

1 State of Arkansas *As Engrossed: S1/15/13 S1/17/13 S2/4/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 15

4

5 By: Senators E. Williams, J. English

6 By: Representatives Perry, *House, S. Malone*

7

8

For An Act To Be Entitled

9 AN ACT TO ADOPT THE INTERSTATE COMPACT ON EDUCATIONAL
10 OPPORTUNITY FOR MILITARY CHILDREN; TO REMOVE BARRIERS
11 TO EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF
12 MILITARY FAMILIES; AND FOR OTHER PURPOSES.

13

14

15

Subtitle

16

17

18

19

20

21

22

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

24

25 SECTION 1. Arkansas Code Title 6, Chapter 24, is amended to add an
26 additional subchapter to read as follows:

27

6-4-301. Title.

28

This subchapter is known and may be cited as the "Interstate Compact on
29 Educational Opportunity for Military Children".

30

31

6-4-302. Adoption of compact.

32

The Interstate Compact on Educational Opportunity for Military Children
33 is enacted into law and entered into with all other jurisdictions legally
34 joining in this compact in the form substantially as follows:

35

Interstate Compact on Educational Opportunity for Military Children

36

ARTICLE I



1 PURPOSE

2 It is the purpose of this compact to remove barriers to educational
3 success imposed on children of military families because of frequent moves
4 and deployment of their parents by:

5 A. Facilitating the timely enrollment of children of military families
6 and ensuring that they are not placed at a disadvantage due to difficulty in
7 the transfer of education records from the previous school district(s) or
8 variations in entrance/age requirements.

9 B. Facilitating the student placement process through which children of
10 military families are not disadvantaged by variations in attendance
11 requirements, scheduling, sequencing, grading, course content or assessment.

12 C. Facilitating the qualification and eligibility for enrollment,
13 educational programs, and participation in extracurricular academic, athletic,
14 and social activities.

15 D. Facilitating the on-time graduation of children of military
16 families.

17 E. Providing for the adoption and enforcement of administrative rules
18 implementing the provisions of this compact.

19 F. Providing for the uniform collection and sharing of information
20 between and among member states, schools and military families under this
21 compact.

22 G. Promoting coordination between this compact and other compacts
23 affecting military children.

24 H. Promoting flexibility and cooperation between the educational
25 system, parents, and the student in order to achieve educational success for
26 the student.

27 ARTICLE II

28 DEFINITIONS

29 As used in this compact, unless the context clearly requires a
30 different construction:

31 A. "Active duty" means: full-time duty status in the active uniformed
32 service of the United States, including members of the National Guard and
33 Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

34 B. "Children of military families" means: a school-aged child(ren),
35 enrolled in Kindergarten through Twelfth (12th) grade, in the household of an
36 active duty member.

1 C. "Compact commissioner" means: the voting representative of each
2 compacting state appointed pursuant to Article VIII of this compact.

3 D. "Deployment" means: the period one (1) month prior to the service
4 members' departure from their home station on military orders though six (6)
5 months after return to their home station.

6 E. "Education(al) records" means: those official records, files, and
7 data directly related to a student and maintained by the school or local
8 education agency, including but not limited to records encompassing all the
9 material kept in the student's cumulative folder such as general identifying
10 data, records of attendance and of academic work completed, records of
11 achievement and results of evaluative tests, health data, disciplinary
12 status, test protocols, and individualized education programs.

13 F. "Extracurricular activities" means: a voluntary activity sponsored
14 by the school or local education agency or an organization sanctioned by the
15 local education agency. Extracurricular activities include, but are not
16 limited to, preparation for and involvement in public performances, contests,
17 athletic competitions, demonstrations, displays, and club activities.

18 G. "Interstate Commission on Educational Opportunity for Military
19 Children" means: the commission that is created under Article IX of this
20 compact, which is generally referred to as Interstate Commission.

21 H. "Local education agency" means: a public authority legally
22 constituted by the state as an administrative agency to provide control of and
23 direction for Kindergarten through Twelfth (12th) grade public educational
24 institutions.

25 I. "Member state" means: a state that has enacted this compact.

26 J. "Military installation" means: means a base, camp, post, station,
27 yard, center, homeport facility for any ship, or other activity under the
28 jurisdiction of the Department of Defense, including any leased facility,
29 which is located within any of the several States, the District of Columbia,
30 the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American
31 Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term
32 does not include any facility used primarily for civil works, rivers and
33 harbors projects, or flood control projects.

34 K. "Non-member state" means: a state that has not enacted this
35 compact.

36 L. "Receiving state" means: the state to which a child of a military

1 family is sent, brought, or caused to be sent or brought.

2 M. "Rule" means: a written statement by the Interstate Commission
3 promulgated pursuant to Article XII of this compact that is of general
4 applicability, implements, interprets or prescribes a policy or provision of
5 the Compact, or an organizational, procedural, or practice requirement of the
6 Interstate Commission, and has the force and effect of rules promulgated
7 under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any
8 successor law, and includes the amendment, repeal, or suspension of an
9 existing rule.

10 N. "Sending state" means: the state from which a child of a military
11 family is sent, brought, or caused to be sent or brought.

12 O. "State" means: a state of the United States, the District of
13 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,
14 American Samoa, the Northern Marianas Islands and any other U.S. Territory.

15 P. "Student" means: the child of a military family for whom the local
16 education agency receives public funding and who is formally enrolled in
17 Kindergarten through Twelfth (12th) grade.

18 Q. "Transition" means: 1) the formal and physical process of
19 transferring from school to school or 2) the period of time in which a
20 student moves from one school in the sending state to another school in the
21 receiving state.

22 R. "Uniformed service(s)" means: the Army, Navy, Air Force, Marine
23 Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic
24 and Atmospheric Administration, and Public Health Services.

25 S. "Veteran" means: a person who served in the uniformed services and
26 who was discharged or released there from under conditions other than
27 dishonorable.

28 ARTICLE III

29 APPLICABILITY

30 A. Except as otherwise provided in Section B, this compact shall apply
31 to the children of:

32 1. Active duty members of the uniformed services as defined in
33 this compact, including members of the National Guard and Reserve on active
34 duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

35 2. Members or veterans of the uniformed services who are severely
36 injured and medically discharged or retired for a period of one (1) year after

1 medical discharge or retirement; and

2 3. Members of the uniformed services who die on active duty or as
3 a result of injuries sustained on active duty for a period of one (1) year
4 after death.

5 B. The provisions of this interstate compact shall only apply to local
6 education agencies as defined in this compact.

7 C. The provisions of this compact shall not apply to the children of:

8 1. Inactive members of the national guard and military reserves;

9 2. Members of the uniformed services now retired, except as
10 provided in Section A;

11 3. Veterans of the uniformed services, except as provided in
12 Section A; and

13 4. Other U.S. Dept. of Defense personnel and other federal
14 agency civilian and contract employees not defined as active duty members of
15 the uniformed services.

16 ARTICLE IV

17 EDUCATIONAL RECORDS AND ENROLLMENT

18 A. Unofficial or "hand-carried" education records – In the event that
19 official education records cannot be released to the parents for the purpose
20 of transfer, the custodian of the records in the sending state shall prepare
21 and furnish to the parent a complete set of unofficial educational records
22 containing uniform information as determined by the Interstate Commission.
23 Upon receipt of the unofficial education records by a school in the receiving
24 state, the school shall enroll and appropriately place the student based on
25 the information provided in the unofficial records pending validation by the
26 official records, as quickly as possible to the extent feasible.

27 B. Official education records/transcripts – Simultaneous with the
28 enrollment and conditional placement of the student, the school in the
29 receiving state shall request the student's official education record from
30 the school in the sending state. Upon receipt of this request, the school in
31 the sending state will process and furnish the official education records to
32 the school in the receiving state within ten (10) days or within such time as
33 is reasonably determined under the rules promulgated by the Interstate
34 Commission.

35 C. Immunizations – Compacting states shall give thirty (30) days from
36 the date of enrollment or within such time as is reasonably determined under

1 the rules promulgated by the Interstate Commission, for students to obtain
2 any immunization(s) required by the receiving state. For a series of
3 immunizations, initial vaccinations must be obtained within thirty (30) days
4 or within such time as is reasonably determined under the rules promulgated
5 by the Interstate Commission.

6 D. Kindergarten and First grade entrance age – Students shall be
7 allowed to continue their enrollment at grade level in the receiving state
8 commensurate with their grade level (including Kindergarten) from a local
9 education agency in the sending state at the time of transition, regardless
10 of age. A student that has satisfactorily completed the prerequisite grade
11 level in the local education agency in the sending state shall be eligible
12 for enrollment in the next highest grade level in the receiving state,
13 regardless of age. A student transferring after the start of the school year
14 in the receiving state shall enter the school in the receiving state on their
15 validated level from an accredited school in the sending state.

16 ARTICLE V

17 PLACEMENT AND ATTENDANCE

18 A. Course placement – When the student transfers before or during the
19 school year, the receiving state school shall initially honor placement of
20 the student in educational courses based on the student's enrollment in the
21 sending state school and/or educational assessments conducted at the school
22 in the sending state if the courses are offered and there is space available,
23 as determined by the school district. Course placement includes but is not
24 limited to Honors, International Baccalaureate, Advanced Placement,
25 vocational, technical and career pathways courses. Continuing the student's
26 academic program from the previous school and promoting placement in
27 academically and career challenging courses should be paramount when
28 considering placement. This does not preclude the school in the receiving
29 state from performing subsequent evaluations to ensure appropriate placement
30 and continued enrollment of the student in the course(s).

31 B. Educational program placement – The receiving state school shall
32 initially honor placement of the student in educational programs based on
33 current educational assessments conducted at the school in the sending state or
34 participation/placement in like programs in the sending state provided that the
35 program exists in the school and there is space available, as determined by the
36 school district. Such programs include, but are not limited to: 1) gifted and

1 talented programs; and 2) English as a second language (ESL).

2 This does not preclude the school in the receiving state from performing
3 subsequent evaluations to ensure appropriate placement of the student.

4 C. Special education services.

5 1. In compliance with the federal requirements of the
6 Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400
7 et seq, the receiving state shall initially provide comparable services to a
8 student with disabilities based on his/her current Individualized Education
9 Program (IEP); and

10 2. In compliance with the requirements of Section 504 of the
11 Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the
12 Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the
13 receiving state shall make reasonable accommodations and modifications to
14 address the needs of incoming students with disabilities, subject to an
15 existing 504 or Title II Plan, to provide the student with equal access to
16 education.

17 This does not preclude the school in the receiving state from
18 performing subsequent evaluations to ensure appropriate placement of the
19 student.

20 D. Placement flexibility – Local education agency administrative
21 officials shall have flexibility in waiving course/program prerequisites, or
22 other preconditions for placement in courses/programs offered under the
23 jurisdiction of the local education agency.

24 E. Absence as related to deployment activities – A student whose
25 parent or legal guardian is an active duty member of the uniformed services,
26 as defined by the compact, and has been called to duty for, is on leave from,
27 or immediately returned from deployment to a combat zone or combat support
28 posting, shall be granted additional excused absences at the discretion of
29 the local education agency superintendent to visit with his or her parent or
30 legal guardian relative to such leave or deployment of the parent or
31 guardian.

32 ARTICLE VI

33 ELIGIBILITY

34 A. Eligibility for enrollment

35 1. Special power of attorney, relative to the guardianship of a
36 child of a military family and executed under applicable law shall be

1 sufficient for the purposes of enrollment and all other actions requiring
2 parental participation and consent.

3 2. A local education agency shall be prohibited from charging
4 local tuition to a transitioning military child placed in the care of a non-
5 custodial parent or other person standing in loco parentis who lives in a
6 jurisdiction other than that of the custodial parent.

7 3. A transitioning military child, placed in the care of a non-
8 custodial parent or other person standing in loco parentis who lives in a
9 jurisdiction other than that of the custodial parent, may continue to attend
10 the school in which he/she was enrolled while residing with the custodial
11 parent.

12 B. Eligibility for extracurricular participation - State and local
13 education agencies shall facilitate the opportunity for transitioning
14 military children's inclusion in extracurricular activities, regardless of
15 application deadlines, to the extent they are otherwise qualified.

16 ARTICLE VII

17 GRADUATION

18 In order to facilitate the on-time graduation of children of military
19 families states and local education agencies shall incorporate the following
20 procedures:

21 A. Waiver requirements - Local education agency administrative
22 officials shall waive specific courses required for graduation if similar
23 course work has been satisfactorily completed in another local education
24 agency or shall provide reasonable justification for denial. Should a waiver
25 not be granted to a student who would qualify to graduate from the sending
26 school, the local education agency shall provide an alternative means of
27 acquiring required coursework so that graduation may occur on time.

28 B. Exit exams - States shall accept:

29 1. Exit or end-of-course exams required for graduation from the
30 sending state; or

31 2. National norm-referenced achievement tests; or

32 3. Alternative testing, in lieu of testing requirements for
33 graduation in the receiving state.

34 In the event the above alternatives cannot be accommodated by the
35 receiving state for a student transferring in his or her Senior year, then
36 the provisions of Article VII, Section C shall apply.

1 C. Transfers during Senior year – Should a military student
2 transferring at the beginning or during his or her Senior year be ineligible
3 to graduate from the receiving local education agency after all alternatives
4 have been considered, the sending and receiving local education agencies
5 shall ensure the receipt of a diploma from the sending local education
6 agency, if the student meets the graduation requirements of the sending local
7 education agency. In the event that one of the states in question is not a
8 member of this compact, the member state shall use best efforts to facilitate
9 the on-time graduation of the student in accordance with Sections A and B of
10 this Article.

11 ARTICLE VIII

12 STATE COORDINATION

13 A. Each member state shall, through the creation of a State Council or
14 use of an existing body or board, provide for the coordination among its
15 agencies of government, local education agencies and military installations
16 concerning the state’s participation in, and compliance with, this compact
17 and Interstate Commission activities. While each member state may determine
18 the membership of its own State Council, its membership must include at least:
19 the state superintendent of education or his or her designee, superintendent of
20 a school district with a high concentration of military children,
21 representative from a military installation, one representative each from the
22 legislative and executive branches of government, and other offices and
23 stakeholder groups the State Council deems appropriate. A member state that
24 does not have a school district deemed to contain a high concentration of
25 military children may appoint a superintendent from another school district to
26 represent local education agencies on the State Council.

27 B. The State Council of each member state shall appoint or designate a
28 military family education liaison to assist military families and the state
29 in facilitating the implementation of this compact.

30 C. The compact commissioner responsible for the administration and
31 management of the state’s participation in the compact shall be appointed by
32 the Governor or as otherwise determined by each member state.

33 D. The compact commissioner and the military family education liaison
34 designated herein shall be ex-officio members of the State Council, unless
35 either is already a full voting member of the State Council.

36 ARTICLE IX

1 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

2 The member states hereby create the "Interstate Commission on
3 Educational Opportunity for Military Children". The activities of the
4 Interstate Commission are the formation of public policy and are a
5 discretionary state function. The Interstate Commission shall:

6 A. Be a body corporate and joint agency of the member states and shall
7 have all the responsibilities, powers and duties set forth herein, and such
8 additional powers as may be conferred upon it by a subsequent concurrent
9 action of the respective legislatures of the member states in accordance with
10 the terms of this compact.

11 B. Consist of one Interstate Commission voting representative from
12 each member state who shall be that state's compact commissioner.

13 1. Each member state represented at a meeting of the Interstate
14 Commission is entitled to one vote.

15 2. A majority of the total member states shall constitute a
16 quorum for the transaction of business, unless a larger quorum is required by
17 the bylaws of the Interstate Commission.

18 3. A representative shall not delegate a vote to another member
19 state. In the event the compact commissioner is unable to attend a meeting of
20 the Interstate Commission, the Governor or State Council may delegate voting
21 authority to another person from their state for a specified meeting.

22 4. The bylaws may provide for meetings of the Interstate
23 Commission to be conducted by telecommunication or electronic communication.

24 C. Consist of ex-officio, non-voting representatives who are members
25 of interested organizations. Such ex-officio members, as defined in the
26 bylaws, may include but not be limited to, members of the representative
27 organizations of military family advocates, local education agency officials,
28 parent and teacher groups, the U.S. Department of Defense, the Education
29 Commission of the States, the Interstate Agreement on the Qualification of
30 Educational Personnel and other interstate compacts affecting the education
31 of children of military members.

32 D. Meet at least once each calendar year. The chairperson may call
33 additional meetings and, upon the request of a simple majority of the member
34 states, shall call additional meetings.

35 E. Establish an executive committee, whose members shall include the
36 officers of the Interstate Commission and such other members of the

1 Interstate Commission as determined by the bylaws. Members of the executive
2 committee shall serve a one year term. Members of the executive committee
3 shall be entitled to one vote each. The executive committee shall have the
4 power to act on behalf of the Interstate Commission, with the exception of
5 rulemaking, during periods when the Interstate Commission is not in session.
6 The executive committee shall oversee the day-to-day activities of the
7 administration of the compact including enforcement and compliance with the
8 provisions of the compact, its bylaws and rules, and other such duties as
9 deemed necessary. The U.S. Dept. of Defense, shall serve as an ex-officio,
10 nonvoting member of the executive committee.

11 F. Establish bylaws and rules that provide for conditions and
12 procedures under which the Interstate Commission shall make its information
13 and official records available to the public for inspection or copying. The
14 Interstate Commission may exempt from disclosure information or official
15 records to the extent they would adversely affect personal privacy rights or
16 proprietary interests.

17 G. Public notice shall be given by the Interstate Commission of all
18 meetings and all meetings shall be open to the public, except as set forth in
19 the rules or as otherwise provided in the compact. The Interstate Commission
20 and its committees may close a meeting, or portion thereof, where it
21 determines by two-thirds vote that an open meeting would be likely to:

22 1. Relate solely to the Interstate Commission's internal
23 personnel practices and procedures;

24 2. Disclose matters specifically exempted from disclosure by
25 federal and state statute;

26 3. Disclose trade secrets or commercial or financial information
27 that is privileged or confidential;

28 4. Involve accusing a person of a crime, or formally censuring a
29 person;

30 5. Disclose information of a personal nature where disclosure
31 would constitute a clearly unwarranted invasion of personal privacy;

32 6. Disclose investigative records compiled for law enforcement
33 purposes; or

34 7. Specifically relate to the Interstate Commission's
35 participation in a civil action or other legal proceeding.

36 H. For a meeting, or portion of a meeting, closed pursuant to this

1 provision, the Interstate Commission's legal counsel or designee shall
2 certify that the meeting may be closed and shall reference each relevant
3 exemptible provision. The Interstate Commission shall keep minutes that
4 shall fully and clearly describe all matters discussed in a meeting and shall
5 provide a full and accurate summary of actions taken, and the reasons
6 therefore, including a description of the views expressed and the record of a
7 roll call vote. All documents considered in connection with an action shall
8 be identified in such minutes. All minutes and documents of a closed meeting
9 shall remain under seal, subject to release by a majority vote of the
10 Interstate Commission.

11 I. The Interstate Commission shall collect standardized data
12 concerning the educational transition of the children of military families
13 under this compact as directed through its rules that shall specify the data
14 to be collected, the means of collection and data exchange and reporting
15 requirements. Such methods of data collection, exchange and reporting shall,
16 in so far as is reasonably possible, conform to current technology and
17 coordinate its information functions with the appropriate custodian of
18 records as identified in the bylaws and rules.

19 J. The Interstate Commission shall create a process that permits
20 military officials, education officials and parents to inform the Interstate
21 Commission if and when there are alleged violations of the compact or its
22 rules or when issues subject to the jurisdiction of the compact or its rules
23 are not addressed by the state or local education agency. This section shall
24 not be construed to create a private right of action against the Interstate
25 Commission or any member state.

26 ARTICLE X

27 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

28 The Interstate Commission shall have the following powers:

29 A. To provide for dispute resolution among member states.

30 B. To promulgate rules and take all necessary actions to effect the
31 goals, purposes and obligations as enumerated in this compact. The rules
32 shall have the force and effect of rules promulgated under the Arkansas
33 Administrative Procedure Act, § 25-15-201 et seq., or any successor law, and
34 shall be binding in the compact states to the extent and in the manner
35 provided in this compact.

36 C. To issue, upon request of a member state, advisory opinions

1 concerning the meaning or interpretation of the interstate compact, its
2 bylaws, rules and actions.

3 D. To enforce compliance with the compact provisions, the rules
4 promulgated by the Interstate Commission, and the bylaws, using all necessary
5 and proper means, including but not limited to the use of judicial process.

6 E. To establish and maintain offices that shall be located within one
7 or more of the member states.

8 F. To purchase and maintain insurance and bonds.

9 G. To borrow, accept, hire or contract for services of personnel.

10 H. To establish and appoint committees including, but not limited to,
11 an executive committee as required by Article IX, Section E, which shall have
12 the power to act on behalf of the Interstate Commission in carrying out its
13 powers and duties hereunder.

14 I. To elect or appoint such officers, attorneys, employees, agents, or
15 consultants, and to fix their compensation, define their duties and determine
16 their qualifications; and to establish the Interstate Commission's personnel
17 policies and programs relating to conflicts of interest, rates of
18 compensation, and qualifications of personnel.

19 J. To accept any and all donations and grants of money, equipment,
20 supplies, materials, and services, and to receive, utilize, and dispose of
21 it.

22 K. To lease, purchase, accept contributions or donations of, or
23 otherwise to own, hold, improve or use any property, real, personal, or
24 mixed.

25 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or
26 otherwise dispose of any property, real, personal or mixed.

27 M. To establish a budget and make expenditures.

28 N. To adopt a seal and bylaws governing the management and operation
29 of the Interstate Commission.

30 O. To report annually to the legislatures, governors, judiciary, and
31 state councils of the member states concerning the activities of the
32 Interstate Commission during the preceding year. Such reports shall also
33 include any recommendations that may have been adopted by the Interstate
34 Commission.

35 P. To coordinate education, training and public awareness regarding
36 the compact, its implementation and operation for officials and parents

1 involved in such activity.

2 Q. To establish uniform standards for the reporting, collecting and
3 exchanging of data.

4 R. To maintain corporate books and records in accordance with the
5 bylaws.

6 S. To perform such functions as may be necessary or appropriate to
7 achieve the purposes of this compact.

8 T. To provide for the uniform collection and sharing of information
9 between and among member states, schools and military families under this
10 compact.

11 ARTICLE XI

12 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

13 A. The Interstate Commission shall, by a majority of the members
14 present and voting, within 12 months after the first Interstate Commission
15 meeting, adopt bylaws to govern its conduct as may be necessary or
16 appropriate to carry out the purposes of the compact, including, but not
17 limited to:

18 1. Establishing the fiscal year of the Interstate Commission;

19 2. Establishing an executive committee, and such other
20 committees as may be necessary;

21 3. Providing for the establishment of committees and for
22 governing any general or specific delegation of authority or function of the
23 Interstate Commission;

24 4. Providing reasonable procedures for calling and conducting
25 meetings of the Interstate Commission, and ensuring reasonable notice of each
26 such meeting;

27 5. Establishing the titles and responsibilities of the officers
28 and staff of the Interstate Commission;

29 6. Providing a mechanism for concluding the operations of the
30 Interstate Commission and the return of surplus funds that may exist upon the
31 termination of the compact after the payment and reserving of all of its
32 debts and obligations.

33 7. Providing "start up" rules for initial administration of the
34 compact.

35 B. The Interstate Commission shall, by a majority of the members,
36 elect annually from among its members a chairperson, a vice-chairperson, and

1 a treasurer, each of whom shall have such authority and duties as may be
2 specified in the bylaws. The chairperson or, in the chairperson's absence or
3 disability, the vice-chairperson, shall preside at all meetings of the
4 Interstate Commission. The officers so elected shall serve without
5 compensation or remuneration from the Interstate Commission; provided that,
6 subject to the availability of budgeted funds, the officers shall be
7 reimbursed for ordinary and necessary costs and expenses incurred by them in
8 the performance of their responsibilities as officers of the Interstate
9 Commission.

10 C. Executive Committee, Officers and Personnel

11 1. The executive committee shall have such authority and duties
12 as may be set forth in the bylaws, including but not limited to:

13 a. Managing the affairs of the Interstate Commission in a
14 manner consistent with the bylaws and purposes of the Interstate Commission;

15 b. Overseeing an organizational structure within, and
16 appropriate procedures for the Interstate Commission to provide for the
17 creation of rules, operating procedures, and administrative and technical
18 support functions; and

19 c. Planning, implementing, and coordinating communications
20 and activities with other state, federal and local government organizations
21 in order to advance the goals of the Interstate Commission.

22 2. The executive committee may, subject to the approval of the
23 Interstate Commission, appoint or retain an executive director for such
24 period, upon such terms and conditions and for such compensation, as the
25 Interstate Commission may deem appropriate. The executive director shall
26 serve as secretary to the Interstate Commission, but shall not be a Member of
27 the Interstate Commission. The executive director shall hire and supervise
28 such other persons as may be authorized by the Interstate Commission.

29 D. The Interstate Commission's executive director and its employees
30 shall be immune from suit and liability, either personally or in their
31 official capacity, for a claim for damage to or loss of property or personal
32 injury or other civil liability caused or arising out of or relating to an
33 actual or alleged act, error, or omission that occurred, or that such person
34 had a reasonable basis for believing occurred, within the scope of
35 Interstate Commission employment, duties, or responsibilities; provided, that
36 such person shall not be protected from suit or liability for damage, loss,

1 injury, or liability caused by the intentional or willful and wanton
2 misconduct of such person.

3 1. The liability of the Interstate Commission's executive
4 director and employees or Interstate Commission representatives, acting
5 within the scope of such person's employment or duties for acts, errors, or
6 omissions occurring within such person's state may not exceed the limits of
7 liability set forth under the Constitution and laws of that state for state
8 officials, employees, and agents. The Interstate Commission is considered to
9 be an instrumentality of the states for the purposes of any such action.
10 Nothing in this subsection shall be construed to protect such person from
11 suit or liability for damage, loss, injury, or liability caused by the
12 intentional or willful and wanton misconduct of such person.

13 2. The Interstate Commission shall defend the executive director
14 and its employees and, subject to the approval of the Attorney General or
15 other appropriate legal counsel of the member state represented by an
16 Interstate Commission representative, shall defend such Interstate Commission
17 representative in any civil action seeking to impose liability arising out of
18 an actual or alleged act, error or omission that occurred within the scope of
19 Interstate Commission employment, duties or responsibilities, or that the
20 defendant had a reasonable basis for believing occurred within the scope of
21 Interstate Commission employment, duties, or responsibilities, provided that
22 the actual or alleged act, error, or omission did not result from intentional
23 or willful and wanton misconduct on the part of such person.

24 3. To the extent not covered by the state involved, member
25 state, or the Interstate Commission, the representatives or employees of the
26 Interstate Commission shall be held harmless in the amount of a settlement or
27 judgment, including attorney's fees and costs, obtained against such persons
28 arising out of an actual or alleged act, error, or omission that occurred
29 within the scope of Interstate Commission employment, duties, or
30 responsibilities, or that such persons had a reasonable basis for believing
31 occurred within the scope of Interstate Commission employment, duties, or
32 responsibilities, provided that the actual or alleged act, error, or omission
33 did not result from intentional or willful and wanton misconduct on the part
34 of such persons.

35 ARTICLE XII

36 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

1 A. Rulemaking Authority – The Interstate Commission shall promulgate
2 reasonable rules in order to effectively and efficiently achieve the purposes
3 of this Compact. Notwithstanding the foregoing, in the event the Interstate
4 Commission exercises its rulemaking authority in a manner that is beyond the
5 scope of the purposes of this Act, or the powers granted hereunder, then such
6 an action by the Interstate Commission shall be invalid and have no force or
7 effect.

8 B. Rulemaking Procedure – Rules shall be made pursuant to a rulemaking
9 process that substantially conforms to the "Model State Administrative
10 Procedure Act, of 1981," Uniform Laws Annotated, Vol. 15, p.1 (2000) as
11 amended, as may be appropriate to the operations of the Interstate
12 Commission.

13 C. Not later than thirty (30) days after a rule is promulgated, any
14 person may file a petition for judicial review of the rule; provided, that
15 the filing of such a petition shall not stay or otherwise prevent the rule
16 from becoming effective unless the court finds that the petitioner has a
17 substantial likelihood of success. The court shall give deference to the
18 actions of the Interstate Commission consistent with applicable law and shall
19 not find the rule to be unlawful if the rule represents a reasonable exercise
20 of the Interstate Commission's authority.

21 D. If a majority of the legislatures of the compacting states rejects a
22 Rule by enactment of a statute or resolution in the same manner used to adopt
23 the compact, then such rule shall have no further force and effect in any
24 compacting state.

25 ARTICLE XIII

26 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

27 A. Oversight

28 1. The executive, legislative and judicial branches of state
29 government in each member state shall enforce this compact and shall take all
30 actions necessary and appropriate to effectuate the compact's purposes and
31 intent.

32 2. All courts shall take judicial notice of the compact and the
33 rules in any judicial or administrative proceeding in a member state
34 pertaining to the subject matter of this compact that may affect the powers,
35 responsibilities or actions of the Interstate Commission.

36 3. The Interstate Commission shall be entitled to receive all

1 service of process in any such proceeding, and shall have standing to
2 intervene in the proceeding for all purposes. Failure to provide service of
3 process to the Interstate Commission shall render a judgment or order void as
4 to the Interstate Commission, this compact or promulgated rules.

5 B. Default, Technical Assistance, Suspension and Termination - If the
6 Interstate Commission determines that a member state has defaulted in the
7 performance of its obligations or responsibilities under this compact, or the
8 bylaws or promulgated rules, the Interstate Commission shall:

9 1. Provide written notice to the defaulting state and other
10 member states, of the nature of the default, the means of curing the default
11 and any action taken by the Interstate Commission. The Interstate Commission
12 shall specify the conditions by which the defaulting state must cure its
13 default.

14 2. Provide remedial training and specific technical assistance
15 regarding the default.

16 3. If the defaulting state fails to cure the default, the
17 defaulting state shall be terminated from the compact upon an affirmative
18 vote of a majority of the member states and all rights, privileges and
19 benefits conferred by this compact shall be terminated from the effective
20 date of termination. A cure of the default does not relieve the offending
21 state of obligations or liabilities incurred during the period of the
22 default.

23 4. Suspension or termination of membership in the compact shall
24 be imposed only after all other means of securing compliance have been
25 exhausted. Notice of intent to suspend or terminate shall be given by the
26 Interstate Commission to the Governor, the majority and minority leaders of
27 the defaulting state's legislature, and each of the member states.

28 5. The state that has been suspended or terminated is
29 responsible for all assessments, obligations and liabilities incurred through
30 the effective date of suspension or termination including obligations, the
31 performance of which extends beyond the effective date of suspension or
32 termination.

33 6. The Interstate Commission shall not bear any costs relating
34 to any state that has been found to be in default or that has been suspended
35 or terminated from the compact, unless otherwise mutually agreed upon in
36 writing between the Interstate Commission and the defaulting state.

1 7. The defaulting state may appeal the action of the Interstate
2 Commission by petitioning the U.S. District Court for the District of
3 Columbia or the federal district where the Interstate Commission has its
4 principal offices. The prevailing party shall be awarded all costs of such
5 litigation including reasonable attorney's fees.

6 C. Dispute Resolution

7 1. The Interstate Commission shall attempt, upon the request of
8 a member state, to resolve disputes that are subject to the compact and that
9 may arise among member states and between member and non-member states.

10 2. The Interstate Commission shall promulgate a rule providing
11 for both mediation and binding dispute resolution for disputes as
12 appropriate.

13 ARTICLE XIV

14 FINANCING OF THE INTERSTATE COMMISSION

15 A. The Interstate Commission shall pay, or provide for the payment of
16 the reasonable expenses of its establishment, organization and ongoing
17 activities.

18 B. The Interstate Commission may levy on and collect an annual
19 assessment from each member state to cover the cost of the operations and
20 activities of the Interstate Commission and its staff that must be in a total
21 amount sufficient to cover the Interstate Commission's annual budget as
22 approved each year. The aggregate annual assessment amount shall be
23 allocated based upon a formula to be determined by the Interstate Commission,
24 which shall promulgate a rule binding upon all member states.

25 C. The Interstate Commission shall not incur obligations of any kind
26 prior to securing the funds adequate to meet the same; nor shall the
27 Interstate Commission pledge the credit of any of the member states, except
28 by and with the authority of the member state.

29 D. The Interstate Commission shall keep accurate accounts of all
30 receipts and disbursements. The receipts and disbursements of the Interstate
31 Commission shall be subject to the audit and accounting procedures
32 established under its bylaws. However, all receipts and disbursements of
33 funds handled by the Interstate Commission shall be audited yearly by a
34 certified or licensed public accountant and the report of the audit shall be
35 included in and become part of the annual report of the Interstate
36 Commission.

1 ARTICLE XV

2 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

3 A. Any state is eligible to become a member state.

4 B. The compact shall become effective and binding upon legislative
5 enactment of the compact into law by no less than ten (10) of the states.
6 The effective date shall be no earlier than December 1, 2007. Thereafter it
7 shall become effective and binding as to any other member state upon
8 enactment of the compact into law by that state. The governors of non-member
9 states or their designees shall be invited to participate in the activities
10 of the Interstate Commission on a non-voting basis prior to adoption of the
11 compact by all states.

12 C. The Interstate Commission may propose amendments to the compact for
13 enactment by the member states. No amendment shall become effective and
14 binding upon the Interstate Commission and the member states unless and until
15 it is enacted into law by unanimous consent of the member states.

16 ARTICLE XVI

17 WITHDRAWAL AND DISSOLUTION

18 A. Withdrawal

19 1. Once effective, the compact shall continue in force and
20 remain binding upon each and every member state; provided that a member state
21 may withdraw from the compact specifically repealing the statute, which
22 enacted the compact into law.

23 2. Withdrawal from this compact shall be by the enactment of a
24 statute repealing the same, and shall take effect upon the effective date of
25 the repealing statute.

26 3. The withdrawing state shall immediately notify the
27 chairperson of the Interstate Commission in writing upon the introduction of
28 legislation repealing this compact in the withdrawing state. The Interstate
29 Commission shall notify the other member states of the withdrawing state's
30 intent to withdraw within sixty (60) days of its receipt thereof.

31 4. The withdrawing state is responsible for all assessments,
32 obligations and liabilities incurred through the effective date of the
33 repealing statute.

34 5. Reinstatement following withdrawal of a member state shall
35 occur upon the withdrawing state reenacting the compact or upon such later
36 date as determined by the Interstate Commission.

1 B. Dissolution of Compact

2 1. This compact shall dissolve effective upon the date of the
3 withdrawal or default of the member state that reduces the membership in the
4 compact to one (1) member state.

5 2. Upon the dissolution of this compact, the compact becomes
6 null and void and shall be of no further force or effect, and the business
7 and affairs of the Interstate Commission shall be concluded and surplus funds
8 shall be distributed in accordance with the bylaws.

9 ARTICLE XVII

10 SEVERABILITY AND CONSTRUCTION

11 A. The provisions of this compact shall be severable, and if any
12 phrase, clause, sentence or provision is deemed unenforceable, the remaining
13 provisions of the compact shall be enforceable.

14 B. The provisions of this compact shall be liberally construed to
15 effectuate its purposes.

16 C. Nothing in this compact shall be construed to prohibit the
17 applicability of other interstate compacts to which the states are members.

18 ARTICLE XVIII

19 BINDING EFFECT OF COMPACT AND OTHER LAWS

20 A. Other Laws. Nothing herein prevents the enforcement of any other
21 law of a member state that is not inconsistent with this compact.

22 B. Binding Effect of the Compact

23 1. All lawful actions of the Interstate Commission, including
24 all rules and bylaws promulgated by the Interstate Commission, are binding
25 upon the member states.

26 2. All agreements between the Interstate Commission and the
27 member states are binding in accordance with their terms.

28 3. In the event any provision of this compact exceeds the
29 constitutional limits imposed on the legislature of any member state, such
30 provision shall be ineffective to the extent of the conflict with the
31 constitutional provision in question in that member state.

32
33 6-4-303. Compact Commissioner for Arkansas.

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

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

5 (c) The Compact Commissioner for Arkansas shall cooperate with all
6 departments, agencies, and officers of and in government of this state as
7 well as all school districts and political subdivisions of this state for the
8 administration of this compact or supplementary agreements entered into by
9 the state.

10
11 6-4-304. Creation of the State Council.

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

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

17 (2) The superintendent of the school district with the greatest
18 number of military children from a military installation;

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

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

25 (5) One (1) member appointed by the Governor from a list of
26 three (3) nominees submitted by the Arkansas School Boards Association;

27 (6) The charter school leader of the open-enrollment public
28 charter school with the greatest number of military children from a military
29 installation; and

30 (7) A representative from a military installation in Arkansas
31 who will serve as a nonvoting, exofficio member.

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

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

36 (i) One (1) member serving a term of three (3)

1 years;

2 (ii) One (1) member serving a term of four (4)

3 years; and

4 (iii) One (1) member serving a term of five (5)

5 years.

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

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

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

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

16 (2) The council shall conduct its meetings in Pulaski County or
17 via teleconference or web conference as technology becomes available and as
18 desired to allow for scheduling flexibility for its members.

19 (d)(1) A majority of the members of the council shall constitute a
20 quorum for transacting business of the council.

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

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

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

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

29

30 6-4-305. Duties of the State Council.

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

1 (b) The council may promulgate rules for the administration of this
2 subchapter.

3
4 6-4-306. Military family education liaison.

5 (a) The military family education liaison shall be an exofficio member
6 of the State Council for the Interstate Compact on Educational Opportunity
7 for Military Children.

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

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

13
14 6-4-307. Fees.

15 Under the compact established under this subchapter and using the
16 definitions in the compact:

17 (1) The minimum fee for a member state is two thousand dollars
18 (\$2,000);

19 (2) The maximum fee for each member state is two dollars (\$2.00)
20 per student who is a child of an active duty military family; and

21 (3) The fees paid or owed shall not exceed the amount
22 appropriated for the payment of fees under this compact for each fiscal year
23 by the General Assembly.

24
25 6-4-308. Immunity not affected.

26 (a) This subchapter shall not affect the immunity from suit granted to
27 state officials and employees under § 19-10-305 or to the state and its
28 official agencies under Ark. Const., Art. 5, § 20.

29 (b) The exercise of the powers and performance of duties provided for
30 in this chapter by the Compact Commissioner for Arkansas, the State Council
31 for Arkansas, and the military family education liaison for Arkansas and its
32 officers, agents, and employees are declared to be public and governmental
33 functions, exercised for a public purpose and matters of public necessity,
34 conferring upon each authority governmental immunity from suit in tort.

35
36 SECTION 2. Arkansas Code Title 6, Chapter 27, Subchapter 1 is

1 repealed.

2 ~~6-27-101. Findings.~~

3 ~~The General Assembly finds that:~~

4 ~~(1) Access to education is challenging for a child of a military~~
5 ~~family due to frequent moves and deployment of his or her parents;~~

6 ~~(2) A child of a military family encounters difficulties due to~~
7 ~~the transfer of education records and variations in entrance and age~~
8 ~~requirements;~~

9 ~~(3) The student placement process should aid a child of a~~
10 ~~military family in attendance requirements, scheduling, sequencing, grading,~~
11 ~~course content, and assessment;~~

12 ~~(4) Qualification and eligibility guidelines should be~~
13 ~~consistent so that a child of a military family may continue his or her~~
14 ~~educational experience;~~

15 ~~(5) On-time graduation of a child of a military family is~~
16 ~~necessary and possible;~~

17 ~~(6) The uniform collection and sharing of information between~~
18 ~~states, schools, and military families will enable a smooth transition and~~
19 ~~successful matriculation for the student; and~~

20 ~~(7) Flexibility and cooperation between the educational system,~~
21 ~~the parent, and the student are essential to the academic success of a child~~
22 ~~of a military family.~~

23

24 ~~6-27-102. Definitions.~~

25 ~~As used in this chapter:~~

26 ~~(1) "Active duty" means full-time duty status in the active~~
27 ~~uniformed service of the United States, including members of the National~~
28 ~~Guard and Reserve on active duty orders pursuant to 10 U.S.C. § 12301 et seq.~~
29 ~~and 10 U.S.C. § 12401 et seq. as they existed on January 29, 2009;~~

30 ~~(2) "Child of a military family" means a school-aged child in~~
31 ~~the household of a person on active duty who is enrolled in kindergarten~~
32 ~~through grade twelve (K-12);~~

33 ~~(3) "Deployment" means the period one (1) month before departure~~
34 ~~of the person on active duty from his or her home station on military orders~~
35 ~~through six (6) months after return to his or her home station;~~

36 ~~(4) "Education" records means the official records, files, and~~

1 data maintained by the local education agency and kept in the student's
2 cumulative folder, including general identifying data, records of attendance
3 and academic work completed, records of achievement, and results of
4 evaluative tests, health data, disciplinary status, test protocols, and
5 individualized education programs;

6 (5) ~~"Extracurricular activities" means voluntary activities~~
7 ~~sponsored by the school, local education agency, or an organization~~
8 ~~sanctioned by the local education agency, including preparation for and~~
9 ~~involvement in public performances, contests, athletic competitions,~~
10 ~~demonstrations, displays, and club activities;~~

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

14 (7) ~~"Receiving school" means the school in a state to which a~~
15 ~~child of a military family is sent, brought, or caused to be sent or brought;~~

16 (8) ~~"Sending school" means the school in a state from which a~~
17 ~~child of a military family is sent, brought, or caused to be sent or brought;~~

18 (9) ~~"State" means a state of the United States, the District of~~
19 ~~Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands,~~
20 ~~Guam, American Samoa, the Commonwealth of Northern Marianas Islands, and any~~
21 ~~other United States territory;~~

22 (10) ~~"Student" means the child of a military family enrolled in~~
23 ~~kindergarten through grade twelve (K-12);~~

24 (11) ~~"Transition" means:~~

25 (A) ~~The formal and physical process of transferring from~~
26 ~~the sending school to the receiving school; or~~

27 (B) ~~The period of time in which a student moves from the~~
28 ~~sending school in a state to a receiving school in a state;~~

29 (12) ~~"Uniformed services" means the United States Army, Navy,~~
30 ~~Air Force, Marine Corps, and Coast Guard; and~~

31 (13) ~~"Veteran" means a person who served in the uniformed~~
32 ~~services and who was discharged or released under conditions other than~~
33 ~~dishonorable.~~

34
35 6-27-103. ~~Applicability.~~

36 (a)(1) ~~This chapter shall apply to a child of:~~

1 ~~(A) An active duty member of the uniformed services,~~
2 ~~including a member of the National Guard and Reserve;~~

3 ~~(B) A member of the uniformed services who is severely~~
4 ~~injured and medically discharged;~~

5 ~~(C) A member of the uniformed services who is severely~~
6 ~~injured and retired; and~~

7 ~~(D) A member of the uniformed services who dies on active~~
8 ~~duty or as a result of injuries sustained on active duty.~~

9 ~~(2) This chapter shall apply to a child under subdivisions~~
10 ~~(a)(1)(B) (D) of this section for a period of one (1) year after the medical~~
11 ~~discharge, retirement, or death of the member of the uniformed services.~~

12 ~~(b) This chapter shall not apply to a child of:~~

13 ~~(1) An inactive member of the National Guard and Reserve;~~

14 ~~(2) A retired member of the uniformed services, except as~~
15 ~~provided in subsection (a) of this section;~~

16 ~~(3) A veteran of the uniformed services, except as provided in~~
17 ~~subsection (a) of this section; and~~

18 ~~(4) Any other United States Department of Defense personnel or~~
19 ~~any other federal agency civilian and contract employee not defined as an~~
20 ~~active duty member of the uniformed services.~~

21 ~~(c) This chapter shall apply only to local education agencies as~~
22 ~~defined in this chapter.~~

23
24 ~~6-27-104. Receiving school — Education records.~~

25 ~~(a) To satisfy records requirements upon a student's enrollment at a~~
26 ~~receiving school, a receiving school shall accept a student's:~~

27 ~~(1) Official education record; or~~

28 ~~(2) Unofficial education record, if the official education~~
29 ~~record is unavailable at the time of enrollment.~~

30 ~~(b) Upon receipt of the unofficial education record by a receiving~~
31 ~~school, the receiving school shall enroll and appropriately place the student~~
32 ~~based on the information provided in the unofficial record pending validation~~
33 ~~by the official education records.~~

34 ~~(c) Simultaneous with the enrollment and conditional placement of the~~
35 ~~student submitting an unofficial education record, the receiving school shall~~
36 ~~request and work to obtain the student's official education record from the~~

1 ~~sending school.~~

2
3 ~~6-27-105. Receiving school—Required immunizations.~~

4 ~~The receiving school shall allow thirty (30) days from the date of~~
5 ~~enrollment or within such time as is reasonably determined under the rules~~
6 ~~promulgated by the Department of Education for the student to:~~

7 ~~(1) Obtain required immunizations; or~~

8 ~~(2)(A) Receive an initial required immunization in a series of~~
9 ~~required immunizations.~~

10 ~~(B) However, the student shall obtain the entirety of his~~
11 ~~or her required immunizations within twelve (12) months from the date of~~
12 ~~enrollment.~~

13
14 ~~6-27-106. Receiving school—Course or program placement.~~

15 ~~(a) A receiving school shall initially place the student in the~~
16 ~~equivalent grade, course, or program, including special education, until~~
17 ~~appropriate evaluations are performed by the receiving school to ensure~~
18 ~~appropriate placement based on education assessments conducted at the sending~~
19 ~~school including:~~

20 ~~(1) Gifted and talented;~~

21 ~~(2) English as a second language;~~

22 ~~(3) Honors;~~

23 ~~(4) International baccalaureate;~~

24 ~~(5) Advanced placement; and~~

25 ~~(6) Vocational, technical, and career pathways courses.~~

26 ~~(b) A home-schooled student shall be placed according to the process~~
27 ~~outlined in § 6-15-501 et seq. for placement of a home-schooled student in a~~
28 ~~public school.~~

29 ~~(c) The local education agency may waive course and program~~
30 ~~prerequisites or other preconditions for placement in courses or programs~~
31 ~~offered in the jurisdiction of the local education agency.~~

32
33 ~~6-27-107. Receiving school—Grade placement.~~

34 ~~A receiving school shall allow a student, regardless of age, to:~~

35 ~~(1) Continue enrollment at the grade level in the receiving~~
36 ~~school commensurate with the grade level, including kindergarten, in the~~

1 ~~sending school at the time of transition; or~~

2 ~~(2) Enroll in the next highest grade if the student~~
3 ~~satisfactorily completed the prerequisite grade level at the sending school.~~

4
5 ~~6-27-108. Receiving school—Special education services.~~

6 ~~(a) A receiving school shall initially provide comparable services to~~
7 ~~a student with disabilities based on his or her current individualized~~
8 ~~education plan as required by the Individuals with Disabilities Education Act~~
9 ~~(IDEA), 20 U.S.C. § 1400 et seq., as it existed on February 1, 2009.~~

10 ~~(b) A receiving school shall make reasonable accommodations and~~
11 ~~modifications to address the needs of incoming students with disabilities,~~
12 ~~subject to an existing 504 or Title II plan, to provide the student with~~
13 ~~equal access to education as required by Section 504 of the Rehabilitation~~
14 ~~Act of 1973, 29 U.S.C. § 794 and Title II of the Americans with Disabilities~~
15 ~~Act, 42 U.S.C. §§ 12131-12165, as they existed on February 1, 2009.~~

16
17 ~~6-27-109. Receiving school—Student transfer in grade twelve.~~

18 ~~To facilitate the on-time graduation of a child of a military family~~
19 ~~transferring in grade twelve (12), a receiving school shall:~~

20 ~~(1)(A) Waive specific courses required for graduation if similar~~
21 ~~course work has been satisfactorily completed at a sending school or shall~~
22 ~~provide reasonable justification for denial.~~

23 ~~(B) If a waiver is not granted to a student who would~~
24 ~~qualify to graduate from the sending school, the local education agency shall~~
25 ~~provide an alternative means of completing required coursework so that~~
26 ~~graduation may occur on time;~~

27 ~~(2) Accept exit exams, end-of-course exams, or alternative~~
28 ~~testing required for graduation from the sending school in lieu of testing~~
29 ~~requirements for graduation in the receiving school; and~~

30 ~~(3)(A) Work with the sending school if the student transferring~~
31 ~~at the beginning or during grade twelve (12) is ineligible to graduate from~~
32 ~~the receiving school after all alternatives have been considered to ensure~~
33 ~~the receipt of a diploma from the sending school if the student meets the~~
34 ~~graduation requirements of the sending school.~~

35 ~~(B) If the sending school fails to issue a diploma, the~~
36 ~~receiving school shall use best efforts to facilitate the on-time graduation~~

1 ~~of the student in accordance with subdivisions (1) and (2) of this section.~~

2
3 ~~6-27-110. Sending school—Education records.~~

4 ~~(a) The sending school shall prepare and furnish to the parent of a~~
5 ~~student leaving the school.~~

6 ~~(1) Official education records; or~~

7 ~~(2) Unofficial education records, if official records cannot be~~
8 ~~released to the parent for the purpose of transfer.~~

9 ~~(b) The sending school shall process and furnish the official~~
10 ~~education records to the receiving school within ten (10) days of receiving a~~
11 ~~request from the receiving school.~~

12
13 ~~6-27-111. Sending school—Student transfer in grade twelve.~~

14 ~~A sending school shall work with the receiving school to facilitate the~~
15 ~~on-time graduation of the student transferring at the beginning or during~~
16 ~~grade twelve (12) if the student is ineligible to graduate from the receiving~~
17 ~~school and ensure the receipt of a diploma from the sending school if the~~
18 ~~student meets the graduation requirements of the sending school.~~

19
20 ~~6-27-112. Authorization for enrollment.~~

21 ~~(a) A special power of attorney, relative to the guardianship of a~~
22 ~~child of a military family and executed under applicable law, shall be~~
23 ~~sufficient for enrollment and for all other actions requiring parental~~
24 ~~participation and consent if the parent is not available.~~

25 ~~(b)(1) A student placed in the care of a noncustodial parent or other~~
26 ~~person standing in loco parentis who lives in a jurisdiction other than that~~
27 ~~of the custodial parent may continue to attend the school in which he or she~~
28 ~~was enrolled while residing with the custodial parent.~~

29 ~~(2) The cost of transporting the student to and from school~~
30 ~~shall be the responsibility of the student if the student resides outside the~~
31 ~~school district in which he or she attends school.~~

32 ~~(c) State and local education agencies shall facilitate the~~
33 ~~opportunity for student inclusion in extracurricular activities, regardless~~
34 ~~of application deadlines, to the extent the student is otherwise qualified.~~

35
36 ~~6-27-113. Absence due to military deployment.~~

1 ~~A student shall be granted additional absences at the discretion of the~~
2 ~~local educational agency superintendent to visit with his or her parent or~~
3 ~~legal guardian if the parent or legal guardian is a member of the uniformed~~
4 ~~services and has:~~

5 ~~(1) Been called to active duty or is on leave from active duty;~~

6 ~~or~~

7 ~~(2) Returned from deployment to a combat zone or combat support~~
8 ~~posting.~~

9
10 */s/E. Williams*

11
12
13 **APPROVED: 02/26/2013**
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36