

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES
ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS**

August 2020

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**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE ENROLLMENT OF STUDENTS OF MILITARY FAMILIES
ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS**

**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.~~
Arkansas Military Child School Transitions.

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, 6-28-103 and 6-28-106.~~

1-2.00 PURPOSE AND REGULATORY INTENT

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~~ to maximize the potential for effective school transitions by children of uniformed services families through provisions of these rules to be implemented by public school districts as codified in Ark. Code Ann. § 6-28-101, et seq.

~~1-2.02~~ To better meet the needs of children of Arkansas-based active and reserve Component uniformed service families, this rule expands and extends the Application of the provisions of the Interstate Compact on Educational Opportunity for Military Children, Ark. Code Ann. § 6-4-301, et seq., by:

- ~~1-2.01.1~~ 1-2.02.1 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~~ 1-2.02.2 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~~ 1-2.02.3 Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular activities;
- ~~1-2.01.4~~ 1-2.02.4 Facilitating the on-time graduation of children of military families;
- ~~1-2.01.5~~ 1-2.02.5 Providing for the adoption and enforcement of administrative rules to implement the Compact Ark. Code Ann. § 6-28-101, et seq.;
- ~~1-2.01.6~~ 1-2.02.6 Providing for the uniform collection and sharing of information between and among public school districts; and
- ~~1-2.01.7~~ 1-2.02.7 Promoting flexibility and cooperation between the educational system, military installation leaders and their commands, parents and legal guardians, and students children of military families 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 components of the uniformed services on active duty orders under 10 U.S.C. §§ 1209, and 1210, and 1211, or 42 U.S.C. § 204, as they existed on ~~January 1, 2019~~ January 1, 2021;

- 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~~ his or her home station or duty 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 "Dual status military technician" means a federal civilian employee who is:
- 1-3.08.1 Employed under 5 U.S.C. § 3101 or 32 U.S.C. § 709(b);
 - 1-3.08.2 Required as a condition of his or her employment to maintain membership in the Selected Reserve; and
 - 1-3.08.3 Assigned to a civilian position as a technician in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve of the United States Armed Forces.
- ~~1-3.08~~ 1-3.09 "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~~ 1-3.09.1 General identifying data;
 - ~~1-3.08.2~~ 1-3.09.2 Records of attendance and of academic work completed;
 - ~~1-3.08.3~~ 1-3.09.3 Records of achievement and results of evaluative tests;
 - ~~1-3.08.4~~ 1-3.09.4 Health data;

~~1-3.08.5~~ 1-3.09.5 Disciplinary status;

~~1-3.08.6~~ 1-3.09.6 Test protocols; and

~~1-3.08.7~~ 1-3.09.7 Individualized education programs;

~~1-3.09~~ 1-3.10 "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~~ 1-3.10.1 "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;:

1-3.11.1 United States Department of Defense installations, which shall include:

1-3.11.1.1 Little Rock Air Force Base;

1-3.11.1.2 Pine Bluff Arsenal;

1-3.11.1.3 Camp Pike Armed Forces Reserve Complex; and

1-3.11.2 Arkansas installations, which shall include:

1-3.11.2.1 Camp Joseph T. Robinson Maneuver Training Center;

1-3.11.2.2 Ebbing Air National Guard Base; and

1-3.11.2.3 Fort Chaffee Joint Maneuver Training Center.

1-3.12 "Public school" means a state-supported school or open-enrollment 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~~ transitions;

1-3.15 "Student" means the dependent ~~minor~~ child of a uniformed services member for whom ~~the local education agency~~ a public school or public school district receives public funding and who is enrolled in a public school;

1-3.15.1 A dependent of a member of the uniformed services as defined in Ark. Code Ann. § 6-28-104 who is transferred to the state by official orders is considered a resident in a school district:

1-3.15.1.1 Before the physical arrival of the dependent of a member of the uniformed services in the school district; and

1-3.15.1.2 When the member of the uniformed services enrolls the dependent in the public school district as established under Ark. Code Ann. § 6-28-108.

1-3.16 "Traditional member of the National Guard or federal reserves" means an active member of the Selected Reserve subject to mobilization and deployment for which he or she attends monthly and annual training periods.

~~1-3.16~~ 1-3.17 "Transition" means the:

~~1-3.16.1~~ 1-3.17.1 Formal and physical process of transitioning from public school to public school; or

~~1-3.16.2~~ 1-3.17.2 Period of time in which a student moves from a sending district to a receiving district.

~~1-3.17~~ 1-3.18 "Uniformed services" means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, United States Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, the United States Commissioned Corps of the Public Health Services, and the state and federal reserve components of each of these bodies; and

~~1-3.18~~ 1-3.19 "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:

1-4.01.21 ~~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~~ were severely injured in the line of duty and are medically discharged or retired, for a period of one (1) year following the medical discharge or retirement; ~~and~~

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;~~

1-4.01.4 ~~Dual status military technicians; and~~

1-4.01.5 ~~Traditional members of the National Guard and reserve components of the armed forces who are relocating to the state for~~

employment or to serve as a member of an Arkansas-based reserve component unit.

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

- 1-4.02.1 Inactive members of the National Guard and ~~military reserves~~
reserve components of the armed forces;
- 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
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ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS**

**CHAPTER 2:
PUBLIC SCHOOL DISTRICT DUTIES**

2-1.00 ENROLLMENT SCHOOL TRANSITION OF CHILDREN OF MILITARY FAMILIES

~~2-1.01 Children of military families under this 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.~~

2-1.01 Sending districts and receiving districts may request the assistance of sending and receiving districts outside of the state to provide services to uniformed services families transferring to or from the state who are covered under Ark. Code Ann. § 6-28-101, et seq. but may not be covered under the interstate compact.

~~2-1.04~~ 2-1.02 If official copies of a student's education records cannot be released to a parent or legal guardian of a student for purposes of a transition under this section, then the custodian of the student's education records at the sending district shall prepare and furnish to the parent or legal guardian of the student and the receiving district a complete set of unofficial copies of the student's education records, which shall contain information as defined in Chapter 1, Section ~~3-08~~ 3.09 of these rules and any other pertinent information reasonably requested by the receiving school district.

~~2-1.05~~ 2-1.03 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 provisionally place a student based on the information

provided in the unofficial education records that is pending validation by the official records.

~~2-1.06~~ 2-1.04 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~~ 2-1.05 Upon receipt of this request, the sending district, if it is a district within this state, shall process and furnish the student's official education records to the receiving district within ten (10) days.

~~2-1.08~~ 2-1.06 A student shall furnish his or her required immunization records to a receiving district within thirty (30) days of enrolling in the receiving district, or as per the DESE Rules Governing Immunization Requirements in Arkansas Public Schools.

~~2-1.09~~ 2-1.07 For a series of immunizations, initial vaccinations shall be obtained within thirty (30) days, or as per the DESE Rules Governing Immunization Requirements in Arkansas Public Schools.

~~2-1.10~~ 2-1.08 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~~ 2-1.09 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~~ 2-1.10 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~~ 2-1.11 Academic course placement includes without limitation enrollment in:

~~2-1.13.1~~ 2-1.11.1 Honors courses;

~~2-1.13.2~~ 2-1.11.2 The International Baccalaureate Diploma Program;

~~2-1.13.3~~ 2-1.11.3 Advanced Placement courses; and

~~2-1.13.4~~ 2-1.11.4 Academic, technical, and career pathway courses.

~~2-1.14~~ 2-1.12 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~~ 2-1.13 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~~ 2-1.14 Educational programs include without limitation:

~~2-1.16.1~~ 2-1.14.1 Gifted and talented programs; and

~~2-1.16.2~~ 2-1.14.2 English as a second language courses;

~~2-1.17~~ 2-1.15 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~~ 2-1.16 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~~ 2-1.17 A receiving district:

~~2-1.19.1~~ 2-1.17.1 Shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities under this section; and

~~2-1.19.2~~ 2-1.17.2 May perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in the receiving district.

- ~~2-1.20~~ 2-1.18 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~~ 2-1.19 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~~ 2-1.20 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~~ 2-1.21 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~~ 2-1.22 A public school:
- ~~2-1.24.1~~ 2-1.22.1 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~~ 2-1.22.2 May preregister a student in anticipation of the student's enrollment; and
 - ~~2-1.24.3~~ 2-1.22.3 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~~ 2-1.23 A student under this section shall receive equitable access to academic courses.
- ~~2-1.26~~ 2-1.24 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~~ 2-1.25 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~~ 2-1.26 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~~ 2-1.27 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~~ 2-1.28 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~~ 2-1.29 In order to ensure the on-time graduation of military students under this section, ~~state and local education agencies~~ a receiving district 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~~ public school or public school district.

~~2-1.31.1~~ 2-1.29.1 If a waiver for a specific course is denied, the ~~state or local education agency~~ receiving district shall provide:

~~2-1.31.1.1~~ 2-1.29.1.1 Justification for the denial; and

~~2-1.31.1.2~~ 2-1.29.1.2 An alternative means by which the ~~transitioning~~ student can complete the required coursework so that the student can graduate on time.

~~2-1.32~~ 2-1.30 ~~Public schools~~ A receiving district shall accept results from:

~~2-1.32.1~~ 2-1.30.1 Exit or end-of-course exams that are required for graduation from the sending district;

~~2-1.32.2~~ 2-1.30.2 National norm-referenced achievement tests; or

~~2-1.32.3~~ 2-1.30.3 Alternative testing.

~~2-1.33~~ 2-1.31 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~~ 2-1.32 At the request of a military family, a receiving district may enroll an inbound transitioning child of a military family in virtual distance-learning or digital coursework, if available, to facilitate a smooth transition between the student's previous coursework and the curriculum best suited to ensure educational success in his or her new school.

~~2-1.34~~ 2-1.33 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~~ 2-1.34 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 NEW STUDENT RECOGNITION PROGRAMS AND 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 may choose to adopt the Arkansas State MIC3 Council Council for Military Children-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 Council for Military Children 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 family education coordinator to serve as the primary point of contact for each child of a military family and his or her parent or legal guardian.

2-3.01.2.1 The public school military family education coordinator shall have specialized knowledge regarding the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.

2-3.01.2.2 The 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
ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS**

**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:~~ Arkansas Council for Military Children is to assist state and local education agencies, in collaboration with local military commands, in the promotion of the provisions of Title 6, Chapter 28 and the Interstate Compact in order to eliminate barriers to educational success faced by children of military families.

- 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~~ Arkansas 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. The Commissioner of Elementary and Secondary Education or his or her designee shall serve as Chair of the Arkansas Council for Military Children and Compact Commissioner for Arkansas.~~

~~3-2.01.1~~ The Chair shall lead the Arkansas Council for Military Children's collaborative support of state and public school district programs that carry the provisions of Title 6, Chapter 28 and the Interstate Compact.

~~3-2.01.1~~ ~~3-2.01.2~~ The Compact Commissioner for Arkansas is responsible for the administration and management of the state's participation in the Interstate Compact on Educational Opportunity for Military Children adopted under Ark. Code Ann. §6-4-301, et seq.

~~3-2.01.2~~ ~~3-2.01.3~~ The Chair of the Arkansas Council for Military Children and 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 the provisions of Title 6, Chapter 28 or supplementary agreements entered into by the state, or as

further directed by law or by the Division of Elementary and Secondary Education or the State Board of Education.

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 Three (3) appointed members with a background or interest in the education of military children and are drawn from applicants from The Center for Exceptional Families, Arkansas Advocates for Children and Families, the Arkansas School Counselor Association, the Arkansas Parent and Teachers Association, or other organizations with purposes that include child welfare, child and family advocacy, and special education. These three (3) appointed at-large members shall consist of:

~~3-2.03.1 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 3-2.03.2 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; and~~

~~3-2.05 3-2.03.3 One (1) member selected from the state at-large and shall be appointed by the Governor, in consultation with the Arkansas School Boards Association, subject to confirmation of the Senate.~~

~~3-2.06 3-2.04~~ The charter school leader of the open-enrollment public charter school with the greatest number of children of military families determined every four (4) years, or his or her designee;

~~3-2.06.1~~ 3-2.04.1 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 3-2.05 A representative from each of the six (6) federal and or state military installation in Arkansas ~~that employs uniformed service members to be designated by each military installation commander as follows as designated by the federal military installation commander or the Secretary of the Department of the Military, whichever is applicable:~~

~~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~~ 3-2.06 The Executive Director of the Arkansas Activities Association, ~~serving as a nonvoting, ex officio member, or his or her designee;~~

~~3-2.10~~ 3-2.07 The Chair of the Senate Committee on Education and the Chair of the House Committee on Education or designees from each of the committees, ~~serving as nonvoting, ex officio members; and~~

~~3-2.11~~ 3-2.08 The military family education liaison ~~appointed by the Council, serving as a non-voting, ex-officio member; and as established by Ark. Code Ann. § 6-28-205.~~

~~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.

3-3.01 The duties of the council are to:

3-3.01.1 Assist state and local education agencies in the promotion and communication of the provisions of Title 6, Chapter 28 to inform public school district officials and uniformed services families;

3-3.01.2 Assist state and local education agencies with the orientation and training of district military education coordinators on provisions of Title 6, Chapter 28;

3-3.01.3 Assist in the development and delivery of programs that inform uniformed services families of the need for self-identification in order to assure accurate accounting of children of uniformed services families enrolled in public school districts; and

3-3.01.4 Assist in the development and administration of programs recognizing education agencies, public schools, and leaders who have established or contributed to programs facilitating

successful school transitions of children of uniformed services families.

3-3.02 The State Council shall meet at least quarterly or more frequently as decided upon by a majority of its members and the Chair may call special meetings.

3-3.03 The State Council shall meet at least annually to hold a virtual or in-person public forum in a military community to hear direct feedback from military families regarding the effectiveness of the compact Title 6, Chapter 28 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 Division of Elementary and Secondary Education regarding the outcome of a case that is brought to the State Council for resolution.

3-3.04 A majority of all council members shall constitute a quorum at council meetings.

3-3.05 The Council may provide recommendations to the Division of Elementary and Secondary Education regarding, without limitation, suggested:

3-3.05.1 Legislative initiatives amending Ark. Code Ann. § 6-28-101, et seq.; or

3-3.05.2 Rules applicable to the Division and public school districts under § 6-28-101, et seq..

3-3.06 The council may form committees to carry out its purpose and enlist volunteer participation by knowledgeable individuals and organizations to assist in development and execution of programs.

3-3.07 The council shall provide annual reports to the Governor, the State Board of Education, the Senate Committee on Education, and the House Committee on Education that includes, without limitation the following:

3-3.07.1 Information regarding the achievements of the council and public school districts regarding the support provided to uniformed services families under Ark. Code Ann. § 6-28-101, et seq.:

3-3.07.2 Details of the reports provided to the Military Interstate Children's Compact Commission:

3-3.07.3 The number of children of military families in each public school district transferring to or from another state or federal education agency in the previous year:

3-3.07.4 Summaries of cases elevated to the Chair of the Arkansas Council for Military Children for counsel and assistance in resolving cases involving:

3-3.07.4.1 The transition of children of military families that were elevated by military families, United States Department of Defense officials, or public school districts:

3-3.07.5 Information provided under section 3-3.07.4 of these rules shall be provided in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2021 and state student privacy laws.

3-3.07.6 Information regarding training that is provided to public school district personnel with respect to Title 6, Chapter 28:

3-3.07.7 Details regarding plans for future engagement efforts with uniformed services families under Title 6, Chapter 28 and any other information deemed relevant by the council.

3-4.00 MILITARY FAMILY EDUCATION LIAISON

3-4.01 The military family education liaison designated by the Commissioner of Elementary and Secondary Education shall:

3-4.01.1 Have specialized knowledge related to the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.

3-4.01.2 Serve as a member of the Arkansas Council for Military Children:

3-4.01.3 Have duties as defined by the Chair of the Arkansas Council for Military

Children, which shall include without limitation:

3-4.01.3.1 Assisting the chair and the council in the administration of
Title 6, Chapter 28:

3-4.01.3.2 Facilitating school transitions of children of military
families:

3-4.01.3.3 Assisting in the orientation and training of public school
district military family education coordinators.

Mark-Up Copy

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/14/21

A Bill

SENATE BILL 638

By: Senator J. English
By: Representative Brown

For An Act To Be Entitled

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

Subtitle

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

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

The General Assembly finds that:

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

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

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



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

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

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

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

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

18
19 SECTION 2. Arkansas Code Title 6, Chapter 28, is amended to add an
20 additional chapter to read as follows:

21
22 CHAPTER 28

23 ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS ACT OF 2021

24
25 Subchapter 1 – Arkansas Military Child School Transitions

26
27 6-28-101. Title.

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

30
31 6-28-102. Legislative findings.

32 The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

4
5 6-28-103. Purpose.

6 (a) The purpose of this chapter is to:

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

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

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

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

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

24 (2) Facilitating the placement process for children of military
25 families so children of military families are not disadvantaged by variations
26 in attendance requirements, scheduling, lesson sequencing, grading, course
27 content, and assessment;

28 (3) Facilitating the qualification and eligibility for
29 enrollment, educational programs, and participation in extracurricular
30 activities;

31 (4) Facilitating the on-time graduation of children of military
32 families;

33 (5) Providing for the adoption and enforcement of administrative
34 rules to implement this chapter;

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

1 (7) Promoting flexibility and cooperation between the
2 educational system, military installation leaders and their commands, parents
3 and legal guardians, and children of military families to achieve educational
4 success for the children of military families.

5
6 6-28-104. Definitions.

7 As used in this chapter:

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

12 (2) "Active duty" means full-time duty status in the active,
13 uniformed services of the United States, including without limitation members
14 of the National Guard and reserve components of the uniformed services on
15 active duty orders under 10 U.S.C. §§ 1209 and 1210 or 42 U.S.C. § 204, as
16 they existed on January 1, 2021;

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

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

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

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

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

30 (5) "Education record" means an official record, file, or data
31 directly related to a student and maintained by a public school or public
32 school district, including without limitation a record encompassing all the
33 material kept in a student's cumulative folder such as:

34 (A) General identifying data;

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

36 (C) Records of achievement and results of evaluative

1 tests;

2 (D) Health data;

3 (E) Disciplinary status;

4 (F) Test protocols; and

5 (G) Individualized education programs;

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

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

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

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

15 (i) Little Rock Air Force Base;

16 (ii) Pine Bluff Arsenal; and

17 (iii) Camp Pike Armed Forces Reserve Complex; and

18 (B) Arkansas installations, which shall include:

19 (i) Camp Joseph T. Robinson Maneuver Training
20 Center;

21 (ii) Ebbing Air National Guard Base; and

22 (iii) Fort Chaffee Joint Maneuver Training Center;

23 (8)(A) "Public school" means a state-supported school or open-
24 enrollment public charter school serving students in prekindergarten or
25 kindergarten through grade twelve (K-12) in Arkansas.

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

27 (i) Alternative learning environments;

28 (ii) The Arkansas School for the Blind;

29 (iii) The Arkansas School for the Deaf; and

30 (iv) The Arkansas School for Mathematics, Sciences,
31 and the Arts;

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

34 (10) "Rule" means:

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

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

5 (11) "Sending district" means the public school district from
6 which a child of a uniformed services member transitions;

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

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

14 (14) "Transition" means the:

15 (A) Formal and physical process of transitioning from
16 public school to public school; or

17 (B) Period of time in which a student moves from a sending
18 district to a receiving district;

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

25 (16) "Veteran" means an individual who served in the uniformed
26 services and who was discharged or released from the uniformed services under
27 conditions other than dishonorable.

28
29 6-28-105. Application.

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

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

33 (2) Members or veterans of the uniformed services who were
34 severely injured in the line of duty and are medically discharged or retired
35 for a period of one (1) year following the medical discharge or retirement;

36 (3) Members of the uniformed services who die while on active

duty or as a result of injuries sustained while on active duty for a period of one (1) year following the death;

(4) Dual status military technicians; and

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

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

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

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

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

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

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

6-28-106. State direction and coordination.

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

(1) This act; and

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

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

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

1
2 6-28-107. Transfer of education records and enrollment.

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

8 (2) If official copies of a student's education records cannot
9 be released to a parent or legal guardian of a student for purposes of a
10 transition under this subchapter, then the custodian of the student's
11 education records at the sending district shall prepare and furnish to the
12 parent or legal guardian of the student and the receiving district a complete
13 set of unofficial copies of the student's education records, which shall
14 contain uniform information as determined by the Division of Elementary and
15 Secondary Education.

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

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

22 (A) Ten (10) days; or

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

25
26 6-28-108. Advance enrollment.

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

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

34 (A) Academic courses;

35 (B) Electives;

36 (C) Sports; and

1 (D) Other relevant information regarding the public
2 school.

3 (3) A public school:

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

6 (i) Class sizes;

7 (ii) Course conflicts; and

8 (iii) The availability of elective courses;

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

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

14 (b)(1) A student under this section shall receive equitable access to
15 academic courses.

16 (2)(A) A receiving district may enter academic course requests
17 on behalf of an incoming student under this section based on the student's
18 transcript of information sent by the student's family or the student's
19 sending district.

20 (B) Special power of attorney relative to the guardianship
21 of a student is sufficient for purposes of enrollment and all other actions
22 requiring parental participation and consent.

23 (c)(1) A receiving district shall not charge local tuition to a
24 student who transitions to the receiving district under this section and who
25 has been placed in the care of a noncustodial parent or other person standing
26 in loco parentis who lives in a jurisdiction other than that of the custodial
27 parent.

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

32 (d) A receiving district shall ensure a student who transitions under
33 this section has the opportunity to participate in extracurricular
34 activities, regardless of application deadlines, and to the extent that the
35 student is otherwise qualified.

1 6-28-109. Virtual course enrollment.

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

7
8 6-28-110. Immunizations.

9 (a)(1) A student shall furnish his or her required immunization
10 records to a receiving district within thirty (30) days of enrolling in the
11 receiving district or within such time as is reasonably determined under
12 Division of Elementary and Secondary Education rules.

13 (2) For a series of immunizations, initial vaccinations shall be
14 obtained within thirty (30) days or within such time as is reasonably
15 determined under division rules.

16
17 6-28-111. Grade placement.

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

21 (b) A student who has completed a grade level in the sending district
22 shall be eligible for enrollment in the next highest grade level at the
23 receiving district, regardless of the student's age.

24
25 6-28-112. Course and education program placement.

26 (a) If the academic courses are offered and there is space available,
27 when a student transitions under this subchapter before or during a school
28 year, the receiving district shall provisionally honor the placement of the
29 student in academic courses based on the student's enrollment at the sending
30 district and on educational assessments conducted at the sending district.

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

33 (1) Honors courses;

34 (2) The International Baccalaureate Diploma Programme;

35 (3) Advanced Placement courses; and

36 (4) Academic, technical, and career pathway courses.

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

4 (d)(1) If the educational programs are offered and there is space
5 available, when a student transitions under this section before or during a
6 school year, the receiving district shall provisionally honor the placement
7 of the student in educational programs based on the student's participation
8 in educational programs at the sending district and on educational
9 assessments conducted at the sending district.

10 (2) Educational programs include without limitation:

11 (A) Gifted and talented programs; and

12 (B) English as a second language courses.

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

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

19
20 6-28-113. Special education services.

21 (a) A receiving district shall provisionally provide services to a
22 student with disabilities under the Individuals with Disabilities Education
23 Act, 20 U.S.C. § 1400 et seq., according to the student's existing
24 individualized education program.

25 (b) A receiving district:

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

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

32
33 6-28-114. Student excused absence.

34 If a student whose parent or legal guardian has been called to duty
35 for, is on leave from, or has immediately returned from deployment, the
36 student may be granted additional excused absences at the discretion of the

1 public school in which he or she is enrolled.

2
3 6-28-115. Graduation – Testing.

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

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

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

11 (A) Justification for the denial; and

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

14 (b)(1) A receiving district shall accept results from:

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

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

18 (C) Alternative testing.

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

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

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

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

28
29 6-28-116. New student reception programs – Military family education
30 coordinators.

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

34 (1) Incorporate into the policies of the public school district
35 specific procedures that outline actions to take in support of students who
36 are the children of military families who transition to and from the public

1 school district; and

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

5 (B) The public school military family education
6 coordinator shall have specialized knowledge regarding the educational needs
7 of children of military families and the obstacles that children of military
8 families face in obtaining an education.

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

12
13 6-28-117. Reporting enrollment of children of members of the uniformed
14 services.

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

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

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

22
23 Subchapter 2 – State Coordination

24
25 6-28-201. State direction and coordination requirement.

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

28
29 6-28-202. Chair of the Arkansas Council for Military Children and
30 Compact Commissioner for Arkansas.

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

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

34 (2) Compact Commissioner for Arkansas.

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

1 out the provisions of this act.

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

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

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

12 (2) School districts and political subdivisions of this state.
13

14 6-28-203. Arkansas Council for Military Children – Membership.

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

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

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

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

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

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

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

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

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

36 (6) The Executive Director of the Arkansas Activities

1 Association;

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

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

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

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

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

14 (A) Child welfare;

15 (B) Child and family advocacy; and

16 (C) Special education;

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

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

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

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

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

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

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

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

34
35 6-28-204. Purpose and duties of Arkansas Council for Military
36 Children.

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

6 (b) The duties of the council are to:

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

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

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

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

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

23 (2) The council chair may call special meetings.

24 (d) The Arkansas Council for Military Children may:

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

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

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

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

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

36 (1) Legislative initiatives amending this chapter; and

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

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

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

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

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

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

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

19 (ii) United States Department of Defense officials;
20 or

21 (iii) Public school districts.

22 (B) Information provided under subdivision (h)(4)(A) of
23 this section shall be provided in compliance with the Family Educational
24 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January
25 1, 2021, and state student privacy laws;

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

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

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

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

1 6-28-205. Military family education liaison.

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

4 (b) The military family education liaison shall:

5 (1) Have specialized knowledge related to the:

6 (A) Educational needs of children of military families;

7 and

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

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

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

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

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

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

20
21 6-28-206. Immunity not affected.

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

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

33
34 *SECTION 3. Arkansas Code § 6-18-202(b), concerning residency of*
35 *students, is amended to add an additional subdivision to read as follows:*

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

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

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

5 (B) When the member of the uniformed services enrolls the
6 dependent in the public school district as established under § 6-28-108.
7

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

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

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

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

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

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

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

29 (vii) Transitioning inbound children of military
30 families who have provisionally enrolled in a public school district under
31 the Arkansas Military Child School Transitions Act of 2021, § 6-28-101 et
32 seq.
33

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

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

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

8 (a) Residing within the school district where
9 the public school or open-enrollment public charter school is located; and

10 (b) Physically attending the distance learning
11 course or courses on the campus of the public school district or open-
12 enrollment public charter school; and

13 (c) Provisionally enrolled in the public
14 school district under the Arkansas Military Child School Transitions Act of
15 2021, § 6-28-101 et seq., as an inbound child of a military family.

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

21
22 SECTION 6. Arkansas Code § 6-20-2303, concerning definitions under the
23 Public School Funding Act of 2003, is amended to add an additional
24 subdivision to read as follows:

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

30
31 SECTION 7. Arkansas Code §§ 6-4-303 – 6-4-306 are repealed.

32 ~~6-4-303. Compact Commissioner for Arkansas.~~

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

~~(b) The Compact Commissioner for Arkansas is responsible for the administration and management of the state's participation in the compact adopted under this subchapter.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e) The State Council may seek input from the Division of Elementary and Secondary Education regarding the outcome of a case that is brought to the State Council for resolution.~~

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

~~(1) Information regarding the achievements of the State Council and public school districts regarding the support provided to military families under this subchapter;~~

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

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

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

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

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

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

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

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

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

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

6-4-308. Immunity not affected.

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

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

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

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

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

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

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

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

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

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

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

~~(a) The purpose of this section is to extend laws related to children of active duty members of the uniformed forces under the Interstate Compact on Educational Opportunity for Military Children, § 6-4-301 et seq., to children of all components of the uniformed services in order to remove barriers to educational success that may be experienced by children of~~

1 ~~military families due to frequent moves and deployment of their parents by:~~

2 ~~(1) Facilitating the timely enrollment of children of military~~
3 ~~families and ensuring the children are not placed at a disadvantage due to~~
4 ~~difficulty in the transfer of education records from a previous public~~
5 ~~school, including a public school in another state;~~

6 ~~(2) Facilitating the student placement process so children of~~
7 ~~military families are not disadvantaged by variations in attendance~~
8 ~~requirements, scheduling, lesson sequencing, grading, course content, and~~
9 ~~assessment;~~

10 ~~(3) Facilitating the qualification and eligibility for~~
11 ~~enrollment, educational programs, and participation in extracurricular~~
12 ~~activities;~~

13 ~~(4) Facilitating the on-time graduation of children of military~~
14 ~~families;~~

15 ~~(5) Providing for the adoption and enforcement of administrative~~
16 ~~rules to implement this section;~~

17 ~~(6) Providing for the uniform collection and sharing of~~
18 ~~information between and among public school districts; and~~

19 ~~(7) Promoting flexibility and cooperation between the~~
20 ~~educational system, parents and legal guardians, and students in order to~~
21 ~~achieve educational success for the student.~~

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

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

27 ~~(2) "Active duty" means full-time duty status in the active,~~
28 ~~uniformed services of the United States, including without limitation members~~
29 ~~of the National Guard and Reserve on active duty orders under 10 U.S.C. §§~~
30 ~~1209 and 1210, as they existed on January 1, 2019;~~

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

35 ~~(4) "Education records" means an official record, file, or data~~
36 ~~directly related to a student and maintained by a public school or local~~

~~education agency, including without limitation a record encompassing all the material kept in a student's cumulative folder such as:~~

~~(A) General identifying data;~~

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

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

~~(D) Health data;~~

~~(E) Disciplinary status;~~

~~(F) Test protocols; and~~

~~(G) Individualized education programs;~~

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

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

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

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

~~(8)(A) "Public school" means a state-supported school or public charter school serving students in prekindergarten or kindergarten through grade twelve (K-12) in Arkansas.~~

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

~~(i) Alternative learning environments;~~

~~(ii) The Arkansas School for the Blind;~~

~~(iii) The Arkansas School for the Deaf; and~~

~~(iv) The Arkansas School for Mathematics, Sciences, and the Arts;~~

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

~~(10) "Rule" means:~~

~~(A) A written statement that is of general applicability~~

1 ~~that implements, interprets, or prescribes a policy; or~~

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

6 ~~(11) "Sending district" means the public school district from~~
7 ~~which a child of a uniformed services member transitions;~~

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

11 ~~(13) "Transition" means the:~~

12 ~~(A) Formal and physical process of transitioning from~~
13 ~~public school to public school; or~~

14 ~~(B) Period of time in which a student moves from a sending~~
15 ~~district to a receiving district;~~

16 ~~(14) "Uniformed services" means the United States Army, United~~
17 ~~States Navy, United States Air Force, United States Marine Corps, United~~
18 ~~States Coast Guard, the National Oceanic and Atmospheric Administration~~
19 ~~Commissioned Officer Corps, the United States Commissioned Corps of the~~
20 ~~Public Health Services, and the state and federal reserve components of each~~
21 ~~of these bodies; and~~

22 ~~(15) "Veteran" means an individual who served in the uniformed~~
23 ~~services and who was discharged or released from the uniformed services under~~
24 ~~conditions other than dishonorable.~~

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

26 ~~(A) Members of the active and activated reserve components~~
27 ~~of the uniformed services;~~

28 ~~(B) Members or veterans of the uniformed services who were~~
29 ~~severely injured in the line of duty and are medically discharged or retired~~
30 ~~for a period of one (1) year following the medical discharge or retirement;~~
31 ~~and~~

32 ~~(C) Members of the uniformed services who die while on~~
33 ~~active duty or as a result of injuries sustained while on active duty for a~~
34 ~~period of one (1) year following the death.~~

35 ~~(2) This subchapter shall not apply to the minor dependent~~
36 ~~children of:~~

1 ~~(A) Inactive members of the National Guard and military~~
2 ~~reserves;~~

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

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

8 ~~(d)(1) The Interstate Compact on Educational Opportunity for Military~~
9 ~~Children under § 6-4-301 et seq.;~~

10 ~~(A) Is limited to providing transition services for~~
11 ~~children of active duty members of the uniformed services; and~~

12 ~~(B) Excludes provision of services to children of members~~
13 ~~of the reserve components.~~

14 ~~(2)(A) In complying with this section, sending districts and~~
15 ~~receiving districts shall not require sending and receiving districts outside~~
16 ~~of the state to provide services to uniformed services families transferring~~
17 ~~to or from the state.~~

18 ~~(B) Sending districts and receiving districts in the state~~
19 ~~shall make an attempt to coordinate on behalf of children of reserve~~
20 ~~component members with sending and receiving districts outside of the state~~
21 ~~under subdivision (d)(2)(A) of this section.~~

22 ~~(e)(1) If official copies of a student's education records cannot be~~
23 ~~released to a parent of a student for purposes of a transition under this~~
24 ~~section, then the custodian of the student's education records at the sending~~
25 ~~district shall prepare and furnish to the parent of the student and the~~
26 ~~receiving district a complete set of unofficial copies of the student's~~
27 ~~education records, which shall contain uniform information as determined by~~
28 ~~the Division of Elementary and Secondary Education.~~

29 ~~(2) Upon receipt of the unofficial copies of a student's~~
30 ~~education records by a receiving district under subdivision (e)(1) of this~~
31 ~~section, and as soon as practicable, a receiving district shall preregister~~
32 ~~and place a student based on the information provided in the unofficial~~
33 ~~education records that is pending validation by the official records.~~

34 ~~(3)(A) Simultaneous with the enrollment and provisional~~
35 ~~placement of a student under subdivision (e)(2) of this section, a receiving~~
36 ~~district shall request a student's official education records from the~~

1 ~~sending district.~~

2 ~~(B) Upon receipt of this request, the sending district, if~~
3 ~~it is a district within this state, shall process and furnish the official~~
4 ~~education records to the receiving district within ten (10) days or within~~
5 ~~such time as is reasonably determined under division rules.~~

6 ~~(f)(1) A student shall furnish his or her required immunization~~
7 ~~records to a receiving district within thirty (30) days of enrolling in the~~
8 ~~receiving district or within such time as is reasonably determined under~~
9 ~~division rules.~~

10 ~~(2) For a series of immunizations, initial vaccinations shall be~~
11 ~~obtained within thirty (30) days or within such time as is reasonably~~
12 ~~determined under division rules.~~

13 ~~(g)(1) A student shall enroll in a receiving district in the same~~
14 ~~grade level in which he or she was enrolled at the sending district,~~
15 ~~regardless of the student's age.~~

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

19 ~~(h)(1) If the academic courses are offered and there is space~~
20 ~~available, when a student transitions under this section before or during a~~
21 ~~school year, the receiving district shall provisionally honor the placement~~
22 ~~of the student in academic courses based on the student's enrollment at the~~
23 ~~sending district and on educational assessments conducted at the sending~~
24 ~~district.~~

25 ~~(2) Academic course placement includes without limitation~~
26 ~~enrollment in:~~

27 ~~(A) Honors courses;~~

28 ~~(B) The International Baccalaureate Diploma Programme;~~

29 ~~(C) Advanced Placement courses; and~~

30 ~~(D) Academic, technical, and career pathway courses.~~

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

34 ~~(i)(1) If the educational programs are offered and there is space~~
35 ~~available, when a student transitions under this section before or during a~~
36 ~~school year, the receiving district shall provisionally honor the placement~~

1 ~~of the student in educational programs based on the student's participation~~
2 ~~in educational programs at the sending district and on educational~~
3 ~~assessments conducted at the sending district.~~

4 ~~(2) Educational programs include without limitation:~~

5 ~~(A) Gifted and talented programs; and~~

6 ~~(B) English as a second language courses.~~

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

10 ~~(j)(1) A receiving district shall provisionally provide services to a~~
11 ~~student with disabilities under the Individuals with Disabilities Education~~
12 ~~Act, 20 U.S.C. § 1400 et seq., according to the student's existing~~
13 ~~individualized education program.~~

14 ~~(2) A receiving district:~~

15 ~~(A) Shall make reasonable accommodations and modifications~~
16 ~~to address the needs of incoming students with disabilities under this~~
17 ~~section; and~~

18 ~~(B) May perform subsequent evaluations to ensure a student~~
19 ~~who transitions under this section has been appropriately placed in the~~
20 ~~receiving district.~~

21 ~~(k) A public school may waive academic course or educational program~~
22 ~~requirements for students who transition to a receiving district under this~~
23 ~~section.~~

24 ~~(l) If a student whose parent or legal guardian has been called to~~
25 ~~duty for, is on leave from, or has immediately returned from deployment, the~~
26 ~~student may be granted additional excused absences at the discretion of the~~
27 ~~public school in which he or she is enrolled.~~

28 ~~(m)(1) Members of the uniformed services shall, if possible, provide~~
29 ~~advance notice to public schools regarding the enrollment of a student under~~
30 ~~this section.~~

31 ~~(2) When a public school receives notice from a military family~~
32 ~~under subdivision (m)(1) of this section, the public school shall treat the~~
33 ~~notice as a provisional enrollment and provide the student with materials~~
34 ~~regarding academic courses, electives, sports, and other relevant information~~
35 ~~regarding the public school.~~

36 ~~(3) A public school:~~

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

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

6 ~~(C) May seek waivers from the State Board of Education to~~
7 ~~accommodate a student under this section, including without limitation~~
8 ~~required class ratios.~~

9 ~~(n)(1) A student under this section shall receive equitable access to~~
10 ~~academic courses.~~

11 ~~(2)(A) A receiving district may enter academic course requests~~
12 ~~on behalf of an incoming student under this section based on the student's~~
13 ~~transcript of information sent by the student's family or the student's~~
14 ~~sending district.~~

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

18 ~~(o)(1) A receiving district shall not charge local tuition to a~~
19 ~~student who transitions to the receiving district under this section and who~~
20 ~~has been placed in the care of a noncustodial parent or other person standing~~
21 ~~in loco parentis who lives in a jurisdiction other than that of the custodial~~
22 ~~parent.~~

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

27 ~~(p) A receiving district shall ensure a student who transitions under~~
28 ~~this section has the opportunity to participate in extracurricular~~
29 ~~activities, regardless of application deadlines, and to the extent that the~~
30 ~~student is otherwise qualified.~~

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

33 ~~(1) Waive specific courses that are required for graduation if~~
34 ~~similar coursework has been satisfactorily completed by a transitioning~~
35 ~~student under the control of another local education agency; and~~

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

~~of this section is denied, the state or local education agency shall provide:~~

~~(A) Justification for the denial; and~~

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

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

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

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

~~(C) Alternative testing.~~

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

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

~~(t) The division shall require a public school to report the enrollment of a student who is a child of a military family:~~

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

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

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

SECTION 10. DO NOT CODIFY. Rules.

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

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

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

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

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

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9 */s/J. English*

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12 **APPROVED: 4/29/21**
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