2-1.17 A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an educational program.

2-1.18 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.

2-1.19 A receiving district:

2-1.19.1 Shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities under this section; and

2-1.19.2 May perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in the receiving district.

2-1.20 A public school district may waive academic course or educational program requirements for students who transition to a receiving district under this section.

2-1.21 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.

2-1.22 Members of the uniformed services shall, when possible, provide advance notice to public schools regarding the enrollment of a student upon receipt of assignment notification or military orders concerning a permanent change of station or permanent reassignment, mobilization, or deployment.

2-1.23 When a public school receives notice from a military family, 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.

2-1.24 A public school:

- 2-1.24.1 Shall consider the anticipated date of enrollment of a student in light of class sizes, course conflicts, and the availability of elective courses;
- 2-1.24.2 May preregister a student in anticipation of the student's enrollment; and
- 2-1.24.3 May seek waivers from the State Board of Education to accommodate a student under this section, including without limitation required class ratios.

2-1.25 A student under this section shall receive equitable access to academic courses.

2-1.26 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.

2-1.27 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.

2-1.28 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.

2-1.29 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.

2-1.30 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.

2-1.31 In order to ensure the on-time graduation of military students under this section, state and local education agencies shall waive specific courses that are required

for graduation if similar coursework has been satisfactorily completed by a transitioning student under the control of another local education agency.

2-1.31.1 If a waiver for a specific course is denied, the state or local education agency shall provide:

2-1.31.1.1 Justification for the denial; and

2-1.31.1.2 An alternative means by which the transitioning student can complete the required coursework so that the student can graduate on time.

2-1.32 Public schools shall accept results from:

2-1.32.1 Exit or end-of-course exams that are required for graduation from the sending district;

2-1.32.2 National norm-referenced achievement tests; or

2-1.32.3 Alternative testing.

2-1.33 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.

2-1.34 Public schools may award Credit by Demonstrated Mastery (CDM) to eligible high school students pursuant to the Division of Elementary and Secondary Education Rules Governing Grading and Course Credit, Chapter 3: Flexibility in Awarding High School Course Credit, upon approval by the Division.

2-1.35 In considering school choice transfer requests for children of military families, school districts shall comply with the Rules Governing Public School Choice, Chapter 4, School Choice for Military Families.

2-2.00 REPORTING

2-2.01 The Division shall require a public school district to report the enrollment of a student who is a dependent child of a military family:

2-2.01.1 In the Arkansas Public School Computer Network; or

2-2.01.2 If the public school does not report through the Arkansas Public School Computer Network, the Division shall work with the public school district to collect the required reports.

2-3.00 SCHOOL DISTRICT COORDINATORS

2-3.01 A public school district with twenty (20) or more children of military families enrolled as students or a public school district with a total of three thousand (3,000) or more students enrolled shall:

2-3.01.1 Incorporate into the policies of the 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.

2-3.01.1.1 Public schools districts may choose to adopt the Arkansas State MIC3 Council developed Purple School/Campus program, a similar Military Child Education Coalition program or a locally developed program to facilitate transitioning students of military families.

2-3.01.1.2 Arkansas State MIC3 Council will recognize public school districts that achieve full measure of achievement of such a student transition program.

2-3.01.2 Designate for the 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.

2-3.01.2.1 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.

2-3.01.2.2 The ~~department~~ Division shall supply relevant resources for the orientation and training of public school military education coordinators under this section.

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF STUDENTS OF MILITARY FAMILIES

CHAPTER 3:
THE ARKANSAS STATE COUNCIL FOR THE INTERSTATE COMPACT ON
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN
(ARKANSAS STATE MIC3 COUNCIL)

3-1.00 PURPOSE

3-1.01 The purpose of the Compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

3-1.01.1 Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance or age requirements;

3-1.01.2 Facilitating the student placement process to ensure children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;

3-1.01.3 Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

3-1.01.4 Facilitating the on-time graduation of children of military families;

3-1.01.5 Providing for the adoption and enforcement of administrative rules implementing the provisions of this compact;

3-1.01.6 Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact;

3-1.01.7 Promoting coordination between the Compact and other compacts affecting military children; and

- 3-1.01.8 Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

3-2.00 MEMBERSHIP OF THE COUNCIL

The State Council for the Interstate Compact on Educational Opportunity for Military Children is composed of the following members:

- 3-2.01 The Compact Commissioner for Arkansas shall be the Commissioner of Elementary and Secondary Education or his or her designee.

- 3-2.01.1 The Compact Commissioner for Arkansas is responsible for the administration and management of the ~~state~~ state's participation in the Interstate Compact on Educational Opportunity for Military Children adopted under ~~this subchapter~~ Ark. Code Ann. §6-4-301 et seq.

- 3-2.01.2 The Compact Commissioner for Arkansas shall cooperate with all departments, agencies, and officers of and in the government of this state as well as all school districts and political subdivisions of this state for the administration of this compact, or supplementary agreements entered into by the state, or as further directed by law or by the ~~Department Division of Elementary and Secondary of~~ Education or the State Board of Education.

- 3-2.02 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, or his or her designee:

- 3-2.02.1 When a public school district is located in more than one Arkansas congressional district, the congressional district shall be determined by the street address of the district's administrative offices.

- 3-2.02.2 The number of children of military families shall be determined by the number of children of military families as reported by the district in the Arkansas Public School Computer Network under chapter 2, section 2.02 of these rules.

3-2.03 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;

3-2.04 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;

3-2.05 One (1) member selected from the state at large and appointed by the Governor, in consultation with the Arkansas School Boards Association, subject to confirmation of the Senate.

3-2.06 The charter school leader of the open-enrollment public charter school with the greatest number of children of military families, or his or her designee;

3-2.06.1 The number of children of military families shall be determined by the number of children of military families as reported by the district in the Arkansas Public School Computer Network under chapter 2, section 2.02 of these rules

3-2.07 A representative from each federal and state military installation in Arkansas that employs uniformed service members to be designated by each military installation commander as follows:

3-2.07.1 Little Rock Air Force Base and Pine Bluff Arsenal, serving as the active federal installations;

3-2.07.2 Camp Pike Armed Forces Reserve Complex, serving as the reserve federal installation; and

3-2.07.3 One representative from each of the following state installations:

3-2.07.3.1 Camp Robinson,

3-2.07.3.2 Fort Chaffee, and

3-2.07.3.3 Ebbing Air National Guard Base.

3-2.07.4 For purposes of this section, “federal and state military installation” does not include recruiting offices, armed forces reserve centers, state armories, ROTC detachments, and JROTC programs.

3-2.08 Representatives from a federal military installation shall serve as nonvoting, ex officio members:

3-2.09 The Executive Director of the Arkansas Activities Association, serving as a nonvoting, ex officio member, or his or her designee:

3-2.10 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:

3-2.11 The military family education liaison appointed by the Council, serving as a non-voting, ex officio member; and

3-2.12 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.

3-3.00 DUTIES OF THE COUNCIL

3-3.01 The Interstate Compact on Educational Opportunity for Military Children is limited to providing transition services for children of active duty members of the uniformed services and excludes provision of services to children of members of the inactivated reserve components.

3-3.02 Unless otherwise approved by the Commissioner of 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.

3-3.03 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.

3-3.03.1 Parents and legal guardians of military families may request the opportunity to speak at the public forum or make an online presentation to the State Council during the public forum.

3-3.04 The State Council may seek input from the ~~Department~~ Division of Elementary and Secondary Education regarding the outcome of a case that is brought to the State Council for resolution.

MARK UP

**~~ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
THE ENROLLMENT OF MILITARY DEPENDENTS~~**

~~August 2015~~

~~1.00 — REGULATORY AUTHORITY~~

~~1.01 — These rules shall be known as the Arkansas Department of Education Rules Governing the Enrollment of Military Dependents.~~

~~1.02 — The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. § 6-18-107 and Ark. Code Ann. § 25-15-204.~~

~~2.00 — DEFINITIONS~~

~~As used in these rules:~~

~~2.01 — “Branch of the United States armed forces” means:~~

~~2.01.1 United States Army;~~

~~2.01.2 United States Air Force;~~

~~2.01.3 United States Marine Corps;~~

~~2.01.4 United States Navy;~~

~~2.01.5 Army or Air National Guard; or~~

~~2.01.6 United States Coast Guard.~~

~~2.02 — “Military dependent” means a child who:~~

~~2.02.1 Is enrolled in kindergarten through grade twelve (K-12) in a public school;
and~~

~~2.02.2 Resides in the household of a person who is on active duty in or serving in
the reserve component of a branch of the United States armed forces.~~

~~2.03 — “Public school” means a state supported school or public charter school serving
students in prekindergarten, kindergarten, elementary, middle, or secondary
grades in Arkansas, and includes, without limitation:~~

~~2.03.1 Alternative learning environments;~~

~~2.03.2 The Arkansas School for the Blind;~~

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~~2.03.3 The Arkansas School for the Deaf; and~~

~~2.03.4 The Arkansas School for Mathematics, Sciences, and the Arts.~~

~~3.00 REQUIRED REPORTS~~

~~3.01 The Department of Education shall require a public school to report the enrollment of a student who is a military dependent.~~

~~3.02 Public schools shall report the enrollment of a student who is a military dependent through the Arkansas Public School Computer Network.~~

~~3.03 If a public school does not report through the Arkansas Public School Computer Network, the Department of Education shall work with the school to collect the required reports.~~

State of Arkansas

As Engrossed: S4/2/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 638

By: Senator J. English

By: Representatives Burch, Dotson, L. Johnson

For An Act To Be Entitled

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

Subtitle

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

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

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

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

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

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



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

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

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

14
15 SECTION 3. Arkansas Code § 6-4-304(a)(6) and (7), concerning members
16 of the State Council for the Interstate Compact on Educational Opportunity
17 for Military Children, are amended to read as follows:

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

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

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

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

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

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

35
36 SECTION 4. Arkansas Code § 6-4-304(c)(2), concerning meetings held by

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

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

8
9 SECTION 5. Arkansas Code § 6-4-305(b), concerning duties of the State
10 Council, is amended to read as follows:

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

15
16 SECTION 6. Arkansas Code § 6-4-305, concerning duties of the State
17 Council, is amended to add additional subsections to read as follows:

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

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

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

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

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

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

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

36 (1) Information regarding the achievements of the State Council

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

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

7 (3) Details of cases and the outcomes of the cases brought to
8 the State Council for resolution, in compliance with the Family Educational
9 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January
10 1, 2019, and state student privacy laws;

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

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

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

18
19 SECTION 7. Arkansas Code Title 6, Chapter 4, Subchapter 3, is amended
20 to add an additional section to read as follows:

21 6-4-309. Children of military families – Student enrollment procedures
22 and coordinator.

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

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

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

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

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

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

3
4 SECTION 8. Arkansas Code § 6-18-107 is amended to read as follows:

5 6-18-107. Enrollment of ~~military dependents~~ children of military
6 families - Definitions.

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

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

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

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

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

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

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

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

33 (a)-(b) As used in this section:

34 (1) ~~"Branch of the United States armed forces" means:~~

35 (A) ~~United States Army;~~

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

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

~~(D) United States Navy;~~

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

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

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

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

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

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

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

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

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

(A) General identifying data;

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

(C) Records of achievement and results of evaluative tests;

(D) Health data;

(E) Disciplinary status;

(F) Test protocols; and

(G) Individualized education programs;

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

1 by the local education agency.

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

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

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

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

16 (B) "Public school" includes without limitation:

- 17 (i) Alternative learning environments;
18 (ii) The Arkansas School for the Blind;
19 (iii) The Arkansas School for the Deaf; and
20 (iv) The Arkansas School for Mathematics, Sciences,
21 and the Arts-;

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

24 (10) "Rule" means:

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

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

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

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

36 (13) "Transition" means the:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 determined under department rules.

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

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

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

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

16 (A) Honors courses;

17 (B) The International Baccalaureate Diploma Programme;

18 (C) Advanced Placement courses; and

19 (D) Academic, technical, and career pathway courses.

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

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

29 (2) Educational programs include without limitation:

30 (A) Gifted and talented programs; and

31 (B) English as a second language courses;

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

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

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

3 (2) A receiving district:

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

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

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

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

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

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

25 (3) A public school:

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (A) Justification for the denial; and

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

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

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

35 (B) National norm-referenced achievement tests; or

36 (C) Alternative testing.

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

8 (s) The Commissioner of Education, the State Council, and the
9 Interstate Commission on Educational Opportunity for Military Children under
10 § 6-4-301 et seq., shall provide for coordination among state and local
11 education agencies and military installations under this section.

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

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

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

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

20
21
22 /s/J. English

23
24
25 **APPROVED: 4/12/19**