

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Wren**

A Bill

HOUSE BILL 2125

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 6-18-201 AND 6-
9 18-207 TO PROVIDE THAT CHILDREN MAY ATTEND KINDERGARTEN IF
10 THEY ATTAIN THE AGE OF FIVE (5) ON OR BEFORE SEPTEMBER 1
11 OF THE YEAR IN WHICH THEY SEEK ENROLLMENT; THAT CHILDREN
12 MAY ATTEND FIRST GRADE IF THEY ATTAIN THE AGE OF SIX (6)
13 ON OR BEFORE SEPTEMBER 1 OF THE YEAR IN WHICH THEY SEEK
14 ENROLLMENT; AND FOR OTHER PURPOSES."

Subtitle

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17 "TO PROVIDE THAT CHILDREN MAY ATTEND KINDERGARTEN AND
18 FIRST GRADE IF THEY ATTAIN THE AGE ON OR BEFORE SEPTEMBER
19 1 OF THE YEAR THEY SEEK ENROLLMENT."

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

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23 SECTION 1. Arkansas Code Annotated §6-18-201, as amended by Act 292 of
24 1991, is amended to read as follows:

25 "§6-18-201. Compulsory attendance - Exceptions.

26 (a) *Beginning with the 1994-95 school year, every parent, guardian, or*
27 *other person residing within the State of Arkansas having custody or charge of*
28 *any child or children age five (5) through seventeen (17) years on September 1*
29 *of that year, both inclusive, shall enroll and send the child or children to a*
30 *public, private, or parochial school or provide a home school for the child or*
31 *children as described in 6-15-501 et seq. under such penalty for noncompliance*
32 *as shall be set by law with the following exceptions:*

33 (1) Any child who has received a high school diploma, or its
34 equivalent as determined by the State Board of Education, is not subject to
35 attendance requirement.

1 (2) Any parent, guardian, or other person residing within the
2 state and having custody or charge of any child or children may elect for the
3 child or children not to attend kindergarten if the child or children will not
4 be age six (6) on September 1 of that particular school year. If such an
5 election is made, the parent, guardian, or other person having custody or
6 charge of the child must file a signed kindergarten waiver form with the local
7 district administrative office. Such form shall be prescribed by regulation
8 of the State Department of Education. On filing the kindergarten waiver form,
9 the child or children shall not be required to attend kindergarten in that
10 school year.

11 (3) Any child enrolled in a postsecondary vocational-technical
12 institution, a community college or a two-year or four-year institution of
13 higher education is not subject to this attendance requirement.

14 (4) The local school district may grant a waiver of this
15 requirement with notice to the State Board of Education.

16 (b) Any child who will be six (6) years of age on or before September 1
17 of the school year of enrollment and who has not completed a state-accredited
18 kindergarten program shall be evaluated by the district and placed either in
19 the first grade or kindergarten depending upon the results of the evaluation."
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21 SECTION 2. Arkansas Code Annotated §6-18-201, as amended by Act 320 of
22 1991, is amended to read as follows:

23 "§6-18-201. Compulsory attendance - Exceptions.

24 (a) *Beginning with the 1994-95 school year, every parent, guardian, or*
25 *other person residing within the State of Arkansas having custody or charge of*
26 *any child or children age five (5) through seventeen (17) years on September 1*
27 *of that year, both inclusive, shall enroll and send the child or children to a*
28 *public, private, or parochial school or provide a home school for the child or*
29 *children as described in §6-15-501 et seq. under such penalty for*
30 *noncompliance as shall be set by law with the following exceptions:*

31 (1) Any child who has received a high school diploma, or its
32 equivalent as determined by the State Board of Education, is not subject to
33 attendance requirement.

34 (2) Any parent, guardian, or other person residing within the
35 state and having custody or charge of any child or children may elect for the

1 child or children not to attend kindergarten if the child or children will not
2 be age six (6) on September 1 of that particular school year. If such an
3 election is made, the parent, guardian, or other person having custody or
4 charge of the child must file a signed kindergarten waiver form with the local
5 district administrative office. Such form shall be prescribed by regulation
6 of the State Department of Education. On filing the kindergarten waiver form,
7 the child or children shall not be required to attend kindergarten in that
8 school year.

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

13 (b) Any child who will be six (6) years of age on or before September 1
14 of the school year of enrollment and who has not completed a state-accredited
15 kindergarten program shall be evaluated by the district and placed either in
16 the first grade or kindergarten depending upon the results of the evaluation."
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18 SECTION 3. Arkansas Code Annotated §6-18-207 is amended to read as
19 follows:

20 "§6-18-207. Minimum age for enrollment in public school.

21 (a) *Beginning with the 1994-95 school year, students* may enter
22 kindergarten in the public schools of this state if they will attain the age
23 of five (5) years on or before September 1 of the year in which they are
24 seeking initial enrollment. Any student who has been enrolled in a
25 state-accredited or approved kindergarten program in another state for a least
26 sixty (60) days, who will become five (5) years old during the year in which
27 he is enrolled in kindergarten and who meets the basic residency requirement
28 for school attendance, may be enrolled in kindergarten upon written request.

29 (b) *Beginning with the 1994-95 school year, students* may enter the
30 first grade in the public schools of this state if they will attain the age of
31 six (6) years on or before September 1 of the school year in which they are
32 seeking enrollment. Any child who has been enrolled in first grade in a
33 state-accredited or approved elementary school in another state for a period
34 of at least sixty (60) days, who will become age six (6) years during the
35 school year in which he is enrolled in grade one (1), and who meets the basic

1 residency requirement for school attendance may be enrolled in first grade."

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3 SECTION 4. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 5. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 6. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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/s/Rep. Wren

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