

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

*As Engrossed: H3/6/19*

# A Bill

HOUSE BILL 1537

5 By: Representative Evans  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 CONCERNING STUDENT RESIDENCY, COMPULSORY ATTENDANCE,  
11 AND STUDENT MINIMUM ENROLLMENT AGE; AND FOR OTHER  
12 PURPOSES.  
13

### Subtitle

16 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
17 CONCERNING STUDENT RESIDENCY, COMPULSORY  
18 ATTENDANCE, AND MINIMUM ENROLLMENT AGE.  
19

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 6-18-201(a), concerning attendance  
24 requirements for children between ages five (5) and seventeen (17), is  
25 amended to read as follows:

26 (a) Under the penalty for noncompliance set by law, every parent,  
27 legal guardian, person having lawful control of the child, or ~~other~~ person  
28 standing in loco parentis residing within the State of Arkansas and having  
29 custody or charge of a child five (5) years of age through seventeen (17)  
30 years of age on or before the date established in § 6-18-207 for the minimum  
31 age for enrollment in public school shall enroll and send the child to a  
32 public, private, or parochial school or provide a home school for the child,  
33 as described in § 6-15-501 et seq., with the following exceptions:

34 (1)(A) A parent, legal guardian, person having lawful control of  
35 a child, or ~~other~~ person standing in loco parentis residing within the state  
36 and having custody or charge of ~~a~~ the child may elect for the child not to



1 attend kindergarten if the child will not be six (6) years of age on the date  
2 established in § 6-18-207 for the minimum age for enrollment in public school  
3 of that school year.

4 (B)(i) If an election is made under subdivision (a)(1)(A)  
5 of this section, the parent, legal guardian, person having lawful control of  
6 the child, or other person standing in loco parentis having custody or charge  
7 ~~of the child~~ shall file a signed kindergarten waiver form with the local  
8 school district administrative office.

9 (ii) The kindergarten waiver form shall be  
10 prescribed by rule of the Department of Education.

11 (C) Upon the filing of the kindergarten waiver form, the  
12 child shall not be required to attend kindergarten ~~in~~ during that school  
13 year;

14 (2) ~~Any~~ A child who has received a high school diploma or its  
15 equivalent as determined by the State Board of Education is not subject to  
16 the attendance requirement under this section;

17 (3) ~~Any~~ A child sixteen (16) years of age or older who is  
18 enrolled in a postsecondary vocational-technical institution, a community  
19 college, or a two-year or four-year institution of higher education is not  
20 subject to the attendance requirement under this section; and

21 (4)~~(A)~~ ~~Any~~ A child sixteen (16) years of age or older who is  
22 enrolled in an adult education program under subsection (b) of this section  
23 or in the Arkansas National Guard Youth Challenge Program is not subject to  
24 the attendance requirement under this section.

25 ~~(B) The requirements in subsection (b) of this section do~~  
26 ~~not apply to the Arkansas National Guard Youth Challenge Program.~~

27  
28 SECTION 2. Arkansas Code § 6-18-201(b)(3), concerning alternative  
29 options to compulsory attendance, is amended to read as follows:

30 (3) The student and the student's ~~parents, guardians, or persons~~  
31 parent, legal guardian, person having lawful control of the child, or person  
32 standing in loco parentis meet with the school counselor to discuss academic  
33 options open to the student;

34  
35 SECTION 3. Arkansas Code § 6-18-201(b)(8), concerning exemptions to  
36 compulsory attendance for students enrolled in an adult education program, is

1 amended to read as follows:

2 (8) The student, the student's ~~parents, guardians, or persons~~  
3 parent, legal guardian, person having lawful control of the child, or person  
4 standing in loco parentis, and the administrative head of the adult education  
5 program agree in writing that the student will attend the requisite number of  
6 hours per week and maintain appropriate conduct as outlined in the local  
7 adult education program student handbook;

8

9 SECTION 4. Arkansas Code § 6-18-201(c)(2), concerning requirements of  
10 students of a certain age who are enrolled in a private, parochial, or home  
11 school who desire to enroll in an adult education program, is amended to read  
12 as follows:

13 (2) The student and the student's ~~parents, guardians, or persons~~  
14 parent, legal guardian, person having lawful control of the child, or person  
15 standing in loco parentis shall meet with the appropriate staff of the adult  
16 education program to discuss academic options open to the student;

17

18 SECTION 5. Arkansas Code § 6-18-201(c)(5), concerning requirements of  
19 students of a certain age who are enrolled in a private, parochial, or home  
20 school who desire to enroll in an adult education program, is amended to read  
21 as follows:

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

28

29 SECTION 6. Arkansas Code § 6-18-201(c)(7), concerning requirements of  
30 students of a certain age who are enrolled in a private, parochial, or home  
31 school who desire to enroll in an adult education program, is amended to read  
32 as follows:

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

1 to participate in the adult education program.

2  
3 SECTION 7. Arkansas Code § 6-18-202(a), concerning definitions with  
4 respect to attendance requirements, is amended add an additional subdivision  
5 to read as follows:

6 (4) "In loco parentis" means relating to the responsibility to  
7 undertake the care and control of another person in the absence of:

8 (A) Supervision by the person's parent or legal guardian;  
9 and

10 (B) Formal legal approval.

11  
12 SECTION 8. Arkansas Code § 6-18-202(b)(1), concerning the availability  
13 of public schools in any school district in the state to certain persons, is  
14 amended to read as follows:

15 (b)(1) The public schools of any school district in this state shall  
16 be open and free through completion of the secondary program to all persons  
17 in this state between five (5) and twenty-one (21) years of age whose  
18 ~~parents, foster parents, legal guardians, or other persons having lawful~~  
19 ~~control of the person under an order of a court reside~~ parent, legal  
20 guardian, person having lawful control of the person, or person standing in  
21 loco parentis, reside within the school district and to all persons between  
22 those ages who have been legally transferred to the district for education  
23 purposes.

24  
25 SECTION 9. Arkansas Code § 6-18-202(b)(3), concerning proof of  
26 residency, is amended to read as follows:

27 (3) ~~Any~~ A school district may require a parent, foster parent,  
28 legal guardian, ~~or other person having lawful control of the student, or~~  
29 person standing in loco parentis who enrolls a student in a school district  
30 to sign a statement under oath attesting to his or her residential address or  
31 to provide other proof that a student is a resident of the school district as  
32 defined by this section.

33  
34 SECTION 10. Arkansas Code § 6-18-202(c), concerning an adult student  
35 establishing a separate residence, is amended to read as follows:

36 (c) Any person eighteen (18) years of age or older may establish a

1 residence separate and apart from his or her ~~parents or guardians~~ parent,  
2 legal guardian, person having lawful control of the person, or a person  
3 standing in loco parentis for school attendance purposes.

4  
5 SECTION 11. Arkansas Code § 6-18-202(d), concerning a student who is  
6 not an adult establishing a separate residence, is amended to read as  
7 follows:

8 (d) In order for a person under eighteen (18) years of age to  
9 establish a residence for the purpose of attending the public schools  
10 separate and apart from his or her ~~parents, guardians, or other persons~~  
11 ~~having lawful control of him or her under an order of a court, the person~~  
12 ~~must actually~~ parent, legal guardian, person having lawful control of the  
13 person, or person standing in loco parentis, the person is required to reside  
14 in the district for a primary purpose other than that of school attendance.

15  
16 SECTION 12. Arkansas Code § 6-18-207(a), concerning the minimum age by  
17 which a student may enter kindergarten, is amended to add an additional  
18 subdivision to read as follows:

19 (3) A student who was enrolled in a state-accredited or state-  
20 approved kindergarten program in another state or in a kindergarten program  
21 equivalent in another country may be enrolled in kindergarten in this state  
22 upon a written request to the school district if the student:

23 (A) Becomes a resident of this state as a direct result of  
24 active military orders or a court-ordered change of custody;

25 (B) Will become five (5) years of age during the year in  
26 which he or she is enrolled in kindergarten; and

27 (C) Meets the basic residency requirement for school  
28 attendance.

29  
30 SECTION 13. Arkansas Code § 6-18-208 is amended to read as follows:

31 6-18-208. Requirements for enrollment in public school – Exceptions.

32 (a) Before a child's admission to an Arkansas public school, a school  
33 district shall request the parent, legal guardian, person having lawful  
34 control, or other responsible person standing in loco parentis to furnish the  
35 child's Social Security number and shall inform the parent, ~~guardian, or~~  
36 ~~other responsible person that, in the alternative, they may~~ legal guardian,

1 person having lawful control of the child, or person standing in loco  
2 parentis that, in the alternative, the parent, legal guardian, person having  
3 lawful control of the child, or person standing in loco parentis may request  
4 that the school district assign the child a nine-digit number designated by  
5 the Department of Education.

6 (b) Before a child's admission to an Arkansas public school, the  
7 parent, legal guardian, person having lawful control of the child, or  
8 ~~responsible~~ person standing in loco parentis shall provide the school  
9 district with one (1) of the following documents indicating the child's age:

10 (1) A birth certificate;

11 (2) A statement by the local registrar or a county recorder  
12 certifying the child's date of birth;

13 (3) An attested baptismal certificate;

14 (4) A passport;

15 (5) An affidavit of the date and place of birth by the child's  
16 parent ~~or guardian, legal guardian, person having lawful control of the~~  
17 child, or person standing in loco parentis;

18 (6) Previous school records; or

19 (7) A United States military identification.

20 (c) Before a child's admission to an Arkansas public school, the  
21 parent, legal guardian, person having lawful control of the child, or other  
22 ~~responsible~~ person standing in loco parentis shall indicate on school  
23 registration forms whether the child has been expelled from school in any  
24 other school district or is a party to an expulsion proceeding.

25 (d)(1) ~~Beginning with the 2005-2006 school year, no~~ A school or school  
26 district shall not:

27 (A) Use, display, release, or print a student's Social  
28 Security number or any part of the Social Security number on any report,  
29 identification card, identification badge, or any document that will be made  
30 available or released to the public, to a student, or to a student's parent,  
31 ~~or~~ legal guardian, person having lawful control of the child, or person  
32 standing in loco parentis without the express written consent of the  
33 student's parent, legal guardian, person having lawful control of the child,  
34 or person standing in loco parentis if the student is a minor, or of the  
35 student if the student is eighteen (18) years of age or older; or

36 (B) Make a student's Social Security number available by

1 reading the magnetic strip or other encoded information on the student's  
2 identification card.

3 (2) This section ~~shall~~ does not apply to educational records  
4 that are transferred to or between the department, other public schools or  
5 school districts, or other governmental agencies as allowed or required by  
6 federal law, state law, or State Board of Education rule.

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*/s/Evans*

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