

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H1/29/97 H1/29/97 H1/31/97 S2/5/97 S2/20/97

A Bill

ACT 400 OF 1997
HOUSE BILL 1157

5 By: Representatives Simon, McGinnis, Newman, Thicksten, Bisbee, *Bryant, Wren, Molinaro, Magnus, Wilkinson, and Thomas*
6 By: *Senators Russ and Boozman*
7

For An Act To Be Entitled

9 "AN ACT TO AMEND AND REPEAL VARIOUS SECTIONS OF THE
10 ARKANSAS CODE ANNOTATED PERTAINING TO HOME-SCHOOLED
11 STUDENTS; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES."
13

Subtitle

14 "TO AMEND AND REPEAL VARIOUS SECTIONS OF
15 THE ARKANSAS CODE ANNOTATED PERTAINING
16 TO HOME-SCHOOLED STUDENTS."
17
18

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

21 SECTION 1. Arkansas Code Annotated § 6-15-502 is amended to read as
22 follows:

23 "6-15-502. Rules, regulations, and procedures for monitoring and
24 enforcing provisions.

25 (a) The provisions of § 6-18-201(a) shall be self-executing, and the
26 State Board of Education shall have no authority to promulgate rules,
27 regulations, or guidelines for the enforcement or administration thereof.

28 (b) *The State Board of Education is empowered to make such reasonable*
29 *rules and regulations required for the proper administration of this*
30 *subchapter which are not inconsistent with the intent of this subchapter.*

31 ~~———— (c) In addition, the State Board of Education shall cause procedures to~~
32 ~~be developed which will ensure that the provisions of this subchapter and~~
33 ~~§ 6-18-201(a) are properly monitored and enforced."~~
34

35 SECTION 2. Arkansas Code Annotated § 6-15-503 is amended to read as
36 follows:

1 "6-15-503. Prerequisites to home schooling.

2 (a)(1) Parents or guardians desiring to provide a home school for their
3 children must ~~comply with the following requirements:~~

4 ~~Give~~ give written notice to the superintendent of their local
5 school district ~~by August 15, or by December 15 for the spring semester, of~~
6 ~~each school year~~ of their intent to provide a home school for their child and
7 sign a waiver authorizing the release of the State of Arkansas from any future
8 liability for the education of their child-:

9 (A) At the beginning of each school year for parents who are currently
10 homeschooling their child; or

11 (B) At the time during the school year that the parent withdraws the
12 child from the local school district and at the beginning of each school year
13 thereafter.

14
15 (2) Parents or guardians moving into the state during the school year
16 who have home-schooled their children in another state must give written
17 notice to the superintendent of their local school district of their intent to
18 provide a home school for their child and sign a waiver authorizing the
19 release of the State of Arkansas from any future liability for the education
20 of their child within thirty (30) days of establishing residency within the
21 district.

22 (3) Notice must include:

23 (i) The name, date of birth, grade level, and the name and
24 address of the school last attended, if any, of each student involved; and

25 (ii) The location of the home school;

26 (iii) *The basic core curriculum to be offered;*

27 (iv) *The proposed schedule of instruction; and*

28 (v) *The qualifications of the parent/teacher.*

29 (4) Parents or guardians shall deliver written notice in person
30 to the superintendent of their local school district the first time such
31 notice is given.

32 ~~_____~~ (B)(b) This information may be used only for statistical purposes and
33 test administration.

34 ~~_____~~ (2) ~~Agree for students enrolled in the home school who are seven~~
35 ~~(7) years old or older on the date of the test to be tested annually by May 1~~
36 ~~using a nationally recognized standardized achievement test chosen by the~~

1 ~~parents from a list of such tests provided by the State Board of Education.~~

2 ~~_____ (3) Provide information about any student to be enrolled in the~~
3 ~~home school which might indicate the need for special education services.~~

4 (c) Each local school district shall report the statistical data
5 required by this section to the Department of Education each year."

6

7 SECTION 3. Arkansas Code Annotated § 6-15-504 is amended to read as
8 follows:

9 "6-15-504. ~~Annual achievement tests - Requirement and procedure.~~
10 Home-schooled students - Achievement tests - Enrollment or re-enrollment in
11 local schools.

12 ~~_____ (a) Each student enrolled in a home school program who is seven (7)~~
13 ~~years of age through seventeen (17) years of age on October 1 of each school~~
14 ~~year shall be tested annually by May 1 using a nationally recognized~~
15 ~~standardized achievement test chosen by the parents from a list of such tests~~
16 ~~provided by the State Board of Education.~~

17 ~~_____ (b) The test administered to a student who is seven (7) years of age~~
18 ~~shall be for the purpose of obtaining educational baseline data on the~~
19 ~~student.~~

20 ~~_____ (c) The administration of the test required of home school students~~
21 ~~shall be by the Director of General Education, or his designee.~~

22 ~~_____ (d) Such administration shall include purchasing the test materials,~~
23 ~~giving the test, scoring and interpretation of the test, and reporting test~~
24 ~~results.~~

25 ~~_____ (e) The parent/teacher may be present when home school students are~~
26 ~~tested, but in such instance, both the parent and the student shall be under~~
27 ~~the supervision of the test administrator.~~

28 ~~_____ (f) The cost of testing required by this subchapter shall be reimbursed~~
29 ~~to the state by the parent or guardian of the student by the established~~
30 ~~deadline.~~

31 (a) Each student enrolled in a home school program who is
32 considered to be at a grade level, or no more than two (2) years beyond the
33 normal age for the appropriate grade, for which the State mandates norm-
34 referenced tests for public school students shall be tested using a nationally
35 recognized achievement test selected by the State Board of Education.

36 (b)(1)(A) The administration of the tests required of home-schooled

1 students shall be by the directors of the education service cooperatives
2 established under §§ 6-13-1001 et seq., or as otherwise designated by the
3 Department of Education.

4 (B) For the purposes of this section, the superintendents
5 of the Little Rock, North Little Rock, and Pulaski County school districts
6 shall act in lieu of an education service cooperative director.

7 (2) The directors of the education service cooperatives shall
8 establish a common set of procedures, approved by the Director of the
9 Department of Education, for the proper administration of the tests required
10 by this section.

11 (3) Such administration shall include purchasing the test
12 materials, giving the tests, scoring and interpretation of the tests, and
13 reporting test results.

14 (c) The cost of testing required by this section shall be the
15 responsibility of the Department of Education when the tests are administered
16 by the directors of the education service cooperatives or other Department of
17 Education designees.

18 (d) Alternate testing procedures may be approved by the director of an
19 education service cooperative after consultation with the parents of a home-
20 schooled student; provided, however, that any costs associated with an
21 alternate testing procedure shall be the responsibility of the parents.

22 (e)(1) Each local school district shall have authority to assess any
23 home-schooled student who enrolls or re-enrolls in the district in order to
24 determine proper educational placement.

25 (2) The local school district shall utilize, among other means of
26 assessment, the norm-referenced test approved by the State Board of Education
27 to assess the student and shall determine placement in the appropriate grade
28 level as indicated by the test results.

29 (f) Any home-schooled student who enrolls or re-enrolls in a local
30 school district must attend classes for at least nine (9) months immediately
31 prior to graduation before the student can become eligible to receive a high
32 school diploma from the district."

33

34 SECTION 4. Arkansas Code Annotated § 6-15-505 is repealed.

35 ~~§ 6-15-505. Report of test results - Unsatisfactory results.~~

36 ~~(a)(1) Test results shall be reported to the parent/teacher of the home~~

1 school, the superintendent of the school district in which the home school is
2 located, and the Department of Education.

3 ~~— (2) Personally identifiable test scores shall be confidential and shall
4 not be released without the consent of the parent.~~

5 ~~— (3) When test results of the home school student are unsatisfactory, a
6 program of remediation should be planned and implemented by the
7 parent/teacher.~~

8 ~~— (4) Any student eight (8) years of age or older whose test results are
9 unsatisfactory shall be enrolled in a public, private, or parochial school
10 unless, prior to the beginning of the next school year, such student retakes
11 the same test and achieves a satisfactory score.~~

12 ~~— (b) Unsatisfactory test results on the standardized achievement battery
13 shall mean, for all grades, achieving a composite score on reading,
14 mathematics, and language arts that is more than eight (8) months below
15 expected grade level plus, for grade six (6) and above, scores on science and
16 social studies tests which are more than eight (8) months below expected grade
17 level.~~

18 ~~— (c) Notification that a student has not scored satisfactorily on the
19 standardized achievement battery and thus must return to a public, private, or
20 parochial school will come from the Department of Education.~~

21 ~~— (d) Any student required to return to a public, private, or parochial
22 school must continue attendance at a public, private, or parochial school
23 until the student achieves satisfactory test results as defined by this
24 section.~~

25 ~~— (e) Authority is specifically given to the Department of Education to
26 make an exception where improvement on test scores indicates that continued
27 home education would not be adverse to the child's interest.~~

28

29 *SECTION 5. Arkansas Code Annotated § 6-15-506 is repealed.*

30 ~~— 6-15-506. Children needing special education.~~

31 ~~— (a) Any student who has been identified pursuant to the provisions of
32 Public Law 94-142 and § 6-41-201 et seq. as needing special education services
33 shall not be eligible to meet the requirements of compulsory attendance by
34 participating in a home school program unless the parent/teacher of such child
35 holds a valid certification from the State of Arkansas to teach special
36 education courses in a public or private school.~~

1 ~~_____ (b) Any student participating in a home school program whose~~
2 ~~performance on the test required by this subchapter indicates the student may~~
3 ~~be in need of special education service shall be referred for evaluation in~~
4 ~~accordance with the provisions of Public Law 94-142 and § 6-41-201 et seq. and~~
5 ~~the regulations promulgated thereunder. If the student is identified as~~
6 ~~needing special education service, the student shall be enrolled in a public,~~
7 ~~private, or parochial school unless the parent/teacher of such student holds a~~
8 ~~valid certification from the State of Arkansas to teach special education in a~~
9 ~~public, private, or parochial school and submits procedures for implementing~~
10 ~~an individualized education plan which includes specific goals and objectives.~~

11

12 SECTION 6. Arkansas Code Annotated § 6-15-507 is amended to read as
13 follows:

14 "6-15-507. Ineligibility of home schools for local, state, or federal
15 funds ~~Exception.~~

16 Home schools authorized by this subchapter shall not be eligible for
17 local, state, or federal funds allocated to a public school district ~~except~~
18 ~~those funds specifically authorized and allocated to a special education~~
19 ~~student covered by § 6-15-506."~~

20

21 SECTION 7. Arkansas Code Annotated § 27-16-701(d) is amended to read as
22 follows:

23 "(d) Every application for an instruction permit or for a driver's
24 license by a person less than eighteen (18) years old on October 1 of any year
25 shall be accompanied by:

26 (1)(A) Proof of receipt of a high school diploma or its
27 equivalent or enrollment and regular attendance in an adult education program
28 or a public, private, or parochial school.

29 (i) A student enrolled in school shall present proof
30 of a C average for the previous semester or grading period in order to be
31 issued a license.

32 (ii) A student with disabilities receiving special
33 education or related services or a student enrolled in an adult education
34 program shall present proof that the student is successfully completing his
35 individual education plan in order to be issued a license.

36 (B) Regular attendance in a school shall be attendance in

1 compliance with the established written policy of the school district or
2 school concerning truancy.

3 (C) Regular attendance in an adult education program shall
4 be attendance in compliance with the policy for sixteen (16) and seventeen
5 (17) year olds established by the State Board of Vocational Education as
6 provided for in § 6-18-222;

7 (2)(A) Proof that such person is being provided schooling at home
8 as described in § 6-15-501 et seq. in the form of a notarized copy of the
9 written notice of intent to home school the student provided by the parent or
10 guardian to the superintendent of the local school district as required by
11 § 6-15-503.

12 ~~_____ (B) A student enrolled in a home school shall present proof~~
13 ~~that he is successfully completing his course of study as required by~~
14 ~~§§ 6-15-504 and 6-15-505 in order to be issued a license.~~

15 ~~_____ (C)(i) If the student becomes eligible for a license before~~
16 ~~taking the annual achievement test for that school year, he may be issued a~~
17 ~~temporary license either upon the presentation of satisfactory test results~~
18 ~~from the previous school year or, if the student was not enrolled in a home~~
19 ~~school during the previous school year, proof of satisfactory progress in the~~
20 ~~public or private school in which he was last enrolled.~~

21 ~~_____ (ii) The temporary license shall expire upon the next~~
22 ~~July 1 after it is issued; or~~

23 (3) Proof that such person is enrolled in a postsecondary
24 vocational-technical program, a community college, or a two-year or four-year
25 institution of higher education."
26

27 SECTION 8. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.
30

31 SECTION 9. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.
36

1 SECTION 10. All laws and parts of laws in conflict with this act are
2 hereby repealed.

3

4 SECTION 11. EMERGENCY. It is found and determined by the General
5 Assembly of the State of Arkansas that the immediate implementation of this
6 Act is necessary to clarify testing requirements for home-schooled students
7 and is further necessary to efficient operation of the Arkansas Department of
8 Education. Therefore an emergency is declared to exist and this act being
9 immediately necessary for the preservation of the public peace, health and
10 safety shall become effective on the date of its approval by the Governor. If
11 the bill is neither approved nor vetoed by the Governor, it shall become
12 effective on the expiration of the period of time during which the Governor
13 may veto the bill. If the bill is vetoed by the Governor and the veto is
14 overridden, it shall become effective on the date the last house overrides the
15 veto.

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/s/Rep. Simon et al

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APPROVED:3-07-97

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